



**TYPE III
STAFF REPORT AND NOTICE OF DECISION
December 17, 2019**

FILE NO.: GLUA-19-00025: General Land Use Application
CU 19-02: Conditional Use
MAS-19-00003: Master Plan
MAS-19-00006 Detailed Development Plan

**HEARING DATE /
LOCATION:** December 16, 2019
Oregon City City Hall – Chambers
625 Center Street
Oregon City, Oregon 97045

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

REPRESENTATIVE: Andrew Tull, 3J Consulting, Inc.
9600 SW Nimbus, Suite 100
Beaverton, OR, 97008

REQUEST: Conditional Use, Master Plan, and Detailed Development Plan for a new 150,000sf middle school building

LOCATION: 180 Ethel Street, Oregon City, OR 97045
Clackamas County Map: 3-2E-06AD-07800

DECISION: On December 16, 2019, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Planning Commission voted 5-0 to approve with conditions the aforementioned application.

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

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

CONDITIONS OF APPROVAL

The applicant shall meet the following conditions prior to receiving approval of the public improvements and/or grading permit associated with the development.

1. The developer shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. (DS)
2. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum. (DS)
3. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. (DS)
4. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff. (DS)
5. The developer shall provide a shadow plat which demonstrates how an extension of Williams Street will connect with a future street system located south of Warner Milne Road which is to be constructed as part of the expansion of the Clackamas County campus (tax lot 3-2E-05C -00812). (DS)
6. The developer shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9 of the Public Works Stormwater and Grading Design Standards. The drainage plans shall include stormwater conveyance for runoff from Williams Street which complies with the Public Works Stormwater and Grading Design Standards. (DS)
7. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
8. The developer shall obtain a city issued erosion and sediment control permit prior to commencement of any earth disturbing activities. (DS)
9. The developer shall submit erosion and sediment control plans for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
10. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) unless the project will not cover one acre or greater. (DS)
11. The developer shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Section 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
12. The developer shall submit a traffic control plan for traffic control during construction for review and approval by the city. The traffic control plan shall include rerouting or redirecting of all modes of transportation during construction in accordance with MUTCD standards. (DS)
13. The applicant shall ensure that any athletic field lighting is not greater than 80 feet tall, that no lighting on site adds more than 0.5 footcandles on any neighboring properties, and shall ensure that athletic field lighting is not utilized past 9:30 PM. (P)

14. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that 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 final landscaping plan shall also be stamped by a registered professional landscape architect. (P)
15. The applicant shall only be permitted to use chain link fencing where it can be demonstrated that the fencing will not be visible from any public right of way or access easement, including the extension of Williams Street and the pedestrian accessways required onsite. (P)
16. The applicant shall ensure that the rooftop mechanical equipment is completely screened from view in accordance with 17.62.050A.20. (P)
17. Prior to issuance of building permits, the applicant shall demonstrate that all parking spaces comply with the dimensional standards. (P)
18. The applicant shall demonstrate the pavement width needs for the bus loop and shall reduce the width to the minimum necessary for safe bus drop off and circulation. (P)
19. The applicant shall provide seven additional trees on the south side of the parking lot within 5 feet of the parking lot, spaced evenly, shall increase the size of the three landscape islands within the south parking lot to at least ten feet in width, and utilize a tree species in those islands that has a canopy width of at least 30 feet. (P)
20. The applicant shall utilize modern, Inverted-U racks for all bicycle parking, and shall allow at least 4 feet between racks to provide enough maneuvering room. (P)
21. The applicant shall provide at least two bicycle racks near the athletic fields and Ethel Street entrance to serve the north portion of the site and ensure that this bicycle parking is connected to the right of way by a paved surface. (P)
22. The applicant shall reduce the drive aisles which are wider than 24 feet, including but not limited to the drop off area in front of the school, and shall reduce the size of the turnaround in the parking area of the NW corner of the site to the minimum size permitted or required and shall expand landscaping accordingly, unless it can be demonstrated with a letter from the Clackamas Fire District that the pavement width in each particular location is needed to meet fire district standards. (P)
23. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised landscaping plan demonstrating compliance with shrub spacing requirements for all areas requiring shrubs, except where adjustments are approved. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways. (P)
24. The applicant shall provide one street tree from the City's street tree list measuring a minimum of 2" caliper for every thirty-five feet of Williams Street extension, and on the south side of existing Williams Street. Fee-in-lieu is acceptable if the required number of street trees cannot fit within the planter strips due to conflicts with driveways, utilities, lights, or hydrants. (P)
25. If any street trees are removed, the applicant shall replace them in accordance with OCMC 12.08. (P)
26. The applicant shall provide a revised tree removal and mitigation plan that meets OCMC 17.41, reflecting the trees outside of the construction area that have a higher mitigation requirement. The applicant may utilize fee in lieu of planting if desired. (P)
27. The tree protection plan shall include fencing around all preserved trees and meet the requirements of OCMC 17.41.130. (P)
28. The fence height shall be reduced to 3.5 feet in the front entrance area shown in Exhibit 5, which can be considered the front yard for the purposes of this application. (P)
29. The applicant shall add more pedestrian-level transparency to the south façade to bring the percentage to at least 26%. (P)
30. The applicant shall provide the following mitigation (a-f) for the proposed adjustments to the setbacks and parking lot locations:
 - a. The applicant shall provide two of the following additional features in the entry plaza:

- Expand covered area to 3,000 square feet, excluding area for covered bicycle parking
 - Ensure seat walls or benches are provided for a minimum of 50 people (assuming 2 linear feet of bench will accommodate one person)
 - Provide a bike repair station/kiosk in the plaza with a pump and multitool.
 - Provide enhanced concrete scoring and joint lines to add pedestrian scale and interest.
- b. The drop off area that is directly in front of the entry plaza shall utilize a different color, texture, or material than the rest of the drive aisles through the parking lot. (P)
 - c. At least two trees with 40 feet mature canopy or larger shall be planted in the landscaped areas adjacent to the vehicular entrance from Williams Street.
 - d. The applicant shall ensure that the on-site connection from the pedestrian path on the south side of Williams Street to the building entrance is direct, at least 10 feet wide, is ADA accessible, and the grade does not exceed 5% in any location. The path shall extend to the end of Williams Street in order to avoid crossing of the parent/student drop-off traffic. Where the path crosses the drive aisle to the staff parking area, the path shall not change in grade; rather, the vehicle traffic shall travel over the crossing.
 - e. Where the Leonard Street sidewalk crosses Williams Street, the crossing shall not change in grade.
 - f. The fence and gate in the front entrance area of the property shall be reduced in height to 3.5 feet and the design of the fence shall be more decorative or artistic to add pedestrian interest. It shall remain a mostly transparent fence to provide visibility. Alternatively, the applicant may eliminate the fence from the front yard area entirely.

The applicant shall meet the following conditions prior to receiving a final occupancy certificate.

31. The development shall construct the following improvements on Williams Street from Linn Avenue to and through Leonard Street:
Beginning from the south right-of-way line of Williams Street, 0.5' buffer, a 10' paved shared-use path, 5' planter strip, 0.5' curb with gutter, and 31' of pavement (a 7' parking strip & (2) 12' travel lanes). ADA compliant curb ramps shall be provided at all intersections along Williams Street in connection with the shared-use path along Williams Street. The applicant shall enter into an agreement concerning the pavement portion of the improvement. The applicant shall design the appropriate cross section based on geological investigations at the applicant's cost. The agreement shall be determined based on the amount of re-build necessary and assuming that the applicant shall pay a proportional share of the costs of the pavement improvements.
32. The applicant shall provide for a pedestrian crossing across Linn Avenue at Williams Street to align with the shared-use path that is to be constructed on the south side of Williams Street. The City shall install an activated flashing beacon, including associated ramps on the west side of Linn Avenue, and the applicant shall be required to contribute \$49,195 to this overall crossing cost. The applicant and the City shall coordinate the timing of construction of the various portions of the crossing so that the crosswalk striping is provided prior to issuance of a certificate of occupancy for the school.
33. The applicant shall construct a new section of Williams Street, east of Leonard Street, as far east as necessary to be perpendicular with a north-south projection of a future street connecting to Warner Milne Road which is to be constructed along the west side of the Clackamas County campus (tax lot 3-2E-05C -00812). The City Engineer may permit Williams Street extension to terminate west of the future north-south connection if the applicant dedicates the needed right of way for future use.

If the developer can obtain ROW dedication from tax lot 3-2E-06DA-00200 (the church property), the development shall dedicate right-of-way (ROW) and construct the new section of Williams Street, east of Leonard Street as follows:

Beginning from the (existing) north ROW line of Williams Street (east of Leonard Street), a 0.5' buffer, a 5-foot-wide sidewalk, 5-foot-wide planter strip, 0.5' curb with gutter, 24' of pavement ((2) 12' travel lanes), 0.5' curb with gutter, 5' planter strip, 10' paved shared-use path and a 0.5' buffer.

Otherwise, the development shall dedicate right-of-way (ROW) and construct the new section of Williams Street, east of Leonard Street as follows:

Beginning from the (existing) south ROW line of Williams Street (east of Leonard Street), a 0.5' buffer, 10' paved shared-use path, 0.5' curb with gutter, 24' of pavement ((2) 12' travel lanes), 0.5' curb with gutter, 5' planter strip, 5-foot-wide sidewalk and a 0.5' buffer. (DS)

34. The applicant shall provide one new streetlight at the intersection of Johnson Street and Williams Street and relocate or replace the existing streetlight at the intersection of Williams Street and Leonard Street if it conflicts with required road improvements along Williams Street. The applicant shall submit a photometric plan for review and approval by the City. (DS)
35. The applicant shall install no-parking signs along both sides of Williams Street east of Leonard Street. (DS)
36. All driveway approaches, proposed and existing, that intersect with a public sidewalk, shall be made ADA compliant. (DS)
37. The curb returns at all intersections along Williams Street (from Linn Avenue to Leonard Street) shall be constructed with a radius of 25 feet unless the requirement is waived by the City Engineer during technical review. (DS)
38. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards. (DS)
39. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid. (DS)
40. The applicant shall provide a legal document that includes an "Access control" strip along the south and east right-of-way line of the Williams Street extension 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 the adjacent property is developed and the property will be granted access through those Access Controls by the City. (DS)
41. The applicant shall include markers at the termination of the proposed local street to indicate the end of the roadway. (DS)
42. All existing overhead lines within city ROW that serve the development property shall be relocated underground unless deemed infeasible by the City and franchise utilities. Existing overhead lines on Leonard, Johnson, Ethel, Hood, Williams, or Linn may remain in place unless an improvement creates an impact. In the event, an improvement to one of these streets creates an impact, no new poles may be added; however, existing poles may be relocated to make room for the proposed improvement. All new franchise utilities shall be placed underground. (DS)
43. The applicant shall comply with Chapter 10.32 of the Oregon City Municipal code regarding placement of any Traffic Sight Obstructions and maintain clear vision areas at intersections so that vehicle and pedestrian safety can be maximized. (DS)
44. The applicant shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public

improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)

45. The property owner(s) shall execute a "Maintenance Covenant And Access Easement For Privately Owned Stormwater Management Facilities" and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. (DS)

The following conditions shall be fulfilled with Phase 1 and Phase 2 of the proposed Master Plan contained in this report.

46. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. (DS)
47. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (DS)

The following conditions shall be fulfilled with Phase 2 of the proposed Master Plan contained in this report.

48. The applicant shall provide a north-south pedestrian accessway which connects the existing accessways north of the site (at Haley Court and Rilance Lane) to the extension of Williams Street east of Leonard Street. (P, DS)
49. Both pedestrian accessways on-site shall be accessible to the public between 5AM and 10PM; except for during regular school hours that pathways may be closed to the public through the use of gates. (P, DS)
50. The development shall provide a direct, paved, 7-foot wide connection to the onsite pedestrian circulation system and the existing accessway connection at Laurel Lane. (DS)
51. The applicant shall provide lockable bollards at the entrance to all accessways at their connections to a public road to prohibit unauthorized motorized traffic. (DS)
52. All accessways shall be constructed to comply with Americans with Disabilities Act (ADA). (DS)
53. The applicant shall record a Public Access and Maintenance Easement for accessways on the development property that requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. The easement and agreement shall be reviewed and approved by the City prior to execution and recording. The property owner shall pay associated recording fees. (DS)
54. 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 all entrances to accessways at their connections to a public street. (DS)
55. All paths that are required to serve as public accessways shall be signed at all endpoints with the hours that they are open to the public. Slight changes to the alignment of the accessways will be permitted in the final design phase. (P, DS)
56. The applicant shall survey and record 20-foot-wide public utility easement(s) for all (new and existing) public water, sewer or storm infrastructure located on the development property and pay associated recording fees. The easement shall be reviewed and accepted by the City prior to recording. Public utility easements on the development property containing public water, sewer or storm infrastructure shall only

be paved with conventional pavement (asphalt or concrete) and no trees shall be planted in these easements. (DS)

57. The applicant shall construct sidewalk along Ethel and Hood Streets through coordination with the City of Oregon using City funds. The developer shall enter into an agreement with the City of Oregon City for the construction of sidewalk on Hood Street and Ethel Street funded by the City of Oregon City. (DS)
58. The applicant shall provide as-built construction plans per the City's "As-Built Drawing And Post Construction Survey Requirements" within 90 days of completing required public improvements. (DS)
59. The applicant shall construct a sidewalk on the east side of Leonard Street between Hood Street and Ethel Street to provide an alternative to a north-south accessway on site. (DS)

I. BACKGROUND:

The applicant requests a Conditional Use, Master Plan, and Detailed Development Plan to redevelop the Gardiner Middle School campus with a 150,000 square foot school building on the south side of the property, with a new parking lot accessed by Williams Street and a bus loop accessed by Hood Street. Once the new building is completed, the existing school building will be demolished and new athletic facilities will be added on the north side of the site. The new middle school will have capacity for 1,000 students, increasing school capacity by 177 students. The school serves grades 6 through 8.

History and Prior Land Use Approvals

The original school was built in 1954, and there have been numerous upgrades and additions to the building over the years. A fire destroyed the east wing in 1989, and subsequently the east wing was built along with other renovations thereafter.

The building received a remodel in 2004 and 2005. The most recent new structure on the site is a modular building added in 2017 with 2 classrooms.

Previous land use reviews include:

- SP 05-02: Site Plan and Design review for Covered play area
- CU 12-01/SP 12-19/VR 12-05: Conditional use, variance, and site plan and design review for a modular building
- CU 17-03/SP 17-127/VR 17-10/VR17-12: Conditional use, variance, and site plan and design review for a modular building

Existing Conditions

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.

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 near 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.

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.

Project Information

The applicant submitted the following narrative:

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).

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.

The applicant proposes a Master Plan of 5-year duration and with ten (10) adjustments to Oregon City Municipal Code standards.

Phase 1 of the plan includes the construction of the new schools building, south and west parking lots, and bus loop. Phase 2 includes the demolition of the existing school building and the construction of the athletic facilities on the north half of the site.

The requested adjustments include:

	Code	Description	Requested Adjustment
1	12.04.195.A	Maximum block spacing between streets 530 feet, pedestrian accessways every 330 feet if block length is exceeded.	An extension of Williams Street and a pedestrian accessway connecting Laurel Lane to Ethel Street. The block length standards are not met.
2	12.04.199.B.1	Pedestrian 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 accessway with an eight-foot-wide paved surface, two-foot gravel shoulders on each side. Lighting along the path is not proposed.
3	17.12.040	Maximum building height of 35 feet	Height of 38.5 feet for gymnasium and 44 feet for mechanical equipment on roof.

4	17.62.055.D.1	Buildings shall be placed no further than five feet from the front property line.	A setback of 238 feet from the building to the west property line, and 90-100 feet to the Williams Street extension to the South.
5	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 front of the building, on both the south and west sides of the building.
6	17.62.055.D.3	Entrances must face the street	The main entrance faces west, where three street stubs are located, even though Williams Street will be built to the south, creating street frontage on the south side of the building.
7	17.62.050.H.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.	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.
8	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 south side elevation provides 21% transparency at the pedestrian level.
9	17.54.100	Fence and wall height is limited to 8 feet.	A CMU wall is proposed to be 10 feet high around the covered outdoor play area.
10	17.52.030	Drive aisles shall be 24 feet in width	The applicant may need an adjustment for this standard to meet fire code in some locations with a 26-foot wide drive aisle.
11	17.52.060	Parking area/building buffer landscaping	No landscaping is proposed between the parking area and the building on the south facade

The applicant also proposes multiple types of fencing throughout the site.

This application is being reviewed under the code in place on July 31, 2019.

Figure 1. Existing Conditions



Figure 2. Overall Site Plan

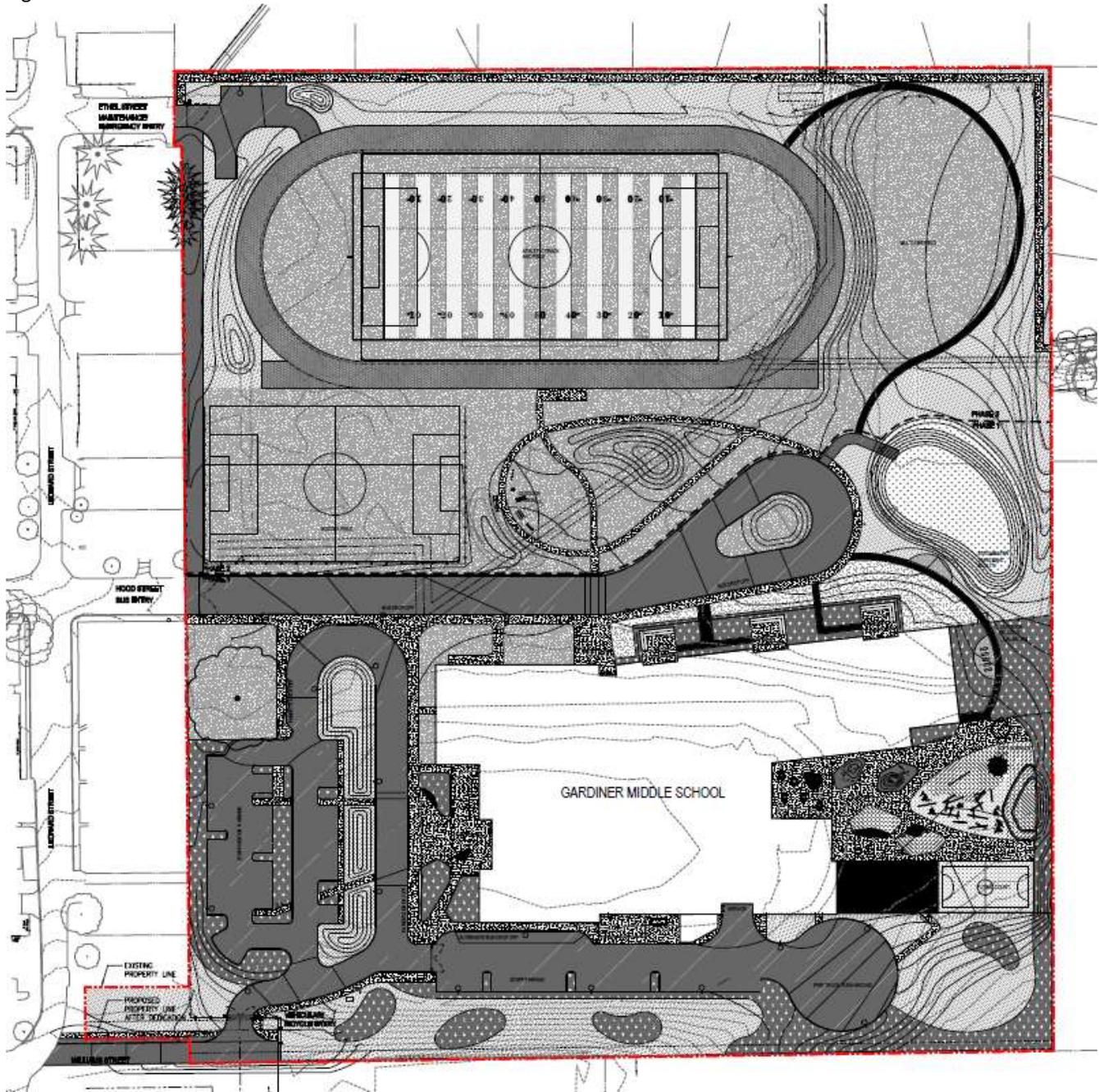


Figure 3. Building Elevations



EXTERIOR ELEVATION OVERALL - SOUTH ④



EXTERIOR ELEVATION OVERALL - EAST ③



EXTERIOR ELEVATION OVERALL - NORTH ②



EXTERIOR ELEVATION OVERALL - WEST ①

Figure 4. Surrounding Zoning

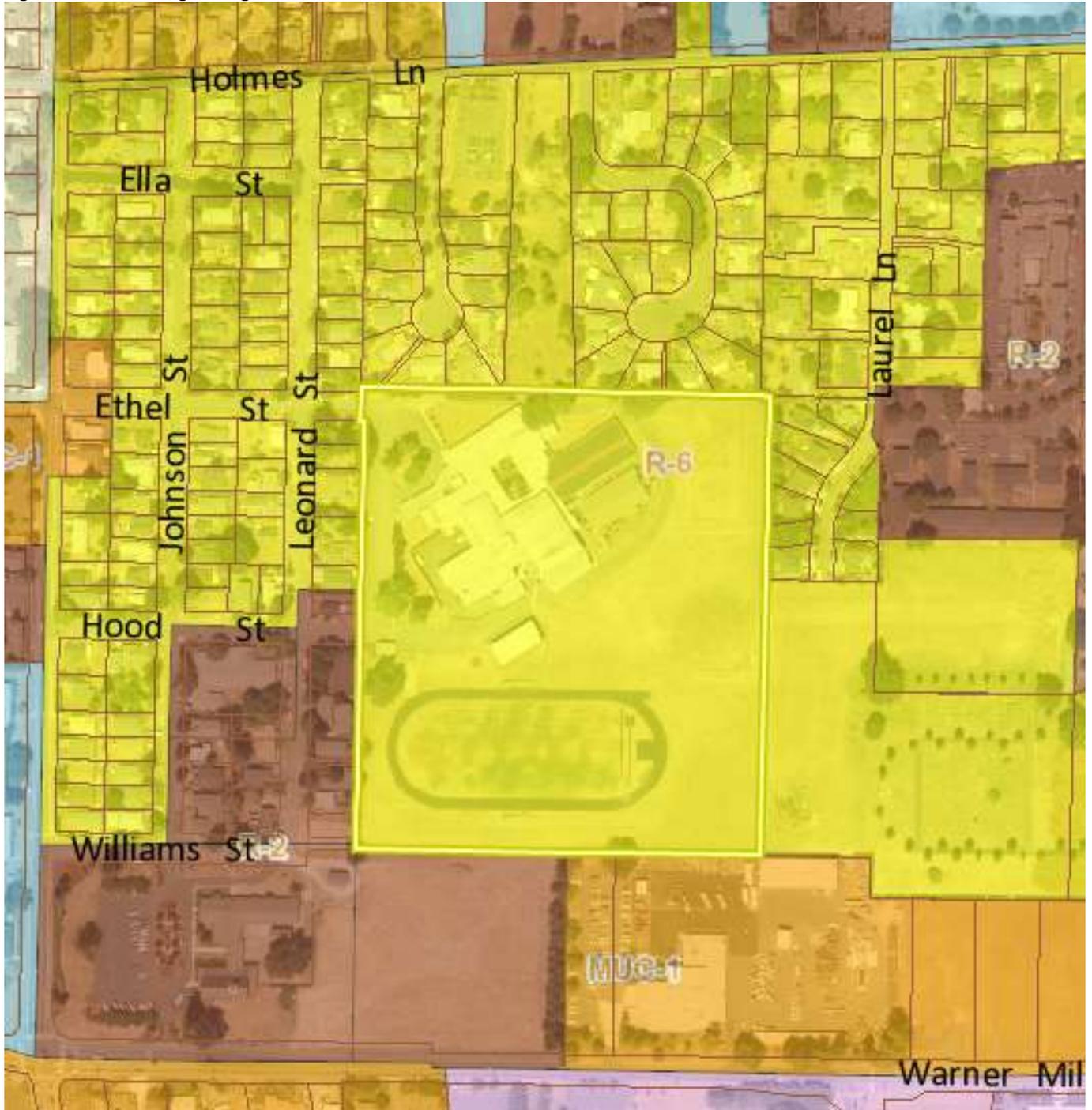
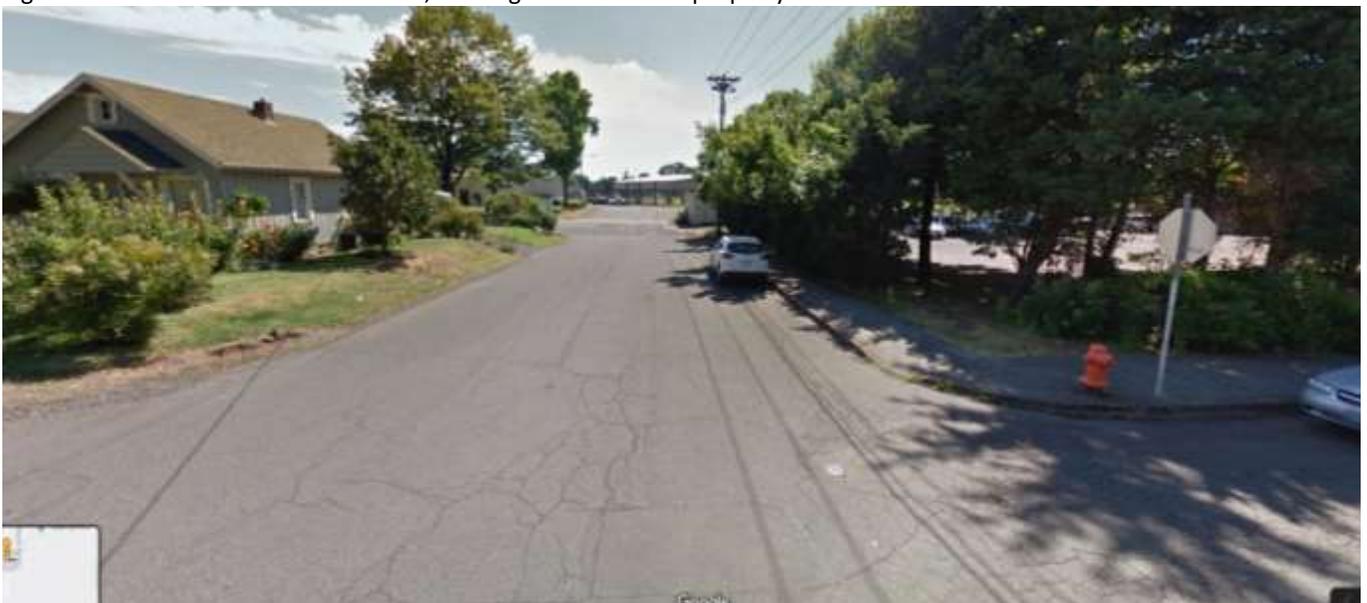




Figure 7. Corner of Williams Street and Leonard Street, Existing



Figure 8. Hood Street at Leonard Street, Looking Toward School property



Public Notice and Comment

In accordance with OCMC [17.50.090 - Public notices](#). Public notice of the public hearing was mailed to all property owners within 300' of the property (Exhibit 3). Notice was also published in the Oregonian more than 20 days prior to the hearing. The site was posted with "Notice of Proposed Land Use Action" signs more than 20 days prior to the first scheduled hearing.

As of the date of this staff report, staff has received no written comments from the public about this application.

The Parks and Recreation Advisory Committee held a discussed at their December 5, 2019 regular meeting regarding the proposed shared use paths through the property. The comments of the PRAC included:

- General consensus that the shared use path should not have a fence separating the path from the school grounds, and instead, the path could be closed to the public during school hours to provide desired security for the school district. The fence, while providing greater school security, would create a tunnel of the pathway between two fences and a safety hazard if anyone ever needed to escape or leave the pathway quickly.
- General consensus that lighting the pathway with low level safety lighting, perhaps bollards, is desirable.
- Suggestion to include monitors to ensure that the gates to the pathway are operating properly.
- Suggestion to address the sharp corner of the pathway in the NE corner of the property and ensure visibility is maintained.

Comments of the parks department and public works department have been incorporated into this staff report.

II. **DECISION-MAKING CRITERIA:**

The following Oregon City Municipal Code criteria apply to this project. The City Code Book is available on-line at www.orcity.org

- 12.04 – Streets, Sidewalks, and Public Places;
- 12.08 – Public and Street Trees;
- 13.12 – Stormwater Management;
- 17.12 – R-6 Single Family Dwelling District;
- 17.18 – R-2 Multifamily Dwelling District;
- 17.50 – Administration and Procedures;
- 17.52 – Off Street Parking and Loading;
- 17.54 – Supplemental Zoning Regulations and Exceptions
- 17.56 – Conditional Uses;
- 17.62 - Site Plan and Design Review
- 17.65 – Master Plans

CHAPTER 17.12 R-6 SINGLE-FAMILY DWELLING DISTRICT:

17.12.020 - Permitted uses.

Permitted uses in the R-6 district are:

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

- G. Family day care provider, subject to the provisions of Section 17.54.050;
- H. Residential home per ORS 443.400;
- I. Cottage housing;
- J. Transportation facilities.

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. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facility;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions.
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

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

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

17.12.040.B. Minimum lot width, fifty feet;

17.12.040.C. Minimum lot depth, seventy feet;

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

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

Finding: Complies as Proposed. 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.

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

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

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

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

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

Finding: Complies as Proposed. All required setbacks of this section are met. The building will be placed greater than 90 feet from the property lines.

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

Finding: Not Applicable. This is not a residential building and no garages are proposed.

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

Finding: Complies as Proposed. The existing school building and modular building footprints total 110,043 sq. ft, which equals 13.8% coverage for the 795,217 sq. ft. site.

The footprint of all proposed structures covers 18.7 percent of the lot area. During the interim period before the older structures are demolished, the total of 13.8% plus 18.7% still does not exceed the maximum lot coverage requirement of 40%.

CHAPTER 17.18 R-2 MULTIFAMILY DWELLING DISTRICT

17.18.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. *Residential units, multi-family;*
- B. *Parks, playgrounds, playfields and community or neighborhood centers;*
- C. *Home occupations;*
- D. *Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- E. *Accessory buildings;*
- F. *Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A));*
- G. *Management and associated offices and building necessary for the operations of a multi-family residential development;*
- H. *Residential care facility per ORS 443.400;*
- I. *Transportation facilities;*
- J. *Live/work units, pursuant to Section 17.54.105—Live/work units.*

17.18.030 - Conditional uses.

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

- A. *Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;*
- B. *Bed and breakfast inns/boarding houses;*
- C. *Cemeteries, crematories, mausoleums and columbariums;*
- D. *Child care centers and nursery schools;*
- E. *Emergency service facilities (police and fire), excluding correctional facilities;*
- F. *Private and/or public educational or training facilities;*
- G. *Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. *Religious institutions;*
- I. *Assisted living facilities; nursing homes and group homes for over fifteen patients;*
- J. *Live/work units.*

Finding: Complies as Proposed. This zone allows the establishment of “private and/or public educational or training facilities” through a conditional use process, as is proposed in this application.

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

- A. *Minimum lot areas: Two thousand square feet per unit.*
- B. *Minimum lot width, fifty feet;*
- C. *Minimum lot depth, seventy-five feet;*
- D. *Maximum building height, four stories, not to exceed fifty-five feet;*
- E. *Minimum required setbacks:*
 - 1. *Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)*
 - 2. *Side yard, five feet minimum setback,*
 - 3. *Corner side yard, ten feet minimum setback,*
 - 4. *Rear yard, ten feet minimum setback,*
 - 5. *Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.*
 - 6. *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.*

F. *Design criteria: See Site Plan and Design Review requirements in Chapters 17.62 and 17.52.*

Finding: Complies as Proposed. No buildings are proposed on the portion of the property that is within the R-2 zone.

CHAPTER 17.56 CONDITIONAL USES

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

Finding: Complies as Proposed. Private and/or public educational or training facilities are listed as a conditional use in OCMC 17.12.030.G. This is a public middle school serving 6th through 8th grade students.

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

Finding: Complies as Proposed. The proposed replacement middle school will be located on the existing Gardiner Middle School site. Existing utility improvements have the capacity to serve the school. The Site is over 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.

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

See findings elsewhere in this staff report. Sewer and water are addressed in 17.62.050.A.14, and storm drainage is addressed in 13.12. Transportation system adequacy is analyzed in detail in Chapter 12.04.170 through 12.04.215 of this staff report.

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

Finding: Complies with Condition.

The school building will be relocated to the southern part of the site and the principal access will be via Williams Street. Hood Street is intended to serve as the route for buses. Separation of buses from private vehicles is a key component of the site plan and access. According to the TIS and Addendum, the school is currently served by twelve 40-foot buses and four 30-foot buses. The access from Hood Street provides sufficient curb space for all buses. Separation from private vehicles also decreases queuing issues between vehicle types.

The revised access, separation of buses from private vehicles, dedicated on-site waiting areas for buses and increased waiting areas for private vehicles appear to provide significant improvements relative to the existing conditions.

Williams Street currently includes driveways to two single family homes on the north side of the street and two driveways serving the Presbyterian Church to on the south side of the street. The Church runs a daily preschool along with regular church services on weekends. The church parking lot also serves as a TriMet Park N Ride location for Line 33. An additional triplex and a single family home have their side yards located on Williams Street, but driveway access is on other streets. The pavement condition of Williams Street is very poor. The street has 60 feet of right of way but no sidewalks, planter strips, curbs, gutters, or stormwater management. There is on-street parking on the south side of the street on a gravel surface. The impacts to Williams Street properties from the expansion of Gardiner Middle School and the proposed circulation changes will be a significant increase in vehicle traffic and in bicycle and pedestrian use.

Trips were calculated on the 1000-student capacity. The engineer calculated the expansion would generate 103 new AM peak hour trips; 62 new mid-afternoon peak hour trips; and 30 new PM peak hour trips. The total number of trips generated by the school at its full 1000-student capacity is calculated to be 570 AM peak hour trips; 349 mid-afternoon peak trips; and 171 PM peak hour trips.

The applicant's traffic study estimated that 80% of trips will access the site via Williams and Linn Avenue:

"The existing volumes show 40% of site trips access the site via Ethel Street, 40% of site trips access the site via Hood Street, and 20% of site trips access the site via Williams Street. Under the proposed site plan, it is estimated that approximately 10% of site trips will access the site via Ethel Street, 10% of site trips will access the site via Hood Street, and 80% of site trips will access the site via Williams Street. Although all trips will need to travel through the intersection of Leonard Street at Williams Street in order to access the school in the future, it is estimated that a small portion of site trips will turn onto Ethel Street or Hood Street and travel down Leonard Street to the new site access."

Long delays can be expected during the AM peak period for westbound traffic on Williams Street at Linn Avenue. Delays on Williams Street will likely be similar to those experienced under existing conditions on Ethel Street or Hood Street. Southbound, left-turn volumes on Linn Avenue at Williams Street are high enough to meet turn lane warrants during the AM peak hour. However, the addition of a turn lane would increase pedestrian crossing distance and could have other safety implications for pedestrians. The engineer recommends against a left-turn lane at this location.

The impacts to neighboring properties due to increased vehicle traffic and long delays for turning movements in the morning peak hour can be mitigated through an upgrade of the street, including stormwater treatment, new pavement, and the provision of bike and pedestrian facilities, which will separate modes and make the roadway safer for all travelers. Thus, the applicant shall construct the following improvements on Williams Street from Linn Avenue to and through Leonard Street:

Beginning from the south right-of-way line of Williams Street, 0.5' buffer, a 10' paved shared-use path, 5' planter strip, 0.5' curb with gutter, and 31' of pavement (a 7' parking strip & (2) 12' travel lanes). ADA compliant curb ramps shall be provided at all intersections along Williams Street in connection with the shared-use path along Williams Street. The applicant shall provide a crosswalk of Linn Avenue at Williams Street to align with the shared-use path that is to be constructed on Williams Street.

The Transportation System Plan (TSP) identifies a Rapid Flashing Beacon at AV Davis and Linn Avenue, which is where the majority of pedestrian trips to the school currently occur. The design of the new school, however, designates Williams Street to be the primary walking path to the school, which is different from what the TSP anticipated. Therefore, the majority of street crossings made by students on Linn Avenue will likely occur at its intersection with Williams Street. This TSP project, C28, is identified mainly to serve students of Gardiner Middle School; the school is the major trip generator of the pedestrian trips that would use the Rapid Flashing beacon. The project would not be in the TSP if Gardiner Middle School was not located in the area. The TSP identified the cost of the project as \$80,000 in 2013 dollars; that cost, updated by 3% compounded annually, equals \$98,390 in 2019 dollars. The applicant shall pay half of the cost of installing pedestrian activated flashing beacon, including associated ramp and sidewalk costs, or \$49,195.

Outdoor lighting: The applicant indicated that athletic field lighting may be included in the future for the track and/or soccer field. These fields are adjacent to existing single family homes and may potentially impact these properties. Chapter 17.62.065 allows athletic field lighting with poles of up to 80 feet. The applicant did not provide details on this height or lighting levels. The applicant shall ensure that any athletic field lighting is not greater than

80 feet tall, that no lighting on site adds more than 0.5 footcandles on any neighboring properties, and shall ensure that athletic field lighting is not utilized past 9:30 PM.

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

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

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

Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

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

Policy 2.4.3

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

Finding: Complies as Proposed. The proposal includes the construction of TSP project S40, a shared use path connecting east-west through the site. The proposal also includes an extension of Williams Street that would allow for a future street connection to Warner Milne Road, providing connectivity to the south.

Policy 2.4.5

Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Finding: Complies as Proposed. The conditional use process allows for school uses to be authorized in a residential neighborhood, consistent with this policy. Providing schools within residential areas provides for connection between the school and the surrounding community and allows for convenient community use of school facilities.

Policy 6.1.1

Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. The Gardiner campus is centrally located within the service area of Oregon City Public Schools. Tri-Met bus service is located in close proximity to the property, with Route 33 providing service on Linn Avenue approximately 700 feet west of the school property. School bus service is provided directly to the school site. The applicant's engineer recommends updating the Safe Routes to Schools Action Plan for Gardiner Middle School to emphasize Williams Street as the principal route to and from the school. The City highly recommends doing so as well.

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.

Finding: Complies with Condition. The applicant indicated that athletic field lighting may be included for the track and/or soccer field. These fields are adjacent to existing single family homes and may potentially impact these properties. Chapter 17.62.065 allows athletic field lighting with poles of up to 80 feet. The applicant did not provide

details on this height or lighting levels. The applicant shall ensure that any athletic field lighting is not greater than 80 feet tall, does not add more than 0.5 footcandles on any neighboring properties and shall ensure that lighting is not utilized past 9:30 PM.

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

Policy 11.1.6

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

Finding: Complies as Proposed. The subject properties are located within a single-family residentially zoned area. The proposed expansion of the public educational use of this site is consistent with this policy.

Goal 11.8 Health and Education

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

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

Policy 11.8.3

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

Finding: Complies as Proposed. The Gardiner campus is centrally located within Oregon City Public School District's service area. Approval of the conditional use permit is consistent with this policy.

Ancillary documents: Transportation System Plan

Finding: Complies with Conditions.

The Transportation System Plan (TSP) includes several projects in the area:

- Project S40: Hood Street-Warner Street Shared-Use Path
- Project S27: Hillendale Park-Leonard Street Shared-Use Path
- Project FF24: Leonard Street-Belle Court Family Friendly Route
- Project W58: Hood Street Sidewalk Infill
- Project W60: AV Davis Road-Ethel Street Sidewalk Infill
- Project C28: AV Davis Road Crossing

In addition to these projects, TSP Figure 10: Multimodal Connectivity Plan (Exhibit 4) shows an extension of Williams Street to the east, partially on the subject property. The applicant has proposed to extend Williams Street to a point on the property which would allow for future connectivity, which is consistent with the TSP.

The applicant has stated the following with respect to the TSP requirements:

"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).”

The design of the new school designates Williams Street to be the primary vehicle, bicycling, and walking access to the school. The expansion of Gardiner Middle School will result in a significant increase in vehicle traffic and in bicycle and pedestrian use of Williams Street. The pavement condition of Williams Street is very poor. The street has 60 feet of right of way but no sidewalks, planter strips, curbs, gutters, or stormwater management. There is on-street parking on the south side of the street on a gravel surface.

The required improvements to Williams Street are related to the impacts of the proposed middle school expansion and are roughly proportional to the impact of the proposed development. The applicant’s engineer calculated the expansion would generate 103 new AM peak hour trips; 62 new mid-afternoon peak hour trips; and 30 new PM peak hour trips. As a comparison, a recent proposed subdivision with 19 new single family homes will generate 14 AM peak and 19 PM peak trips, substantially less than the Gardiner Middle School expansion. A 19-lot subdivision project in the R-6 zone would dedicate and construct a full new local street of at least 450 feet (assuming each lot has 50 feet of frontage). For Gardiner Middle School, the conditions of approval are for approximately 250 feet of new street, with a smaller right of way width requirement, and approximately 525 feet of partial right of way improvements on existing Williams Street.

The total number of trips generated by the school at its full 1000-student capacity is calculated to be 570 AM peak hour trips; 349 mid-afternoon peak trips; and 171 PM peak hour trips. The applicant's traffic study estimated that 80% of trips will access the site via Williams and Linn Avenue.

The proposal is consistent with the TSP Projects with conditions of approval. Below is an explanation of how the proposal will be consistent with the TSP projects identified in the area.

- Project S40: Hood Street-Warner Street Shared-Use Path: The applicant proposes a pathway for public access from Ethel Street to Laurel Lane. The slight change in location is still consistent with the TSP.
- Project S27: Hillendale Park-Leonard Street Shared-Use Path: The applicant's proposal includes sidewalk on Leonard Street, and a pathway is conditioned on Williams Street Extension which will provide for a connection to this future shared use path south of the property.
- Project FF24: Leonard Street-Belle Court Family Friendly Route: The applicant proposes some sidewalk infill on Hood Street and is conditioned to provide additional sidewalk infill between Hood and Ethel Streets.
- Project W58: Hood Street Sidewalk Infill: The applicant is conditioned to construct this sidewalk using City funds as a cost-sharing agreement.
- Project W60: AV Davis Road-Ethel Street Sidewalk Infill: The applicant is conditioned to construct this sidewalk using City funds as a cost-sharing agreement.
- Project C28: AV Davis Road Crossing: The applicant is conditioned to pay a proportional share of this crossing, with the location at Williams Street instead of AV Davis. The Williams Street location is more consistent with the TSP, which included the crossing to mainly serve Gardiner Middle School pedestrian traffic.

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

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

Finding: Complies with Conditions. Staff has recommended reasonable conditions of approval to ensure that the spirit and intent of the zoning code is upheld.

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

Finding: Complies as Proposed/See findings elsewhere in this staff report. OCMC 17.62.055 - Institutional and commercial building standards. (D), requires that new buildings be placed no farther than five feet from the front property line. The applicant also proposed a height of some portions of the building over 35 feet.

The applicant has requested an adjustment to these standards in accordance with OCMC 17.65.070. Otherwise, the dimensions of the R-6 zone district have been met.

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

Finding: Complies as Proposed. Gardiner Middle School was established prior to the effective date of the ordinance requiring conditional use review for schools in residential zones. The proposed application is a replacement of the school facilities that constitutes an expansion of the square footage onsite and the applicant has submitted the Conditional Use application in accordance with this requirement.

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

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

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

Finding: Not Applicable. No portion of the proposed building is located within 50 feet of a residential property.

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

Finding: Complies with Condition/See findings elsewhere in this staff report. The Transportation System Plan calls for an extension of Williams Street as part of the Multimodal Connectivity Plan in Figure 5 of the TSP (Exhibit 4). The street extension is needed to provide access to the school and to meet connectivity requirements and maximum block length standards in Chapter 12.04 of 530 feet. See findings in 12.04.180.

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

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

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

Finding: Complies as Proposed/See findings elsewhere in this staff report. The subject property is centrally located within its service area. The proposed conditional use would allow the expansion of the current Gardiner Middle School campus so as to make fuller use of this public facility. The site does not currently have adequate access for bicycles and pedestrians, and does not have adequate vehicle access on Williams Street. See findings and conditions in 17.56.010.A.4. The applicant indicates that when constructed the new facilities will meet all applicable State, local and regional requirements.

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

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

17.56.040.F *Residential Care Facilities.*

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

17.56.040.G *Bed and Breakfast Inns.*

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

17.56.060 *Revocation of conditional use permits.*

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

17.56.070 *Periodic review of conditional use permits.*

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

CHAPTER 17.65 MASTER PLANS

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.

17.65.050.A.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.

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

17.65.050.A.1.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.*

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

Finding: Complies as Proposed. A Vicinity Map has been provided under Appendix E of this application.

17.65.050.A.1.e. *Previous land use approvals within the General Development Plan boundary and related conditions of approval.*

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

17.65.050.A.1.f. *Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*

Finding: Complies as Proposed. The existing utilization of the site has been described in the introduction of this narrative. An aerial in its existing condition has been provided and aerial photos have been provided in Appendix E.

17.65.050.A.1.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: Complies as Proposed. 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, submitted under Appendix E.

17.65.050.A.1.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;

2. Transit routes, facilities and availability;

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

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

Finding: Complies as Proposed. A Transportation Impact Study has been provided. 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.

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.

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.

17.65.050.A.1.i. Infrastructure facilities and capacity, including the following items.

1. *Water;*

2. *Sanitary sewer;*

3. *Stormwater management; and*

4. *Easements.*

Finding: Complies as proposed. The applicant provided documentation of existing public water, sanitary sewer, and stormwater management infrastructure located within the development property and their associated easements. The applicant has acknowledged that the existing stormwater infrastructure is in adequate and has proposed to construct new stormwater management facilities to accommodate the development.

17.65.050.B. Proposed Development Submittal Requirements.

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

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

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

17.65.050.B.1.b. The proposed development boundary. May also reference submitted maps or diagrams.

Finding: Complies as Proposed. The proposed development boundary is shown on the Site Plan, which has been submitted under Appendix E.

17.65.050.B.1.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: Complies as Proposed. 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.

17.65.050.B.1.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: Complies as Proposed. 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 site is not located within the Institutional District. residential uses. The school serves the surrounding residential community and has in this location for over 50 years. The Site is not located in any overlay districts.

17.65.050.B.1.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 applicant indicated that the proposal will not have an impact on Goal 5 resources within 250 feet. There is a historic property adjacent; the Holmes House/Rose Farm. The property abuts the Gardiner property, but

the historic structure is located more than 350 feet from the shared property line. The proposal will result in the school building itself being farther from the historic property, and a public shared use path, along with an athletic field with possible athletic field lighting in closer proximity to the historic property. Neither of these uses is expected to impact the historic property. There is a stream adjacent to the property near Laurel Lane; the storm system connects to this stream. The applicant's proposal includes stormwater management that shows no impacts to this resource, and stormwater requirements in OCMC 13.12 will ensure no impacts are permitted.

17.65.050.B.1.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;*
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;*
3. *Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;*
4. *Neighborhood livability impacts;*
5. *Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.*

See findings elsewhere in this staff report. The applicant did not adequately address impacts on neighborhood livability, transportation, and connectivity. See findings in 17.56.010.A.4; 12.04.195, and 12.04.199.

17.65.050.B.1.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.*

17.65.050.B.1.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.*

17.65.050.B.1.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.*

See findings elsewhere in this staff report. The applicant submitted a traffic study that describes the transportation impacts for the entire Master Plan Development, including all proposed phases. The applicant does not propose to defer any transportation improvements. The conditions of approval in this staff report indicate when the various improvements are required to be constructed as part of the development. **See findings from section 12.04.215 of this report for Off-site street improvements. See findings from section 12.04.199 of this report for Accessway requirements.**

17.65.050.B.1.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: Not applicable. The applicant is using the development standards in the code and has proposed several adjustments to standards under the provisions of this chapter.

17.65.050.B.2 Maps and diagrams. The applicant must submit, in the form of scaled maps or diagrams, as appropriate, the following information:

- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
- b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
- c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
- d. The approximate projected location, footprint and building square footage of each phase of proposed development.
- e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Finding: Compiles as conditioned. The applicant has provided plans showing the approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities. The applicant has proposed an athletic track over existing public water and storm mains. The developer shall survey and record 20-foot-wide public utility easement(s) for all (new and existing) public water, sewer or storm infrastructure located on the development property and pay associated recording fees. The easement shall be reviewed and accepted by the City prior to recording. Public utility easements on the development property containing public water, sewer or storm infrastructure shall only be paved with conventional pavement (asphalt or concrete) and no trees shall be planted in these easements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.65.050.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.

17.65.050.C.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 have been outlined by the applicant 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

17.65.050.C.2. *Development shall demonstrate compliance with Chapter 12.04, Streets, Sidewalks and Public Places.*

Finding: See findings from chapter 12.04 of this report.

17.65.050.C.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: Complies as proposed. There is public services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development.

17.65.050.C.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: Complies as proposed. The Site is does not contain any natural, cultural and historical resources.

17.65.050.C.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.*

See findings elsewhere in this staff report.

The applicant has a proposed a 5 year General Development Plan duration, with most impacts occurring as part of phase 1, or construction of the new 150,000 square foot school building. Later phases, which include the

demolition of the existing school buildings and the construction of the athletic facilities, will have few impacts aside from potential lighting of the athletic field. The mitigation for these impacts is discussed elsewhere in this staff report, in sections 17.56.010.A.4; 12.04.195, and 12.04.199.

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 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. 103 additional morning peak hour vehicle trips, 62 trips during the mid-day peak hour, and 30 trips during the evening peak hour. 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.

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

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

Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

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

Policy 2.4.3

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

Finding: Complies as Proposed. The proposal includes the construction of TSP project S40, a shared use path connecting east-west through the site. The proposal also includes an extension of Williams Street that would allow for a future street connection to Warner Milne Road, providing connectivity to the south.

Policy 2.4.5

Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.

Finding: Complies as Proposed. The conditional use process allows for school uses to be authorized in a residential neighborhood, consistent with this policy. Providing schools within residential areas provides for connection between the school and the surrounding community and allows for convenient community use of school facilities.

Policy 6.1.1

Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. The Gardiner campus is centrally located within the service area of Oregon City Public Schools. Tri-Met bus service is located in close proximity to the property, with Route 33 providing service on Linn Avenue approximately 700 feet west of the school property. School bus service is provided directly to the school site. The applicant's engineer recommends updating the Safe Routes to Schools Action Plan for Gardiner Middle School to emphasize Williams Street as the principal route to and from the school. The City highly recommends doing so as well.

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.

Finding: Complies with Condition. The applicant indicated that athletic field lighting may be included for the track and/or soccer field. These fields are adjacent to existing single family homes and may potentially impact these properties. Chapter 17.62.065 allows athletic field lighting with poles of up to 80 feet. The applicant did not provide details on this height or lighting levels. The applicant shall ensure that any athletic field lighting is not greater than 80 feet tall, does not add more than 0.5 footcandles on any neighboring properties and shall ensure that lighting is not utilized past 9:30 PM.

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

Policy 11.1.6

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

Finding: Complies as Proposed. The subject properties are located within a single-family residentially zoned area. The proposed expansion of the public educational use of this site is consistent with this policy.

Goal 11.8 Health and Education

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

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

Policy 11.8.3

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

Finding: Complies as Proposed. The Gardiner campus is centrally located within Oregon City Public School District's service area. Approval of the conditional use permit is consistent with this policy.

Ancillary documents: Transportation System Plan

Finding: Complies with Conditions.

The Transportation System Plan (TSP) includes several projects in the area:

Project S40: Hood Street-Warner Street Shared-Use Path

Project S27: Hillendale Park-Leonard Street Shared-Use Path

Project FF24: Leonard Street-Belle Court Family Friendly Route

Project W58: Hood Street Sidewalk Infill
Project W60: AV Davis Road-Ethel Street Sidewalk Infill
Project C28: AV Davis Road Crossing

In addition to these projects, TSP Figure 10: Multimodal Connectivity Plan (Exhibit 4) shows an extension of Williams Street to the east, partially on the subject property. The applicant has proposed to extend Williams Street to a point on the property which would allow for future connectivity, which is consistent with the TSP.

The applicant has stated the following with respect to the TSP requirements:

"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 shareduse 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)."

The design of the new school designates Williams Street to be the primary vehicle, bicycling, and walking access to the school. The expansion of Gardiner Middle School will result in a significant increase in vehicle traffic and in bicycle and pedestrian use of Williams Street. The pavement condition of Williams Street is very poor. The street has 60 feet of right of way but no sidewalks, planter strips, curbs, gutters, or stormwater management. There is on-street parking on the south side of the street on a gravel surface.

The required improvements to Williams Street are related to the impacts of the proposed middle school expansion and are roughly proportional to the impact of the proposed development. The applicant's engineer calculated the expansion would generate 103 new AM peak hour trips; 62 new mid-afternoon peak hour trips; and 30 new PM peak hour trips. As a comparison, a recent proposed subdivision with 19 new single family homes will generate 14 AM peak and 19 PM peak trips, substantially less than the Gardiner Middle School expansion. A 19-lot subdivision project in the R-6 zone would dedicate and construct a full new local street of at least 450 feet (assuming each lot has 50 feet of frontage). For Gardiner Middle School, the conditions of approval are for approximately 250 feet of new street, with a smaller right of way width requirement, and approximately 525 feet of partial right of way improvements on existing Williams Street.

The total number of trips generated by the school at its full 1000-student capacity is calculated to be 570 AM peak hour trips; 349 mid-afternoon peak trips; and 171 PM peak hour trips. The applicant's traffic study estimated that 80% of trips will access the site via Williams and Linn Avenue.

The proposal is consistent with the TSP Projects with conditions of approval. Below is an explanation of how the proposal will be consistent with the TSP projects identified in the area.

- Project S40: Hood Street-Warner Street Shared-Use Path: The applicant proposes a pathway for public access from Ethel Street to Laurel Lane. The slight change in location is still consistent with the TSP.
- Project S27: Hillendale Park-Leonard Street Shared-Use Path: The applicant's proposal includes sidewalk on Leonard Street, and a pathway is conditioned on Williams Street Extension which will provide for a connection to this future shared use path south of the property.
- Project FF24: Leonard Street-Belle Court Family Friendly Route: The applicant proposes some sidewalk infill on Hood Street and is conditioned to provide additional sidewalk infill between Hood and Ethel Streets.
- Project W58: Hood Street Sidewalk Infill: The applicant is conditioned to construct this sidewalk using City funds as a cost-sharing agreement.
- Project W60: AV Davis Road-Ethel Street Sidewalk Infill: The applicant is conditioned to construct this sidewalk using City funds as a cost-sharing agreement.
- Project C28: AV Davis Road Crossing: The applicant is conditioned to pay a proportional share of this crossing, with the location at Williams Street instead of AV Davis. The Williams Street location is more consistent with the TSP, which included the crossing to mainly serve Gardiner Middle School pedestrian traffic.

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

D. Duration of General Development Plan. A general development plan shall involve a planning period of at least five years and up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.

Finding: Complies as Proposed. The applicant has proposed a five year duration for the Master Plan.

17.65.60 DETAILED DEVELOPMENT PLAN

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in 17.65.050.B.1.h(1). If such an analysis was submitted as part of the General Development Plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within 250 feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. A site plan or plans, to scale, containing the required information identified in:

a. Chapter 17.62.040.A.(8), (10), (11), (12), (13), (14), and (15);

b. Chapter 17.62.040.B;

c. Chapter 17.62.040.C;

d. Chapter 17.62.040.D;

e. Chapter 17.62.040.E;

f. Chapter 17.62.040.G;

g. Chapter 17.62.040.H; and

h. Chapter 17.62.040.J

4. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

Finding: The applicant submitted all required materials.

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 this detailed development plan in conjunction with the General Development Plan. The conditions of approval apply to both.

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 17.65.070.

Finding: See findings in this staff report.

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

Finding: See findings in 17.62 of this staff report.

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.

Finding: Applicable.

Finding: The following adjustments are requested:

	Code	Description	Requested Adjustment
1	12.04.195.A	Maximum block spacing between streets 530 feet, pedestrian accessways every 330 feet if block length is exceeded.	An extension of Williams Street and a pedestrian accessway connecting Laurel Lane to Ethel Street. The block length standards are not met.
2	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.
3	17.12	Maximum building height of 35 feet	Height of 38.5 feet for gymnasium and 44 feet for mechanical equipment on roof.
4	17.62.055.D.1	Buildings shall be placed no further than five feet from the front property line.	A setback of 238 feet from the building to the west property line, and 90-100 feet to the Williams Street extension to the South.
5	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 front of the building, on both the south and west sides of the building.
6	17.62.055.D.3	Entrances must face the street	The main entrance faces west, where three street stubs are located, even though Williams Street will be built to the south, creating street frontage on the south side of the building.
7	17.62.050.H.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.	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.
8	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 south side elevation provides 21% transparency at the pedestrian level.
9	17.54.100	Fence and wall height is limited to 8 feet.	A CMU wall is proposed to be 10 feet high around the covered outdoor play area.

10	17.52.030	Drive aisles shall be 24 feet in width	The applicant may need an adjustment for this standard to meet fire code in some locations with a 26-foot wide drive aisle.
11	17.52.060	Parking area/building buffer landscaping	No landscaping is proposed between the parking area and the building on the south facade

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: Complies as Proposed. No adjustments are requested to items identified as prohibited.

B. 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: Complies with Conditions.

Adjustments #1 and #2: Block Length/Accessways

The purpose of the standard is to provide vehicular and pedestrian connectivity and to avoid long blocks, which inhibit convenient travel and access between and through neighborhoods and destinations. The applicant’s site is over 19 acres in size, and is 835 feet wide, and 950 feet in length. Since both of these measurements exceed 530 feet, which is the maximum block length, streets or accessways are required.

No street connections are possible to the north due to existing development patterns. No street connections are possible to the east due to the presence of a cemetery. There is a possible connection to the south. The applicant has proposed to extend Williams Street to eventually provide a possible street connection south to Warner Milne Rd. through adjacent property.

The applicant is not required to bring any streets through the main portion of the property and instead can utilize the pedestrian accessways to meet the block length standards. With a property that measures 950 feet north to south, at least two accessways would be required. Due to the institutional nature of the site, the adjacent development patterns and uses, and the security needs of the school, the applicant is only required to provide one pedestrian accessway on-site to provide an east-west connection. This accessway is proposed on the north edge of the site in order to ensure maximum usability of the site for the school, and to provide security for the students.

The Parks and Recreation Advisory Committee held a discussed at their December 5, 2019 regular meeting regarding the proposed shared use paths through the property. The comments of the PRAC included:

- General consensus that the shared use path should not have a fence separating the path from the school grounds, and instead, the path could be closed to the public during school hours to provide desired security for the school district. The fence, while providing greater school security, would create a tunnel of the pathway between two fences and a safety hazard if anyone ever needed to escape or leave the pathway quickly.
- General consensus that lighting the pathway with low level safety lighting, perhaps bollards, is desirable.

The applicant has proposed that this accessway be 8 feet in paved width with 2 foot gravel shoulders, rather than meeting the landscaping requirements in 12.04.199. The applicant also proposed no lighting of this pathway. The applicant’s proposal for an eight foot pathway and gravel shoulders meets the intent of the standard. As this is part of a larger site with ample landscaping, the purpose of the landscaping requirement is met. The eight foot paved width

exceeds the standard of 7 feet. The lack of lighting, however, does not meet the intent of the standard to provide safe lighted facilities for pedestrians. The applicant shall provide lighting in accordance with 12.04.199.

With a property that measures 835 feet in width, the applicant would be required to provide two north-south accessways. Due to the institutional nature of the site and the security needs of the school, the applicant is only required to provide one pedestrian north-south connection. The applicant has not proposed a north-south accessway, but does have a pedestrian circulation system on site that provides a north-south connection. The pedestrian circulation pathways that can serve as this accessway vary in width, but portions are proposed to be only 5 feet in width. The applicant shall ensure that the north-south pathway connections are at least 7 feet in width to meet the intent of the standard. As this is part of a larger site with ample landscaping, the purpose of the landscaping requirement is met. This pathway shall be open to the public outside of regular school hours and on weekends.

The applicant shall ensure that there is a direct, paved, 7-foot wide connection to the onsite pedestrian circulation system at the Haley Court connection and the Laurel Lane connection. All paths that are required to serve as accessways shall be signed at all endpoints with the hours that they are open to the public. The applicant shall record public access and maintenance easements for these pathways. Exhibit 6 demonstrates the alignment of the accessways. Slight changes to the alignment will be permitted in the final design phase.

Adjustment #3: Height

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.

Adjustments #4, #5, and #6: Increased Building Setback, Parking In front of the building, and Entrance Orientation

The intent of these standards is to create a pedestrian-friendly environment through the placement of buildings close to the street, to provide entrances that do not require pedestrians to walk through parking lots or cross drive aisles.

The front of the building is technically the south façade due to the Williams Street extension. However, the district proposes that the entrance face west, toward the street stub of Hood and the intersection of Leonard Street and Williams Street. The building is proposed to be placed over 200 feet from the west street frontages and approximately 90 feet from the south frontage. Parking is proposed on both the south and west facades of the building, in between the building and the street frontages.

With the extension of Williams Street, there will be approximately 20 to 30 feet of space between the right of way and the south parking area. This area is proposed to contain landscaping, along with a 6 foot fence at the property line. This fence is proposed to be architectural for the first 235 feet from the west, then as powder coated chain link where the south parking lot begins. The chain link fence will not be adjacent to the future ROW extension, and it will be minimally visible from the right-of-way. The 6 foot fence does not meet the intent of this standard to provide a pedestrian friendly environment. The applicant shall reduce the height of the fence in the front entrance area of the site to 3.5 feet.

The district's rationale for this design is "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 applicant proposes a larger setback on both the west and south sides of the property, where streets are located, for the following reasons:

- Safety and Security: 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.
- Buffer from residential properties
- Tree preservation

This proposal on its own does not meet the intent of the standard; thus, mitigation is required. See findings in 17.65.070.B.4.

Adjustment #7: Articulation

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.

Adjustment #8: Window Transparency

The purpose of window transparency requirements is to provide a stimulating and safe pedestrian environment, to ensure an attractive building design, and to avoid blank walls along walkways and sidewalks. The applicant proposes 40% transparency on the front, rather than the standard of 60%, and 21% on the south side, rather than the standard of 30%.

Many of the proposed windows on the main (west) façade are floor to ceiling windows, which exceeds the requirements for pedestrian level windows and overall provides an attractive design and a large amount of transparency, albeit not spread out over 60% of the pedestrian-level façade. A covered entrance promenade and outdoor courtyard provide for additional outdoor interaction.

On the south façade, the proposed transparency is 21% (72 feet of windows/doors on a 344’8” façade). The south façade is greatly utilitarian in nature, featuring a service loading area, electrical room, refuse collection area. It also features music labs and conference rooms, as well as an outdoor shop class space (CTE lab) which is surrounded by a CMU wall.

Adjustment #9: Wall Height

The applicant proposes a 10 foot tall wall in the southeast corner of the property to enclose the covered outdoor play area. The purpose of the standard allowing a maximum height of 8 feet for fences and walls is to encourage visibility and discourage sites that are fenced or walled off like prisons. The length of this 10 foot wall is almost 100 feet and is it proposed to be made of concrete block. The wall will face the fire truck turnaround and will be over 130 feet from the south property line. The property to the south is the PGE facility which also has a solid brick wall around the perimeter. The location of the proposed wall on the site does not have impacts to the pedestrian environment and will not detract from the overall site visibility and appearance. Staff finds that the intent of the standard is met.

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

Adjustment #10

The purpose of drive aisle width standards is to provide ample circulation space while also limiting unnecessary or oversized paved surfaces to limit stormwater impacts and utilize land efficiently. The applicant proposed drive aisles of 26 feet wide, and some larger for vehicle and bus drop off areas. The adjustment may be granted only with confirmation of the fire district demonstrates that the additional width is needed to meet fire code.

Adjustment #11: Parking Area/building Buffer Landscaping

The purpose of the parking area/building buffer landscaping code is to soften the edges of the parking area, provide buffer space between pedestrian walkways and parking areas, and to provide shade over parking areas. The applicant has proposed not to include any landscaping between the south parking lot and the south façade of the building,

stating that they do not wish to create a climbing hazard, hiding places, nor impediment to fire personnel. The length of the required landscaped area would be 230 feet and 5 feet in width with 7 trees, ground cover, and 58 shrubs, or, 7 tree wells in a 7-foot wide walkway (trees spaced 35 feet).

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: Complies with conditions. The recommended conditions of approval will result in a project that is consistent with the overall purpose of the zone. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. Goal 5 resources are not present on the property.

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

Finding: Complies with Conditions.

Adjustments #1 and #2: Block Length/Accessways

The impact of this adjustment is that no vehicular connections will be made through the site, aside from a possible connection to the south from the Williams Street extension. In addition, the impacts include the lack of pedestrian connections every 330 feet, with only one connection provided for the 835 foot width of the property and one for the 950 foot length of the property. The pedestrian connections that will be provided will be closed during the school day for security purposes, which will impact the usability of the pathways for the general public. As mitigation, the district has proposed to construct a portion of sidewalk (approximately 150 feet) on Leonard Street between Williams Street and Hood Street, which provides for alternative north-south connectivity nearby. Leonard Street has a partial sidewalk on this block, but has no sidewalk on the block between Hood Street and Ethel Street. Providing a pedestrian connection that extends the full length of the school frontage from Williams to Ethel is necessary provide for safe and adequate north-south pedestrian access. The applicant shall also provide a sidewalk on the east side of Leonard Street between Hood Street and Ethel Street to provide an alternative to a north-south accessway on site. The applicant shall provide improvements to Williams Street, including new pavement and a pedestrian and bike facility on Williams street from the property to the west, crossing Linn Avenue, which provides better and safer connections in an east-west direction as an alternative to providing the 24-hour east-west connection on site.

Adjustment #3: Height

The building will be two stories and will be stepped back from the nearest residential property line by over 200 feet, reducing the overall impact of the building on neighboring properties. Further mitigation for the adjustment is not proposed.

Adjustments #4, #5, and #6: Increased Building Setback, Parking In front of the building, and Entrance Orientation

The impacts from these proposed adjustments are that pedestrians and bicyclists have to cross parking lots and drive aisles in order to access the building entrance, and that the experience from the sidewalk is that of looking at a parking lot, rather than at a building façade, which detracts from the pedestrian environment and makes for a more auto-oriented environment. The applicant has proposed pedestrian friendly elements utilized in the design of the entrance plaza including 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 plaza is approximately 7500 square feet in size, excluding the bicycle parking area. The covered area, excluding the covered bicycle parking, is approximately 2000 square feet. At least three trees are proposed in the landscaped areas of the entry plaza. The applicant also states that the proposed landscaping within the parking lot and along the perimeter will provide additional visual buffering between the parking lot and nearby streets and neighboring properties.

Staff finds that the entry plaza and amenities in the SW corner of the site can provide adequate mitigation with the following clarifications and additions:

1. The applicant shall provide two of the following additional features in the entry plaza:
 - Expand covered area to 3,000 square feet, excluding area for covered bicycle parking

- Ensure seat walls or benches are provided for a minimum of 50 people (assuming 2 linear feet of bench will accommodate one person)
 - Provide a bike repair station/kiosk in the plaza with a pump and multitool.
 - Provide enhanced concrete scoring and joint lines to add pedestrian scale and interest.
2. The drop off area that is directly in front of the entry plaza shall utilize a different color, texture, or material than the rest of the drive aisles through the parking lot.
 3. At least two trees with 40 feet mature canopy or larger shall be planted in the landscaped areas adjacent to the vehicular entrance from Williams Street.
 4. The applicant shall ensure that the on-site connection from the pedestrian path on the south side of Williams Street to the building entrance is direct, at least 10 feet wide, is ADA accessible, and the grade does not exceed 5% in any location. The path shall extend to the end of Williams Street in order to avoid crossing of the parent/student drop-off traffic. Where the path crosses the drive aisle to the staff parking area, the path shall not change in grade; rather, the vehicle traffic shall travel over the crossing.
 5. Where the Leonard Street sidewalk crosses Williams Street, the crossing shall not change in grade.
 6. South of the building is a 26 foot-wide driveway to a parking area for staff. The parking lot width is approximately 57 feet, including, drive aisles, parking spaces, and a bus drop off area. The applicant shall reduce the drive aisle widths to 24 feet unless the Clackamas Fire District requires a wider aisle.
 7. East of the building is a drive aisle for parent drop-off of students, along with a parking lot for staff and visitors. The applicant shall reduce the drive aisle widths to 24 feet unless the Clackamas Fire District requires a wider aisle.
 8. The fence and gate in the front entrance area of the property shall be reduced in height to 3.5 feet and the design of the fence shall be more decorative or artistic to add pedestrian interest. It shall remain a mostly transparent fence to provide visibility. Alternatively, the applicant may eliminate the fence from the front yard area entirely.

Adjustment #7: Articulation

No impacts from this adjustment are anticipated and no mitigation is required.

Adjustment #8: Window Transparency

The proposal for 40% window transparency on the front is mitigated by the floor to ceiling windows on much of the façade. The proposal for 21% transparency on the south façade is not mitigated. The proposal provides 72 feet of transparency, while 103 feet would meet the 30% standard. The applicant shall add more transparency to the south façade to bring the percentage to at least 26%. The 50% transparency on the north façade provides additional transparency that can be considered mitigation for the south side of the building. The north side of the building faces a more public area, where busses will drop off, and where athletic facilities are located; while the south façade is mostly utilitarian in nature with much of the façade facing the PGE property, which is industrial in nature.

Adjustment #9: Wall Height

The location of the proposed wall on the site does not have impacts to the pedestrian environment and will not detract from the overall site visibility and appearance. No mitigation is proposed or required for this wall.

Adjustment #11: Parking Area/building Buffer Landscaping

The length of the required landscaped area would be 230 feet long and 5 feet in width, or 1,150 square feet, with 7 trees, ground cover, and 58 shrubs, or, 7 tree wells in a 7-foot wide walkway (with trees spaced 35 feet apart). As mitigation, the applicant shall provide the seven required trees on the south side of the parking lot within 5 feet of the parking lot, spaced evenly. Also, for the three landscape islands within the same parking lot, the applicant shall increase the size to at least ten feet in width and utilize a tree species in those islands that has a canopy width of at least 30 feet. As proposed, the islands are 8 feet wide by 18 feet in length. The enlargement of the islands to ten feet in width will provide 108 additional square feet of overall landscaping, mitigating for some of the landscaping that would have been required on the north side, and will provide more soil volume for the trees to reach a greater height and canopy spread, which will provide more shade over the parking area.

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

5. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Finding: Not applicable. The site is not in an environmental (NROD) zone or overlay.

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

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

Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Through the mitigation required for Adjustments 4, 5, 6, and 8, the proposal will meet this policy.

Policy 2.4.3

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

The proposal includes the construction of TSP project S40, a shared use path connecting east-west through the site. The proposal also includes an extension of Williams Street that would allow for a future street connection to Warner Milne Road, providing connectivity to the south. The mitigation proposed and required for Adjustments 1 and 2 will make the project consistent with this policy.

Policy 6.1.1

Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

The Gardiner campus is centrally located within the service area of Oregon City Public Schools. Tri-Met bus service is located in close proximity to the property, with Route 33 providing service on Linn Avenue approximately 700 feet west of the school property. School bus service is provided directly to the school site. The mitigation proposed and required for Adjustments 1 and 2 will make the project consistent with this policy. The applicant's engineer recommends updating the Safe Routes to Schools Action Plan for Gardiner Middle School to emphasize Williams Street as the principal route to and from the school. The City highly recommends doing so as well.

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

17.65.80 AMENDMENTS TO APPROVED PLANS

Finding: Not applicable. There is no approved Master Plan yet for this property.

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 applicant submitted the application on July 31, 2019. The detailed development plan was submitted at the same time.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 Modifications that will better meet design review requirements.

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

Finding: Not applicable. The applicant proposed several modifications; these are being reviewed instead as adjustments to standards under the Master Plan review process.

17.62.020 - Preapplication conference.

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

Finding: Complies as proposed. Please see finding under section 17.50.050.

17.62.030 - When required.

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

Finding: Applicable. The applicant proposed an institutional use; the application is subject to demonstrate compliance with this chapter.

17.62.035 - Minor site plan and design review.

Finding: Not applicable. The proposed development does not qualify for a Minor Site and Design Review application.

17.62.040 - Plans required.

Finding: Complies as proposed. The applicant has submitted all requested application items.

17.62.050 - Standards.

A. All development shall comply with the following standards:

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

Finding: Complies as Proposed. The total Site landscaping for the campus including the athletic field is 57%, which exceeds the minimum required landscaping requirements of this section. The site is 800,566 square feet and the total landscaped area is 456,073. Removing the track and athletic fields (175,000 sf), which may utilize artificial turf, the total landscaped area is 35% of the site.

a. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. A reduction of up to twenty-five percent of the overall required landscaping may be approved by the community development director if the same or greater amount of pervious material is incorporated in the non-parking lot portion of the site plan (pervious material within parking lots are regulated in OCMC 17.52.070).

Finding: Complies as Proposed. The applicant has not requested a reduction in the minimum landscaping percentage. All areas counted toward landscaping are proposed to be installed with growing plant materials.

b. Pursuant to Chapter 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

Finding: Not applicable. The applicant did not propose to alter landscaping within the NROD.

c. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than 500 square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.

Finding: Complies with conditions. The landscape plan was prepared by Walker Macy, a local landscape architecture firm. However, the plan was not stamped by a Registered Landscape Architect. The plan includes a mix of vertical and horizontal elements. The narrative indicated full coverage within the landscaped area in three years. The landscape plan and associated narrative did not identify if 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. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that 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 final landscaping plan shall also be stamped by a registered professional landscape architect. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. The site is not within the downtown design district.

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

Finding: Complies as proposed. 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: Complies as proposed. The site landscaping exceeds the minimum landscaping without acknowledgement of the interior parking lot landscaping.

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 an adjustment to this standard through OCMC Section 17.65.

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

Finding: Complies as Proposed. The proposal includes three driveways with dimensions adequate for two lane vehicle travel, including emergency access.

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: Not applicable. 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: Complies as Proposed. The driveways for Hood and Ethel Streets are located at the dead ends of those streets. On Williams, the applicant proposes a driveway that could align with a future street connection south from Williams to Warner Milne Rd.

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: Complies as proposed. Neighboring properties to the north and west are residential, and to the east, a cemetery. The only property that could require an easement connection is the undeveloped southern property which is in the R-2 zone. The applicant proposes an extension of Williams Street that could connect to future parking areas and/or future streets on this undeveloped property. No access easements are required under this standard.

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: See findings from section 12.04.195 of this report.

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

Finding: Complies with condition. A public pedestrian easement has been proposed for the northern shared use path. Additional findings associated with easements are found throughout this report. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as proposed. The applicant has proposed to provide a sign 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 parcel is 19 acres in size. See findings under section 12.04.007 of this report.

l. Parking garage entries shall not dominate the streetscape. They shall be designed and situated to be ancillary to the use and architecture of the ground floor. This standard applies to both public garages and any individual private garages, whether they front on a street or private interior access road.

Finding: Not applicable. A parking garage is not proposed with this development.

m. Buildings containing above-grade structured parking shall screen such parking areas with landscaping or landscaped berms, or incorporate contextual architectural elements that complement adjacent buildings or buildings in the area. Upper level parking garages shall use articulation or fenestration treatments that break up the massing of the garage and/or add visual interest.

Finding: Not applicable. A parking garage is not proposed with this development.

3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

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

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

Finding: Complies as proposed. The 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, and 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.

4. Grading shall be in accordance with the requirements of [Chapter 15.48](#) and the public works stormwater and grading design standards.

Finding: See findings from Chapter 15.48 of this report.

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

Finding: Not applicable. The development property is not within the Geologic Hazard overlay district.

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

Finding: See findings from Chapter 13.12 of this report.

7. Parking, including carpool, vanpool and bicycle parking, shall comply with city off-street parking standards, [Chapter 17.52](#).

Finding: Please refer to the findings under Chapter 17.52.

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: See findings from Chapter 12.04 of this report.

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

a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Finding: Complies with condition. The Application includes a Site Circulation Plan which shows connections between all building entrances and the street. The proposed pedestrian circulation system connects all main entrances on site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.

Finding: Complies as proposed. The proposed design provides a sidewalk connecting all of the main entranceways onsite.

c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.

Finding: Not applicable. No exterior elevated walkways or stairs are proposed.

d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

Finding:

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

Finding: Complies as proposed. The buildings on adjacent sites are connected by the sidewalk system.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Finding: Complies with condition. The onsite pedestrian walkways are hard-surfaced, well drained and a minimum of 5 feet wide. In the locations adjacent to parking spaces, the onsite pedestrian accessway are a minimum of 7 feet.

10. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

Finding: Complies as proposed. The development application identified adequate means and accesses to ensure continued maintenance and necessary replacement of facilities and areas.

11. Site planning shall conform to the requirements of OCMC [Chapter 17.41 Tree Protection](#).

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

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

Finding: Not applicable. The site is not within the NROD.

13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and

electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies as proposed. The development proposal assured compliance with this section.

14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as proposed. There are adequate public water and sanitary sewer facilities sufficient to serve the proposed level of development.

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: See findings from Chapter 12.04 of this report.

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: Not applicable. The subject site is not located on a transit route. No comments from Trimet were received.

17. All utility lines shall be placed underground.

Finding: Complies as proposed. The applicant states: "All proposed utilities will be placed underground." All existing overhead lines within city ROW that serve the development property shall be relocated underground unless deemed infeasible by the City and franchise utilities. Existing overhead lines on Leonard, Johnson, Ethel, Hood, Williams, or Linn may remain in place unless an improvement creates an impact. In the event, an improvement to one of these streets creates an impact, no new poles may be added; however, existing poles may be relocated to make room for the proposed improvement. All new franchise utilities shall be placed underground. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Complies as proposed. The applicant indicated that the site includes ADA compliant parking stalls, as well as pedestrian accessways. Compliance with ADA and accessibility standards will be reviewed upon submittal of a building permit.

19. For a residential development, site layout shall achieve at least eighty percent of the maximum density of the base zone for the net developable area. Net developable area excludes all areas for required right-of-way dedication, land protected from development through Natural Resource or Geologic Hazards protection, and required open space or park dedication.

Finding: Not applicable. This is not a residential development.

20. Screening of Mechanical Equipment:

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

Finding: Complies with Condition. The 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. The plans appear to show that the equipment will protrude above the screening. The applicant shall ensure that the rooftop mechanical equipment is completely screened from view. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

Finding: Not Applicable. No wall or ground mounted equipment is proposed.

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

Finding: Not applicable. The development application did not include the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

21. Building Materials.

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

i. Brick.

ii. Basalt stone or basalt veneer.

iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.

iv. Board and batten siding.

v. Other materials subject to approval by the community development director.

vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Complies as proposed. 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.

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

i. Vinyl or plywood siding (including T-111 or similar plywood).

ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, or within the General Industrial District).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies with Condition. The applicant proposed to remove an existing chain link fence and replace with a black chain link fence in some areas of the south and east perimeter of the site. The eastern perimeter is not visible from the right of way or public access easement, but portions of the fence on the south side may be visible. The applicant shall only be permitted to use chain link fencing where it can be demonstrated that the fencing will not be visible from any public right of way or access easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. Special material standards: The following materials are allowed if they comply with the requirements found below:

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).

3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Complies as proposed. 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 trip and incorporate masonry near the ground. The concrete block used will be ground-faced and is not the prominent building material.

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

Finding: Complies as conditioned. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not Applicable. This application is for a complete redevelopment of the site; which would negate any existing nonconforming features.

17.62.055 - Institutional and commercial building standards.

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved through this process are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety 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.

B. Applicability. In addition to [Section 17.62.050](#) requirements, institutional and commercial buildings shall comply with design standards contained in this section.

Finding: Applies. The applicant proposes an institutional use.

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

1. Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.

Finding: Complies with conditions. The structures comply with the standards in the Oregon City Municipal Code with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as proposed. The design is not a prototype or standardized design.

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: Not applicable. Only one building is proposed.

4. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Finding: Not applicable. A conflict has not arisen.

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

Finding: The proposed development has a front yard setback greater than 5 feet. The applicant has requested an adjustment to this standard. See findings in 17.65.070.

D. Relationship of Buildings to Streets and Parking.

1. Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

a. Tables, benches or other approved seating area.

b. Cobbled, patterned or paved stone or enhanced concrete.

c. Pedestrian scale lighting.

d. Sculpture/public art.

e. Fountains/Water feature.

f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.

g. Outdoor café.

h. Enhanced landscaping or additional landscaping.

i. Other elements, as approved by the community development director, that can meet the intent of this section.

Finding: Complies as proposed. The proposed development has a front yard setback of greater than 5 feet but has not met the requirements of this standard. The applicant has requested an adjustment to this standard. See findings in 17.65.070.

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: Complies as proposed. The most architecturally significant façade faces west, which is oriented toward the stub of Hood Street but is not oriented to Williams Street extension to the south. The applicant has requested an adjustment to this standard. See findings in 17.65.070.

3. Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.

a. Canopies or porticos;

b. Overhangs;

c. Recesses/projections;

d. Arcades;

e. Raised corniced parapets over the door;

f. Peaked roof forms;

g. Arches;

h. Outdoor patios;

i. Display windows;

j. Architectural details such as tile work and moldings which are integrated into the building structure and design;

k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Not applicable. 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: Not Applicable. The development is not a retail establishment.

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

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

E. Corner Lots.

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

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

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

Finding: Not applicable. 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: Not applicable. 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: Complies as Proposed 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.

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

Finding: Complies as Proposed. With a height to width ratio of 3:1 on each facade, there must be a substantial variation in massing that includes a change in height and projecting or recessed elements.

- North Façade- The face length is 500 feet. The change in plane along with the outdoor classroom spaces and repeating building recessions provide the elements to meet this standard.
- East Façade- The façade length is 275 feet and thus a substantial variation in massing that includes a change in height and projecting or recessed elements is required. The proposed structure includes increased building heights and substantial projecting elements.
- South Façade- The face length is 344 feet. The proposed structure includes increased building heights and projecting and recessed elements.
- West Façade- The façade length is 248 feet and thus a substantial variation in massing that includes a change in height and projecting or recessed elements is required. The proposed structure includes increased building heights and substantial projecting or recessed elements on the west façade.

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

Finding: Complies as Proposed. The significant changes to mass are related to the interior space.

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:

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

Finding: Complies as Proposed.

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.

The east façade does not face a walkway. Only the westernmost portions of the north and south facades face walkways, and they both meet this standard. The west façade faces a walkway. There is a longer section of blank wall at the pedestrian level; however, the change in texture and change in plane are met higher on the façade as described above.

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

Finding: Complies as proposed. Each façade is greater than 100 feet in length.

West: 248 feet in length; 3% is 7.4 feet, 20% is 49.6 feet. There are two main planes on this façade with a difference of 42 feet in depth. One plane is 96 feet in length and the other is 152 feet.

South: 344 feet in length; 3% is 10.3 feet, 20% is 68.8 feet. This façade includes two changes in plane of 8 feet and 10 feet, along with an outdoor lab area projecting from the building. Each of the various planes has substantial length to meet this standard.

North: 500 feet in length; 3% is 15 feet, 20% is 100 feet. Three outdoor learning labs of 24 feet deep and 32 feet in width meet the intent of this standard. There is also a recessed area 16 feet wide and 10 feet deep between the gym and classroom areas.

East: 275 feet in length; 3% is 8.3 feet, 20% is 55 feet. The recession is 177 feet deep and the irregular building shape on this façade exceeds this standard.

3. *Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.*

Finding: Complies as Proposed. The ground floor front façade 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. The south façade is located such that it will not face the Williams Street extension frontage.

4. *Building facades must include a repeating pattern that includes any one or more of the following elements:*

a. *Color change;*

b. *Texture change;*

c. *Material module change.*

Finding: Complies as Proposed. All facades contain a repeating pattern of color changes, texture changes and material changes.

5. *Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.*

Finding: Complies as proposed/See findings elsewhere in this staff report. 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. An adjustment has been requested under section 17.65.070 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: Complies as proposed. 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.

I. Facade Transparency.

1. *Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.*

Finding: Complies as proposed/See findings elsewhere in this staff report. The north façade contains 50% transparency (249 feet/494 feet). The applicant has requested an adjustment to the glazing standards of this section for the west and south facades. See findings in Section 17.65.070.

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

Finding: Not applicable. Each of the applicable buildings comply with this standard and do not include any false windows or doors.

J. Roof Treatments.

1. All facades shall have a recognizable "top" consisting of, but not limited to:

a. Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or

b. Sloping roof with overhangs and brackets; or

c. Stepped parapets;

d. Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.

2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.

3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as proposed. The 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.

K. Drive-through facilities shall:

1. Be located at the side or rear of the building.

2. Be designed to maximize queue storage on site.

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

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.015 - Planning commission adjustment of parking standards.

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

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

C. Approval criteria for the adjustment are as follows:

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

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

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

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

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

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

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

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

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

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

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

17.52.020 - Number of automobile spaces required.

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

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium

<i>High School, College, Commercial School for Adults</i>	<i>0.20 per # staff and students</i>	<i>0.30 per # staff and students</i>
<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5.00</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

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

Finding: Complies as proposed. The proposed school will contain 30 classrooms, 5 administrative employees, and a 200 seat auditorium, allowing for 30, 5, and 50 parking spaces, respectively. A total of 76 parking stalls have been proposed on the site, which exceeds the minimum requirement of 30 spaces, and is below the maximum parking allowed of 85 spaces.

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

Finding: Complies as proposed. The proposed parking lot configuration will not require backing movements or other maneuvering within a street right-of-way.

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

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

4. *The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.*

Finding: Complies as proposed. The application indicated that parking spaces will be provided for staff and visitors.

5. *A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.*

Finding: Not applicable. The applicant has not proposed to change the use of an existing building.

B. Parking requirements can be met either onsite, or offsite by meeting the following conditions:

1. *Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the community development director.*

2. *Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one*

thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.

3. *On-Street Parking.* On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. *Dimensions.* The following constitutes one on-street parking space:

1. Parallel parking, each [twenty-two] feet of uninterrupted and available curb;

2. [Forty-five/sixty] degree diagonal, each with [fifteen] feet of curb;

3. Ninety degree (perpendicular) parking, each with [twelve] feet of curb.

4. *Public Use Required for Credit.* On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Finding: Not applicable. The applicant did not propose any of the options provided in this section. All parking stalls are accommodated onsite.

C. *Reduction of the Number of Automobile Spaces Required.* The required number of parking stalls may be reduced in the Downtown Parking Overlay District: Fifty percent reduction in the minimum number of spaces required is allowed prior to seeking further reductions in [sub]sections 2. and 3. below:

1. *Transit Oriented Development.* For projects not located within the Downtown Parking Overlay District, the community development director may reduce the required number of parking stalls up to twenty-five percent when it is determined that a project in a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred-foot radius) or multi-family development with over eighty units, is adjacent to or within one thousand three hundred twenty feet of an existing or planned public transit street and is within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).

2. *Reduction in Parking for Tree Preservation.* The community development director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction must take into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the community development director. This reduction is discretionary.

3. *Transportation Demand Management.* The community development director may reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates:

a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

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

Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

4. *The minimum required number of stalls may be reduced by up to 10% when the subject property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop.*

Finding: Not applicable. The development proposal did not include a reduction in the automobile spaces required.

17.52.030 - Standards for automobile parking.

A. *Access.* Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Finding: Complies as proposed. The proposed parking lot configuration will not require backing movements or other maneuvering within a street right-of-way.

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

Finding: Complies as proposed. The parking lot will be paved with asphalt.

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: See findings from Chapter 13.12 of this report.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

2. Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the community development director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

PARKING

STANDARD

PARKING ANGLE SPACE DIMENSIONS

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

Finding: Complies with condition. The proposed parking areas utilize 90-degree parking and parallel parking stalls. The applicant did not indicate if any of the spaces are proposed to be compact. Prior to issuance of building permits, the applicant shall demonstrate that all parking spaces comply with the dimensional standards.

The parent drop off area is proposed to be 30 feet wide. The aisle width in the south parking lot appears to be 26 feet in width. The bus loop is 37 feet wide. The applicant shall reduce the widths in the parking lots and vehicle circulation areas to 24 feet unless it is demonstrated that fire code requires a wider drive aisle. The applicant shall demonstrate the pavement width needs for the bus loop and shall reduce the width to the minimum necessary for safe bus drop off and circulation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking

spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies as Proposed. 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.

17.52.040 - Bicycle parking standards.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

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

Finding: Complies with condition. 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, which meets the requirement of 2 per classroom. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Security of Bicycle Parking. Bicycle parking facilities shall be secured. Acceptable secured bicycle parking area shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, bicycle parking within the adjacent right-of-way or another form of secure parking where the bicycle can be stored, as approved by the decision maker. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience and, when in the right-of-way shall comply with clearance and ADA requirements.

Finding: Complies with condition. 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. The applicant did not include details on the bicycle rack design or type. The Safe Routes to School Action plan (Exhibit 8) developed last year for Gardiner Middle School identifies that the existing bicycle parking is substandard and recommends modern, Inverted-U racks for long-term bike storage, and to allow at least 4 feet between racks to provide enough maneuvering room. The applicant shall adhere to the recommendations of the Safe Routes to School Action Plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Please refer to the analysis in 17.52.040.C.

Location of Bicycle Parking:

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The city engineer and the community development Director may permit the bicycle parking to be provided within the right-of-way provided adequate clear zone and ADA requirements are met. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

Finding: Complies with condition. All proposed bicycle parking spaces have been located immediately adjacent to the building's front doors. Although the athletic fields are not buildings, they are separate uses and will generate their own parking needs, as evidenced by the applicant's provision of vehicle parking next to the track in the northwest corner of the property. The applicant shall provide at least two bicycle racks near the athletic fields and Ethel Street entrance to serve the

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

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

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

Finding: Complies as proposed. 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.

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

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

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

Finding: Complies as Proposed. 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.

17.52.040.D.4. Accessibility.

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

Finding: Complies as proposed. All of the bicycle parking locations are adjacent to pedestrian accessway which are connected to the main building entrances.

17.52.040.D.4.b. Outdoor bicycle parking areas shall have direct access to a right-of-way.

Finding: Complies with condition. All of the bicycle parking locations are adjacent to walkways which are connected to the right of way. The applicant shall ensure that the bicycle parking required in the NW corner of the site is connected to the right of way by a paved surface. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.040.D.4.c. Outdoor bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or fifty feet, whichever is less, unless otherwise determined by the community development director, city engineer, or planning commission.

Finding: Complies as proposed. All of the bicycle parking locations are located adjacent to the building entrances.

17.52.060 - Parking lot landscaping.

A. Development Standards.

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

Finding: Complies as proposed. The proposed landscaping throughout the parking lot is uniformly distributed.

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

Finding: Complies with condition. There are drive aisles which are wider than 24 feet and the applicant has proposed a turnaround in the parking area of the NW corner of the site which may be unnecessary or oversized. The applicant shall reduce these areas to the minimum permitted or required and shall expand landscaping accordingly, unless it can be demonstrated that the pavement is needed to meet fire district standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.*

Finding: Complies as proposed. The landscape plan includes a mix of deciduous and coniferous trees spread throughout the parking lot.

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

Finding: Complies as proposed. The tree plan identifies both 2-inch caliper trees as well as 6-foot minimum height trees and planted in accordance with American Nurseryman Standards.

5. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the community development director, that can demonstrate adequate maintenance;*

Finding: Complies as proposed. The plans indicated that irrigation would be provided unless otherwise identified.

6. *All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.*

Finding: Complies as proposed. No nuisance plants were proposed within the parking lot landscaping. The plan submitted by the applicant was prepared by a landscape architect to assure appropriate species.

7. *The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of [Chapter 10.32, Traffic Sight Obstructions](#).*

Finding: Complies as proposed. The 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.

8. *Landscaping shall incorporate design standards in accordance with [Chapter 13.12, Stormwater Management](#).*

Finding: Please refer to the analysis in Chapter 13.12 of this report.

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

Finding: Complies with condition. The landscaping plan includes perimeter parking lot landscaping of at least 5 feet in width between the right-of-way and adjoining properties.

1. *The perimeter parking lot are[a] shall include:*

a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

Finding: Complies as Proposed. The 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. The north parking lot near the track does not include this landscaping as it is separate from the adjoining properties by a shared use path.

b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

Finding: Complies with condition. The landscape plan and associated narrative did not identify if 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. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that 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 final landscaping plan shall also be stamped by a registered professional landscape architect. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Finding: Complies as proposed. The plan did not indicate an average 4 feet of spacing for shrubs. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised landscaping plan demonstrating compliance with shrub spacing requirements for all areas requiring shrubs. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

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

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

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

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

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

Finding: Complies with condition/ See findings elsewhere in this staff report. The applicant includes an adequate landscaped buffer except on the south side of the building. The applicant proposed an adjustment to this standard; see findings in 17.65.070.

The landscape plan and associated narrative did not identify if 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. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that 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 final landscaping plan shall also be stamped by a registered professional landscape architect. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1) unless otherwise permitted by the dimensional standards of the underlying zone district. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

Finding: Complies as Proposed. 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.

a. A minimum of one tree per six parking spaces.

Finding: Complies as proposed. The site plan includes 76 parking stalls requiring 13 trees within the interior parking lot landscaping. The applicant included 21 trees in the interior of the parking lot.

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

Finding: Complies with condition. The landscape plan and associated narrative did not identify if 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. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

c. Shrubs spaced no more than four feet apart on average.

Finding: Complies with condition. The landscaping plan did not include shrubs spaced no more than an average of 4 feet apart throughout the interior parking lot landscaping. Prior to issuance of a permit associated with the proposed development the applicant shall submit a revised landscaping plan demonstrating compliance with shrub spacing requirements for all areas requiring shrubs. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.

Finding: Complies as Proposed. 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: Complies with condition. The parking lot circulation plan includes two pedestrian walkways which cross the drive aisles, generally near the middle of the site. Trees are located every 35 feet along the accessways within the parking lot with groundcover but the application did not identify that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation identifying that no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Installation.

- 1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*
- 2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.*
- 3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.*

Finding: Complies as proposed. The applicant indicated that all landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards. In addition, irrigation is proposed.

17.52.070 - Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the community development director may approve variations to the landscaping standards of [section 17.52.060](#).

A. General Review Standard. The alternative shall be meet or exceed the intent of this chapter and shall create a safe space for automobiles and pedestrians. The alternative landscaping plan shall be prepared by a licensed landscape architect.

B. Credit for Pervious/Low Impact Development. The community development director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the city's adopted stormwater and low impact development design standards toward minimum landscaping requirements for

the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

Finding: Not applicable. The applicant did not propose an alternative landscaping plan.

17.52.080 - Maintenance.

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

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

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

Finding: Complies as proposed. The property owner acknowledges responsibility for the maintenance of all parking areas.

17.52.090 - Loading areas.

B. Applicability.

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

Finding: Not applicable. The applicant did not indicate that delivery trucks of 40 foot wheelbase will be needed.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

12.04.003 - APPLICABILITY.

A. Compliance with this chapter is required for all land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage, of all single and two-family dwellings. All applicable single and two-family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter. In addition, the frontage of the site shall comply with the following prioritized standards identified in this chapter:

- 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and*
- 2. Plant street trees.*

The cost of compliance with the standards identified in 12.04.003.B.1 and 12.04.003.B.2 is limited to ten percent of the total construction costs. The value of the alterations and improvements as determined by the community development director is based on the entire project and not individual building permits. It is the responsibility of the applicant to submit to the community development director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal such as access or landscaping requirements.

Finding: Applicable. This project has applied for a master plan, detailed development plan and conditional use applications therefore, public improvements and street trees are required where appropriate.

12.04.005 - JURISDICTION AND MANAGEMENT OF THE PUBLIC RIGHTS-OF-WAY.

A. The city has jurisdiction and exercises regulatory management over all public rights-of-way within the city under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The city has jurisdiction and exercises regulatory management over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

Finding: Applicable. The development will require work within some public rights-of-way as defined and outlined within 12.04.005 of the Oregon City Municipal Code.

12.04.007 - MODIFICATIONS.

The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. The modification meets the intent of the standard;

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

C. The modification is consistent with an adopted plan; and

D. The modification is complementary with a surrounding street design; or, in the alternative;

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Complies as conditioned. The applicant proposed a modification to block length standards in 12.04.195 and to pedestrian accessway design in 12.04.199. This proposal is also discussed in the Master Plan adjustments section in 17.65.070. The applicant has stated the following:

"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 shareduse 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)."

The purpose of the standard is to provide vehicular and pedestrian connectivity and to avoid long blocks, which inhibit convenient travel and access between and through neighborhoods and destinations. The applicant's site is over 19 acres in size, and is 835 feet wide, and 950 feet in length. Since both of these measurements exceed 530 feet, which is the maximum block length, streets or accessways are required.

No street connections are possible to the north due to existing development patterns. No street connections are possible to the east due to the presence of a cemetery. There is a possible connection to the south. The applicant has proposed to extend Williams Street to eventually provide a possible street connection south to Warner Milne Rd. through adjacent property.

The applicant is not required to bring any streets through the main portion of the property and instead can utilize the pedestrian accessways to meet the block length standards. With a property that measures 950 feet north to south, at least two accessways would be required. Due to the institutional nature of the site, the adjacent development patterns and uses, and the security needs of the school, the applicant is only required to provide one pedestrian accessway on-site to provide an east-west connection. This accessway is proposed on the north edge of the site in order to ensure maximum usability of the site for the school, and to provide security for the students.

The applicant has proposed that this accessway be 8 feet in paved width with 2 foot gravel shoulders, rather than meeting the landscaping requirements in 12.04.199. The applicant also proposed no lighting of this pathway. The applicant's proposal for an eight foot pathway and gravel shoulders meets the intent of the standard. As this is part of a larger site with ample landscaping, the purpose of the landscaping requirement is met. The eight foot paved width exceeds the standard of 7 feet. The lack of lighting, however, does not meet the intent of the standard to provide safe lighted facilities for pedestrians. The applicant shall provide lighting in accordance with 12.04.199. This pathway shall be open to the public outside of regular school hours and on weekends.

With a property that measures 835 feet in width, the applicant would be required to provide two north-south accessways. Due to the institutional nature of the site and the security needs of the school, the applicant is only required to provide one on-site pedestrian north-south connection. The applicant has not proposed a north-south accessway, but does have a pedestrian circulation system on site that provides a north-south connection. The pedestrian circulation pathways that can serve as this accessway vary in width, but portions are proposed to be only 5 feet in width. The applicant shall ensure that the north-south pathway connections are at least 7 feet in width to meet the intent of the standard. As this is part of a larger site with ample landscaping, the purpose of the landscaping requirement is met. This pathway shall be open to the public outside of regular school hours and on weekends.

See findings from section 12.04.195 of this report for additional findings and conditions related to the modification request.

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: Compiles as proposed. The applicant has proposed to construct all sidewalks to city standards and widths and to construct both sidewalks and curbs according to plans and specifications provided by the city engineer. To facilitate pedestrian and bike connectivity to the development site, the project will be required to provide off-site improvements. See findings in section 12.04.215 of this report.

12.04.020 - CONSTRUCTION SPECIFICATIONS—UNIMPROVED STREETS.

Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the city engineer and approved by the city commission. On unimproved streets curbs do not have to be constructed at the same time as the sidewalk.

Finding: Not applicable. Sidewalk is not required or proposed for construction on unimproved streets. All sidewalk improvements are associated or on an improved street.

12.04.025 - STREET DESIGN—DRIVEWAY CURB CUTS.

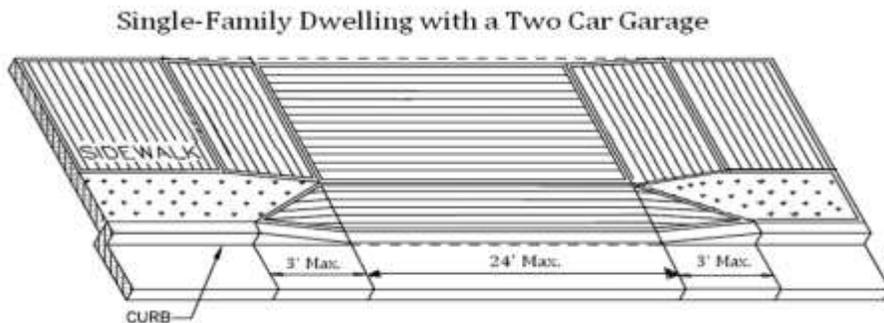
A. One driveway shall be allowed per frontage. In no case shall more than two driveways be allowed on any single or two-family residential property with multiple frontages.

B. With the exception of the limitations identified in 12.04.025.C, all driveway curb cuts shall be limited to the following dimensions.

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

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

Figure 12.04.025: Example Driveway Curb Cut



Finding: Complies as proposed. 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 proposed 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: Complies as proposed. No more than one access point per street is proposed.

D. For all driveways, the following standards apply.

1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet and preferably twenty feet back into the lot as measured from the current edge of street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the city engineer.

2. Driving vehicles, trailers, boats, or other wheeled objects across a sidewalk or roadside planter strip at a location other than an approved permanent or city-approved temporary driveway approach is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

3. Placing soil, gravel, wood, or other material in the gutter or space next to the curb of a public street with the intention of using it as a permanent or temporary driveway is prohibited. Damages caused by such action shall be corrected by the adjoining property owner.

4. Any driveway built within public street or alley right-of-way shall be built and permitted per city requirements as approved by the city engineer.

Finding: Complies as proposed. All proposed driveways are proposed to have an approved concrete approach or asphalt street connection. All driveway approaches, proposed and existing, that intersect with a public sidewalk, shall be made ADA compliant. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Exceptions. The public works director reserves the right to waive this standard, if it is determined through a Type II decision including written findings that it is in the best interest of the public to do so.

Finding: Not applicable. A waiver to these standards has not been offered by the public works director.

12.04.030 - MAINTENANCE AND REPAIR.

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

Finding: Not Applicable. No sidewalk adjacent to the development is required to be repaired.

12.04.031 - LIABILITY FOR SIDEWALK INJURIES.

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

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

Finding: Not Applicable. The city has not identified sidewalk adjacent to the development needing to be repaired.

12.04.032 - REQUIRED SIDEWALK REPAIR.

A. When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the city may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place

on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the city recorder a statement stating the time, place and manner of service or notice.

Finding: Not Applicable. The city has not identified sidewalk adjacent to the development needing to be repaired.

12.04.033 - CITY MAY DO WORK.

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

Finding: Not Applicable. The city has not identified sidewalk adjacent to the development needing to be repaired.

12.04.034 - ASSESSMENT OF COSTS.

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. The city has not identified sidewalk adjacent to the development needing to be repaired.

12.04.040 - STREETS—ENFORCEMENT.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. The city has not identified sidewalk adjacent to the development needing to be repaired.

12.04.050 - RETAINING WALLS—REQUIRED.

Every owner of a lot within the city, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not applicable. No retaining walls have been proposed either within or adjacent to the public right of-way

12.04.060 - RETAINING WALLS—MAINTENANCE.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not applicable. No retaining walls have been proposed either within or adjacent to the public right of-way

12.04.070 - REMOVAL OF SLIDING DIRT.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not applicable. No retaining walls have been proposed either within or adjacent to the public right of-way

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: Complies as proposed. The applicant proposes to obtain required permits prior to construction within the public ROW.

12.04.090 - EXCAVATIONS—PERMIT RESTRICTIONS.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Finding: Not applicable. A separate permit is not required since all construction activities associated with the project will be permitted through the Public Works review and permitting process.

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: Complies as conditioned. The development may require excavation in pavement within City ROW. In the event, utility connections are needed within the pavement of a public right of way, the patching of those cuts will need to follow the Pavement Cut Policy. All pavement cuts and restoration shall comply with the City of Oregon City Pavement Cut Standards.

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

12.04.110 - EXCAVATIONS—NUISANCE—PENALTY.

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

Finding: Not applicable. No violation has been identified by the city.

12.04.120 - OBSTRUCTIONS—PERMIT REQUIRED.

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

*1. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:*

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
- b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;*
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
- d. Alternative routes if necessary;*
- e. Minimizing obstruction area; and*
- f. Hold harmless/maintenance agreement.*

3. If the commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the city engineer shall issue a right-of-way permit with any conditions deemed necessary by the commission.

B. Temporary Obstructions.

- 1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.*
- 2. The city engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
- 3. The city engineer shall provide applicants with an application form outlining the minimum submittal requirements.*

4. The applicant shall submit, and the city engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the city engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per Chapter 10.32, Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- 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.

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: Complies as conditioned. The applicant states that “No obstructions within the public street network which surrounds the Site are anticipated as part of this development.” However, it is likely that construction of improvements will impact existing public roads. The developer shall submit a traffic control plan for review and approval by the city. The traffic control plan shall include rerouting or redirecting of all modes of transportation accordingly during construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.130 - OBSTRUCTIONS—SIDEWALK SALES.

A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.

B. The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.

Finding: Not applicable. Not sidewalk sales are proposed.

12.04.140 - OBSTRUCTIONS—NUISANCE—PENALTY.

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

Finding: Not applicable. The city has not identified any violation.

12.04.150 - STREET AND ALLEY VACATIONS—COST.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

Finding: Not applicable. No street or alley vacation is proposed.

12.04.160 - STREET VACATIONS—RESTRICTIONS.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not applicable. No street or alley vacation is proposed.

12.04.170 - STREET DESIGN—PURPOSE AND GENERAL PROVISIONS.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any

development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies as conditioned. The development shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies. The developer shall provide construction plans, stamped and signed by a professional engineer licensed in the State of Oregon, containing street, grading, stormwater, sanitary sewer and water infrastructure improvements that conforms to all current Oregon City Public Works standards, specifications, codes, and policies for review and approval by the City. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum. The development's contractor(s) and engineer(s) shall attend a pre-construction meeting with Oregon City staff. The development shall provide as-built construction plans per the City's "As-Built Drawing And Post Construction Survey Requirements" within 90 days of completing required public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.175 - 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: Complies with condition. The applicant has proposed an accessway which connects to the existing neighborhood pathway at Laurel Lane and runs along the eastern boundary of the site and then along the northern boundary to connect to Ethel Street. This path also connects to existing accessways which extend from Rilance Lane and Haley Court (shown on Figure E: Access Plan). To provide for the continuation of a street south of Warner Milne Road, the development has proposed an extension of Williams Street. The developer shall provide a shadow plat which demonstrates how an extension of Williams Street will connect with a future street system located south of Warner Milne Road which is to be constructed by the expansion of the Clackamas County campus (tax lot 3-2E-05C -00812).

The development shall include markers at the termination of the proposed local street to indicate the end of the roadway.

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

12.04.180 - STREET DESIGN.

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

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

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

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

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

Finding: Complies as conditioned. The applicant proposed the extension of Williams Street as a half-street improvement. The proposed design included dedication of right-of-way, construction portions of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, and lighting. However, Williams Street will require full street improvements as it is proposed to be the primary pedestrian and automobile access to the school.

The applicant shall construct a new section of Williams Street, east of Leonard Street, as far east as necessary to be perpendicular with a north-south projection of a future street connecting to Warner Milne Road which is to be constructed along the west side of the Clackamas County campus (tax lot 3-2E-05C -00812). The City Engineer may

permit Williams Street extension to terminate west of the future north-south connection if the applicant dedicates the needed right of way for future use.

If the developer can obtain ROW dedication from tax lot 3-2E-06DA-00200 (the church property), the development shall dedicate right-of-way (ROW) and construct the new section of Williams Street, east of Leonard Street as follows:

Beginning from the (existing) north ROW line of Williams Street (east of Leonard Street), a 0.5' buffer, a 5-foot-wide sidewalk, 5-foot-wide planter strip, 0.5' curb with gutter, 24' of pavement ((2) 12' travel lanes), 0.5' curb with gutter, 5' planter strip, 10' paved shared-use path and a 0.5' buffer.

Otherwise, the development shall dedicate right-of-way (ROW) and construct the new section of Williams Street, east of Leonard Street as follows:

Beginning from the (existing) south ROW line of Williams Street (east of Leonard Street), a 0.5' buffer, 10' paved shared-use path, 0.5' curb with gutter, 24' of pavement ((2) 12' travel lanes), 0.5' curb with gutter, 5' planter strip, 5-foot-wide sidewalk and a 0.5' buffer.

Street lighting along Williams Street appears to be substandard – it does not resemble the other east-west streets north of Williams Street which have a street light at their intersection with Johnson Street.

The development shall provide one new streetlight at the intersection of Johnson Street and Williams Street and relocate or replace the existing streetlight at the intersection of Williams Street and Leonard Street if conflicts with required road improvements along Williams Street. The applicant shall submit a photometric plan for Williams Street for review and approval by the City.

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

See findings from section 12.04.215 this report regarding required off-site improvements.

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: Complies as conditioned. The applicant has provided an extension of Williams Street, which has been designed as a half-street street section. The proposed half-street extension is proposed to be built to allow for access by the adjoining property owner. The developer shall provide a legal document that includes an "Access control" strip along the south and east right-of-way line of the Williams Street extension 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 the adjacent property is developed and the property will be granted access through those Access Controls by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.190 - 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: Complies as proposed. Williams Street transitions from a 60-foot-wide ROW to a 25-foot-wide ROW east of Leonard Street and the two ROW align along their north side. The existing centerline alignment of Williams Street is offset by more than five feet at its intersection with Leonard Street. The development is on the north side of Williams Street which does not allow for the offset ROW line to be widened to the south unless the developer obtains ROW dedication from tax lot 3-2E-06DA-00200. In the judgment of the city engineer, an offset alignment is acceptable, because it is the only way to construct a street extension without the involvement of a separate property that is not part of the proposed development. Also, the offset alignment is intended to ensure the shared use path along Williams Street is aligned as much as possible and have the least amount of road crossings.

See findings from section 12.04.180 regarding street design for adjustments to the ROW if the developer can obtain ROW dedication from tax lot 3-2E-06DA-00200.

12.04.194 - TRAFFIC SIGHT OBSTRUCTIONS.

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

Finding: Complies as conditioned. The applicant has stated, "Sight distance triangles have been shown on the attached Site Plan (Sheet LU1.01)." However, sight distance triangles were not contained in sheet LU1.01. The development shall comply with Chapter 10.32 of the Oregon City Municipal code regarding placement of any Traffic Sight Obstructions and maintain clear vision areas at intersections so that vehicle and pedestrian safety can be maximized. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.195 - 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.

<i>Table 12.04.195.B Minimum Driveway Spacing Standards</i>		
<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses and Minimum distance between driveways for uses other than single and two-family dwellings</i>	<i>25 ft.</i>

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Complies as conditioned. The applicant has proposed a modification/adjustment to this standard. The purpose of the standard is to provide vehicular and pedestrian connectivity and to avoid long blocks, which inhibit convenient travel and access between and through neighborhoods and destinations. The applicant’s site is over 19 acres in size, and is 835 feet wide, and 950 feet in length. Since both of these measurements exceed 530 feet, which is the maximum block length, streets or accessways are required.

Due to the institutional nature of the site, the adjacent development patterns and uses, and the security needs of the school, the applicant has proposed an accessway along the north edge of the site in order to ensure maximum usability of the site for the school, and to provide security for the students.

The applicant has proposed an accessway which connects to the existing neighborhood pathway at Laurel Lane and runs through the development property and connects to Hood Street and provides an east-west pedestrian path to meet the block length standards. Although this path is spaced at more than three hundred and thirty feet from the nearest accessway, it meets the intent of the Oregon City TSP project S40 which connects Hood Street and Laurel Lane. Since the property measures 950 feet north to south, a second accessways would be required. However, the location of the St. John the Apostle Cemetery to the east makes future eastward through from Williams Street not possible as it would conflict with existing burial grounds. Therefore, the requirement for an east-west pedestrian accessway is met.

No street connections to the north are possible since properties to the north are fully developed and there are existing accessway connection to Haley Court and Rilance Lane. With a property that measures 835 feet west to east, the applicant would be required to provide two north-south accessway. The applicant has not proposed a north-south accessway, but does have a pedestrian circulation system on site that provides a north-south connection from the eastward extension of Williams Street. The pedestrian connections that will be provided is proposed to be closed during the school day for security purposes, which will impact the usability of the pathways for the general public. As mitigation, the district has proposed to construct a portion of sidewalk (approximately 150 feet) on Leonard Street between Williams Street and Hood Street, which provides for alternative north-south connectivity nearby. However, sidewalk along Leonard Street has not been proposed to continue north beyond Hood Street.

The applicant shall provide sidewalk on the east side of Leonard Street from Hood Street to Ethel Street to provide an alternative to the on-site north-south accessway. **See findings from section 12.04.199 of this report for Accessway requirements. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.199 - PEDESTRIAN AND BICYCLE ACCESSWAYS.

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

Finding: Complies as conditioned. The applicant has proposed pedestrian paths that align with existing pedestrian paths at Laurel Lane, Rilance Lane, Haley Court, Ethel Street, Hood Street and Williams Street. 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. Therefore, the use of lockable gates shall be limited. Figure E demonstrates the alignment of the accessways. Slight changes to the alignment will be permitted in the final design phase. Accessways running through the school site which provide pedestrian connectivity shall be made accessible for public use during non-school hours or when the school is not in operation. All paths that are required to serve as public accessways shall be signed at all endpoints with the hours that they are open to the public..

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

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.

Finding: Complies as proposed. The applicant has proposed a modification/adjustment to this standard. The proposal is for an accessway with a right-of-way width of twelve feet with an eight-foot-wide paved surface and two-foot gravel shoulders on each side. The modification/adjustment has been approved by the City. **See findings in 17.65.070 of this report.** The accessway is not proposed to function as a secondary fire access.

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.

Finding: Complies as proposed. The proposed accessways have at least one end point of the accessway always visible from any point along the accessway where possible except where visibility may be restricted by topography or landscaping. The proposed accessways are located in areas that do not allow for adjacent on-street parking such as driveways and road intersections or at dead-end of roads that have no sight distance conflicts. Accessways are intended to provide direct, safe and convenient connections however, the proposed circulation plan does not show direct connections and is circuitous since as it is routed around buildings and athletic facilities. The development shall provide a direct, paved, 7-foot wide connection to the onsite pedestrian circulation system and the existing accessway connection at Laurel Lane. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as conditioned. Through a modification/adjustment request, the applicant has not proposed lighting for the accessways. Accessways with no lighting do not meet the intent of the standard to provide a safe pedestrian environment. 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 all entrances to accessways at their connections to a public street.

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

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Complies as conditioned. The applicant has not provided enough information for staff to determine if the accessway will be ADA compliant. 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. All accessways shall be constructed to comply with Americans with Disabilities Act (ADA).

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

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.

Finding: See findings elsewhere in this staff report. As a modification/adjustment, the applicant has not proposed plants or landscaping on either side of the accessway. **See findings in 17.65.070.**

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Complies as conditioned. The applicant has proposed lockable gates at the entrance points to the school but did not specify how they will be controlled. Also, some of the gates are vehicular gates and will be large enough to allow for vehicular access onto the shared use path. The applicant shall provide lockable bollards at the entrance to all accessways at their connections to a public road to prohibit unauthorized motorized traffic. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. The applicant has proposed a paved surface for the accessway. See finding from subsection E of this section regarding ADA compliance – to dictate the allowable cross slope for the accessway.

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.

Finding: Not applicable. This is not a path through a park, greenway or other natural resource areas. The accessway is meant to provide pedestrian connectivity in lieu of meeting block length standards.

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.

Finding: See findings elsewhere in this staff report. The applicant has proposed a design that is different than what is required per code section 12.04.199. See findings in 17.65.070. The proposed east-west pedestrian path is connected to, and will function as, a “Local Trail”, as identified in the City adopted Trails Master Plan. The trails masterplan requires only a seven-foot-wide path. Therefore, the eight-foot-wide pavement width proposed by the development meets city requirements and the intent of this code section. The Trails Master Plan does not require landscaping on the sides of the accessway. Most of the accessway will be adjacent to portions of the development that are shown to have landscaping so the intent of the code is met.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the hearings body shall require one of the following:

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

Finding: Complies as conditioned. The applicant has not proposed ownership, liability or maintenance responsibilities for the accessway. The developer shall record a Public Access and Maintenance Easement for accessways on the development property that requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway. The easement and agreement shall be reviewed and approved by the City prior to execution and recording. The property owner shall pay associated recording fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.205 - MOBILITY STANDARDS.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan or as otherwise identified by the city transportation engineer.

A. For intersections within the regional center, the following mobility standards apply:

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

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the Regional Center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. Until the city adopts new performance measures that identify alternative mobility targets, the city shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange

I-205/OR 213 Interchange

OR 213/Beavercreek Road

State intersections located within or on the Regional Center Boundaries

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in [Section] 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

Finding: Complies with Condition. The applicant has provided a Traffic Study prepared by Todd Mobley, PE of Lancaster Engineering. The applicant's engineer calculated the expansion would generate 103 new AM peak hour trips; 62 new mid-afternoon peak hour trips; and 30 new PM peak hour trips. The total number of trips generated by the school at its full 1000-student capacity is calculated to be 570 AM peak hour trips; 349 mid-afternoon peak trips; and 171 PM peak hour trips. The engineer studied nearby intersections and found that mobility standards would be met and that no off-site mitigation is needed for vehicular traffic.

The City's transportation consultant, John Replinger, reviewed the study and concluded the following (Exhibit X):

"I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed school replacement and expansion. I agree that off-site mitigation is not needed for vehicular traffic operations at key intersections.

Based on the information provided in the TIS and Addendum, I conclude that on-site traffic operations will be better and safer than existing conditions due to the separation of buses from private vehicles, a separate entrance and loading area with additional curb space for buses, and an improved circulation system with more on-site storage and pick-up/drop-off area for those arriving and departing by private vehicles.

I think that separate routes for buses (Hood Street) and for private vehicles (Williams Street) is a good strategy.

I think that failing to address the needs of pedestrians and bicyclists in the Williams Street corridor is a deficiency that needs to be addressed. The fact that pedestrians and bicyclists are currently forced to share Ethel and Hood Street with motor vehicles does not absolve the applicant from addressing the issue and providing specific facilities for students. I recommend the city and district craft specific conditions of approval to implement physical facilities to enhance the walking and bicycling environment along Williams Street and an enhanced crossing of Linn Avenue at Williams Street.”

Based on this conclusion, staff recommends the conditions of approval for the Williams Street improvements and funding of a Rapid Flashing Beacon pedestrian crossing of Linn Avenue, as described elsewhere in this staff report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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: Complies as proposed. The extension of Williams Street is proposed to be at a right angle relative to Leonard Street. Plans submitted by the applicant did not show curb returns at any street intersections. New curbs are required along Williams Street. New curb returns constructed at the intersections along Williams Street (from Linn Avenue to Leonard Street) shall have a radius of 25 feet. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.215 - STREET DESIGN—OFF-SITE STREET IMPROVEMENTS.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies as conditioned. The applicant is proposing an extension of Williams Street and pedestrian improvements on Leonard Street. The application included sidewalk improvements along the east side of Leonard Street from its intersection with Williams Street to the existing sidewalk extending to Hood Street. The development has proposed to extend sidewalk along Leonard Street from where it currently exists (south of Hood Street) to the intersection of Leonard Street and Williams Street.

No other off-site improvements are proposed. The design of the new school designates Williams Street to be the primary vehicle, bicycling, and walking access to the school. The expansion of Gardiner Middle School will result in a significant

increase in vehicle traffic and in bicycle and pedestrian use of Williams Street. The pavement condition of Williams Street is very poor. The street has 60 feet of right of way but no sidewalks, planter strips, curbs, gutters, or stormwater management. There is on-street parking on the south side of the street on a gravel surface.

The required improvements to Williams Street are related to the impacts of the proposed middle school expansion and are roughly proportional to the impact of the proposed development. The applicant's engineer calculated the expansion would generate 103 new AM peak hour trips; 62 new mid-afternoon peak hour trips; and 30 new PM peak hour trips. The total number of trips generated by the school at its full 1000-student capacity is calculated to be 570 AM peak hour trips; 349 mid-afternoon peak trips; and 171 PM peak hour trips. The applicant's traffic study estimated that 80% of trips will access the site via Williams and Linn Avenue.

The size of the development, just including the building footprint, is nearly 2 acres. A development of that size, based on the zone of the development property (R-6) would be equivalent to approximately 14 lots. If compared to the properties west of the development property, a 14-lot subdivision would require right-of-way (ROW) dedication and improvement which is equivalent to approximately the length of 7 R-6 lots. At a minimum lot width of 50 feet, the ROW dedication would be a minimum of 350 feet long (or 700 feet long half-street). The ROW improvement required in this case is a 525 feet long partial street improvement of Williams Street from Leonard St to Linn Avenue and a new 250-foot section of roadway with less right of way than a typical local street. This improvement is comparable to what would be required of a 14-lot subdivision within the R-6 zone.

The use of the school will generate pedestrian traffic on all roads leading to the school and the crossing of Linn Avenue. To facilitate pedestrian and bike connectivity to the development site the following improvements will be required. Some improvement to neighborhood roads (other than Williams Street) which may not be in proportion to the size of the development will be constructed with help from the city. The Transportation System Plan (TSP) identifies a Rapid Flashing Beacon at AV Davis and Linn Avenue, which is where the majority of pedestrian trips to the school currently occur. The design of the new school, however, designates Williams Street to be the primary walking path to the school, which is different from what the TSP anticipated. Therefore, the majority of street crossings made by students on Linn Avenue will likely occur at its intersection with Williams Street. This TSP project, C28, is identified mainly to serve students of Gardiner Middle School; the school is the major trip generator of the pedestrian trips that would use the Rapid Flashing beacon. The project would not be in the TSP if Gardiner Middle School was not located in the area. The TSP identified the cost of the project as \$80,000 in 2013 dollars; that cost, updated by 3% compounded annually, equals \$98,390 in 2019 dollars but may be more when construction of the project commences. The applicant shall pay half of the cost of installing pedestrian crossing with activated flashing beacon, or \$49,195. The City will contribute the remainder of the cost above \$49,195.

The applicant shall construct the following improvements on Williams Street from Linn Avenue to and through Leonard Street as follows:

Beginning from the south right-of-way line of Williams Street, 0.5' buffer, a 10' paved shared-use path, 5' planter strip, 0.5' curb with gutter, and 31' of pavement (a 7' parking strip & (2) 12' travel lanes). ADA compliant curb ramps shall be provided at all intersections along Williams Street in connection with the shared-use path along Williams Street. The development shall pay \$50,000, for the proportional share of installing pedestrian activated flashing beacons and the relocation of the curb ramp on the west side of Linn Avenue at its intersection with Williams Street. The road section of Williams Street shall have a 4-inch thick section of level 2, 1/2" hot mixed asphalt concrete in lifts of 2-inch over 2-inch of 3/4" – 0" leveling course over 10-inches of 1-1/2" – 0" base. An alternate road section may be approved by the City Engineer based on field inspection of the existing road section.

The applicant shall construct sidewalk along Ethel and Hood Street through coordination with the City using City funds. The developer shall enter into a development agreement with the City of Oregon City for the construction of sidewalk on Hood Street and Ethel Street funded by the City of Oregon City.

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

12.04.220 - 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: Complies as conditioned. The applicant proposed the extension of Williams Street as a half-street improvement. The proposed design included dedication of right-of-way, construction portions of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, and lighting. However, Williams Street will require full street improvements as it is proposed to be the primary pedestrian and automobile access to the school. **See findings from section 12.04.180 & 12.04.215 of this report**

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: Complies as conditioned. 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. Turnarounds are provided via the driveways within the development property. Williams Street, east of Leonard Street is proposed to be a dead-end street that is 24-feet-wide which leaves no room for on-street parking. The development shall install no-parking signs along both sides of Williams Street east of Leonard Street.

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

12.04.230 - STREET DESIGN—STREET NAMES.

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

Finding: Not applicable. No new streets requiring new names are proposed or required.

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: Complies as proposed. The grades and centerline radii of existing and proposed street extensions conform to the standards in the city's street design standards and specifications.

12.04.240 - STREET DESIGN—DEVELOPMENT ABUTTING ARTERIAL OR COLLECTOR STREET.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable

to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Not applicable. The development does not abut or contain existing or proposed arterial or collector streets.

12.04.245 - STREET DESIGN—PEDESTRIAN AND BICYCLE SAFETY.

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

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

Finding: Complies as conditioned. All crosswalks shall be constructed per findings from section 12.04.215 of this report. The development can meet requirements from section 12.04.245 by meeting conditions contained within findings from 12.04.215. **See findings from section 12.04.215 of this report. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.255 - STREET DESIGN—ALLEYS.

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

Finding: Not applicable. There are no alleys existing, or proposed.

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: Compiles as proposed. The development does not front transit streets. The development has proposed an on-site bus driveway and turnaround that is intended minimize or eliminate buses queuing on Hood Street.

12.04.265 - STREET DESIGN—PLANTER STRIPS.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Finding: Complies as conditioned. See findings from section 12.04.215 and 12.04.220 of this report regarding required street improvements. See findings from chapter 12.08 for requirements regarding street trees.

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

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

12.04.280 - VIOLATION—PENALTY.

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

Finding: Complies as conditioned. The city has not identified any act or omission in violation of chapter 12.04 of the Oregon City Municipal Code.

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

12.08.015 - Street tree planting and maintenance requirements.

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

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.

12.08.020 - Street tree species selection.

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

Finding: Complies with Condition. Hood and Ethel streets both stub into the property; no street trees are required here. No trees are required on the north side of Williams Street west of Leonard Street. The applicant shall provide one street tree from the City's street tree list and measuring a minimum of 2" caliper for every thirty-five feet of Williams Street extension, and on the south side of existing Williams Street. Fee-in-lieu is acceptable if the required number of street trees cannot fit within the planter strips due to conflicts with driveways, utilities, lights, or hydrants. All street trees shall meet the clearance requirements of section 12.08.015 of the Oregon City Municipal Code. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - Public tree removal.

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

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

Table 12.08.035

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

Finding: Complies with Condition. No street trees are proposed to be removed. However, there are two existing trees on Leonard Street where the sidewalk infill may conflict with tree locations. If any street trees are removed, the applicant shall replace them in accordance with this Chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 - STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

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

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

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

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

Finding: Applicable. Connection to a public stormwater conveyance system is required to serve this development.

- 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 OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD 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, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious area.

- 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 OCMC 17.42, provided that the following conditions are met:*
 - a. *The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and*
 - b. *The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.*
 2. *Projects in the following categories are generally exempt from the water quality and flow control requirements:*
 - a. *Stream enhancement or restoration projects approved by the City.*
 - b. *Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.*
 - c. *Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.*
 - d. *Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.*
 - e. *Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.*
 - f. *Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.*
 - g. *Maintenance or repair of existing utilities.*

Finding: Not applicable. No exemptions apply to the proposed development.

- D. *Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:*
1. *Bulk petroleum storage facilities;*
 2. *Above ground storage of liquid materials;*
 3. *Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;*
 4. *Exterior storage of bulk construction materials;*
 5. *Material transfer areas and loading docks;*
 6. *Equipment and/or vehicle washing facilities;*
 7. *Development on land with suspected or known contamination;*
 8. *Covered vehicle parking for commercial or industrial uses;*
 9. *Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and*
 10. *Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.*

Finding: Not applicable. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.060 - Abrogation and greater restrictions.

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

Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the City a guarantor or protector of public or private property in regard to land development activity.

Finding: Applicable. Findings from the provision of this chapter does not relieve the development from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.*
- B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.*

Finding: Complies as Conditioned. The applicant has only provided a preliminary drainage plan and report to meet requirements of a complete land use application and demonstrated that their design does not conflict with the current version of the Oregon City Stormwater and Grading Design Standards. However, the applicant did not fully address all items identified in Section 9 of the Public Works Stormwater and Grading Design Standards. Requirements of this code section can be met by meeting approval criteria outlined in section 13.12.090 of this report. **See findings from section 13.12.090 of this report. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020.*
- C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Finding: Complies as Conditioned. The applicant has proposed four stormwater facilities to mitigate for added or replaced impervious areas associated with the development. These facilities appear to have been sized using the Oregon City Stormwater and Grading Design Standards (the BMP sizing tool). The applicant's submittal did not include downstream analysis or conveyance calculations for the stormwater system proposed with the development but proposes to include it with the final stormwater report. The developer shall provide updated engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9 of the Public Works Stormwater and Grading Design Standards. The drainage plans shall include stormwater conveyance for runoff from Williams Street which complies with the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the city engineer. The city engineer may approve any such alternate, provided that the city engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The city engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the city files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Complies as Conditioned. The development has not identified a project engineer for the project. The developer and engineer for the project shall execute a "Developer/Engineer Agreement for Public Works Improvements" and commit to the responsibilities outlined in the agreement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the city as described below, the city shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the city through the granting of a stormwater easement or other means acceptable to the city.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the city accepts the stormwater conveyance system.

C. The city will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Finding: Not Applicable. No public facilities are proposed.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to city inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. The applicant has proposed to construct stormwater facilities sized using the “BMP sizing tool” as required by the Oregon City Public Works Stormwater and Grading Design Standards. The property owner(s) shall execute a “Maintenance Covenant And Access Easement For Privately Owned Stormwater Management Facilities” and pay associated recording fees. The covenant shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The Maintenance Covenant and Access Easement shall be reviewed and accepted by the City prior to recording. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 APPLICABILITY—GRADING PERMIT REQUIRED.

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

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

Finding: Applicable. Grading activities involve the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land. A separate grading permit is not required since all construction activities associated with the project will be permitted through the Public Works review and permitting process.

15.48.090 SUBMITTAL REQUIREMENTS.

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

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

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

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

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

- 1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;*
- 2. When an embankment for a stormwater pond is created by the placement of fill;*
- 3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.*

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies as conditioned. Grading activities involve the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

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

CHAPTER 17.47 - EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

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

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

Finding: Applicable. The applicant has proposed construction activities that may cause visible or measurable erosion on the development property.

17.47.060 - Permit required.

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

Finding: Complies with conditions. The applicant seeks approval of an application for land use which requires construction that may cause visible or measurable erosion. The developer shall obtain a city issued erosion and sediment control permit prior to commencement of any earth disturbing activities. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) unless the project will not cover one acre or greater. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

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

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

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

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

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

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

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

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as

specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

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

Finding: Complies with conditions. The developer shall submit erosion and sediment control plans for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.41 - TREE PROTECTION STANDARDS

17.41.020 - TREE PROTECTION—APPLICABILITY.

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

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

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

4. A heritage tree or grove which has been designated pursuant to the procedures of Chapter 12.08.050 shall be subject to the standards of this section.

Finding: Applicable. The applicant has submitted a Detailed Development Plan application, therefore, compliance with Chapter 17.41 is required.

17.41.030 - TREE PROTECTION—CONFLICTING CODE PROVISIONS.

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

Finding: Applicable. The trees within the boundaries of the property or associated with the proposed development onsite are regulated under this section of code and do not fall under any other protections within the City's development codes.

17.41.040 - SAME—EXEMPTIONS.

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

Finding: Not Applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - SAME—COMPLIANCE OPTIONS.

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

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

B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Sections 17.41.080—17.41.100; or

C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Sections 17.41.110—17.41.120; or

D. Option 4—Cash-in-lieu of planting pursuant to [Section 17.41.130](#).

A regulated tree that has been designated for protection pursuant to this section must be retained or permanently protected unless it has been determined by a certified arborist to be diseased or hazardous, pursuant to the following applicable provisions.

The community development director, pursuant to a Type II procedure, may allow a property owner to cut a specific number of trees within a regulated grove if preserving those trees would:

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

Finding: Complies as Proposed. The applicant has proposed to remove 70 trees onsite. The applicant has proposed to utilize Option 1, mitigation.

17.41.060 - TREE REMOVAL AND REPLANTING—MITIGATION (OPTION 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in [Chapter 17.04](#) 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.

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

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
<i>6 to 12"</i>	<i>3</i>	<i>1</i>
<i>13 to 18"</i>	<i>6</i>	<i>2</i>
<i>19 to 24"</i>	<i>9</i>	<i>3</i>
<i>25 to 30"</i>	<i>12</i>	<i>4</i>
<i>31 and over"</i>	<i>15</i>	<i>5</i>

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:

In 17.04.230, construction area is defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district. While the definition leaves out institutional development, the code generally treats institutional development the same as commercial development rather than residential development. Thus, the construction area is limited to right of way, easements, and the building footprint.

The applicant’s plans did not consider that some of the trees proposed to be removed are outside of the construction area. Staff has made a determination, based on the definition of construction area in 17.04.230, of which trees are within the construction area, and which trees are outside of the construction area. The table below shows the trees that are outside the construction area. Trees planted to meet other requirements such as stormwater planting standards and parking lot landscaping standards may not be counted as mitigation trees. The applicant’s submittal is otherwise accurate.

Table: Trees Outside of the construction area

Tree #	In/Out of construction area	Size (Inches DBH)	Mitigation trees required
8	out	10	3
55	out	35	15
53	out	38	15
54	out	31	15
77	out	11	3

The applicant shall provide a revised tree removal and mitigation plan that meets this standard. The applicant may utilize fee in lieu of planting if desired. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.070 - PLANTING AREA PRIORITY FOR MITIGATION (OPTION 1).

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

A. *First Priority. Replanting on the development site.*

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

Finding: Complies as Proposed. The proposed mitigation trees will be planted onsite. No off-site mitigation is proposed.

17.41.075 - ALTERNATIVE MITIGATION PLAN.

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

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

17.41.120 - PERMITTED ADJUSTMENTS (OPTION 3 ONLY).

A. The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to 50 percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduce less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

B. The community development director, pursuant to a Type II procedure, may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

C. The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, a revised mitigation plan is required. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan utilizing any of the mitigation options in Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.1[25] - CASH-IN-LIEU OF PLANTING (TREE BANK/FUND) (OPTION 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

A. The cash-in-lieu payment per tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index (Index). The price shall include the cost of materials, transportation and planting.

B. The amount of the cash-in-lieu payment into the tree bank shall be calculated as the difference between the value of the total number of trees an applicant is required to plant, including cost of installation and adjusted for Consumer Price Index, minus the value of the trees actually planted. The value of the trees shall be based on the adopted fee schedule.

Finding: Complies with Condition. The applicant has chosen to utilize option 1, however, a revised mitigation plan is required. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan utilizing any of the mitigation options in Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - REGULATED TREE PROTECTION PROCEDURES DURING CONSTRUCTION.

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

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.

4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
 5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
 6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
 7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
 8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
 9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
 10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies with Condition. The applicant proposed to protect several existing trees on site during construction and indicates that they will comply with tree protection measures during construction. The tree protection plan shall include fencing around all preserved trees and meet the requirements of 17.41.130. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.050 PREAPPLICATION CONFERENCE

A. *Preapplication Conference.* Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding:

17.50.055 NEIGHBORHOOD ASSOCIATION MEETING

The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, planning commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the citizen involvement committee describing the proposed project. Other communication methods may be used if approved by the neighborhood association.

3. A meeting shall be scheduled within thirty days of the notice. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall hold their own meeting after six p.m. or on the weekend, with notice to the neighborhood association, citizen involvement committee, and all property owners within three hundred feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a city facility.

4. If the neighborhood association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

5. To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the neighborhood association or citizen involvement committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.

Finding: Complies as Proposed. The Applicant indicated the following: The applicant held the required neighborhood meeting on July 25, 2019 within the Rivercrest Neighborhood Association area, with notice as required by this section to the 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.

17.50.140 - Performance guarantees.

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

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

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

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

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

C. *Duration of the Guarantee.* The guarantee shall remain in effect until the improvement is actually constructed and accepted by the city. Once the city has inspected and accepted the improvement, the city shall release the guarantee to the permittee. If the improvement is not completed to the city's satisfaction within the time limits specified in the permit approval,

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

Finding: Complies with Condition. This development is required to provide public improvements. All developments with public improvements require performance and maintenance guarantees. The developer shall provide a performance guarantee which is equal to 120% of the estimated cost to construct all public improvements shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city.

The developer shall provide a Maintenance Guarantee in the amount of fifteen percent of the cost to construct all public improvements as shown in a city approved construction plan submitted by the applicant's engineer. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship.

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

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

A. Generally. Fence, hedge, or wall.

1. *Fences and walls – Fences and walls over 42 inches shall not be located in front of the front faced or within 40 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 6 feet in total height unless as permitted in 17.54.100, Section (B).*
2. *Hedges shall not be more than 42-inches in the underlying front yard setback*
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.*

Finding: Complies with Condition. The existing fencing along the north, south and east property lines will be retained. The following fences and walls are proposed:

- New six-foot wire fencing is proposed along the west property line and east of the building wing at the outdoor classroom.
- Six foot chain link, powder coated, is proposed on the south and east property lines
- A four-foot tall wire fence is proposed around the outdoor learning areas and the new stormwater facility to the east.
- An eight-foot heigh ornamental perimeter fence for security of the students at the courtyard.
- At the south edge of the covered play: This wall is approximately 10' high to serve as a ball wall for recess and physical education activities.
- Around the trash compactor/dumpster: This wall is 8' high in order to visually screen trash-related equipment (dumpster and compactor).
- Around the electrical mechanical service yard: This wall is 8' high in order to visually screen generators and other equipment.
- Around the outdoor CTE/maker space area: This wall is 8' high in order to provide safety and security for students that will utilize this outdoor area as an extension of indoor program space.

The applicant has proposed a fence over 3.5 feet in height near the front entrance near Williams Street. The fence height shall be reduced to 3.5 feet in the front entrance area shown in Exhibit 5, which can be considered the front yard for the purposes of this application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- 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 30 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 30 inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed 8 ½ feet.*
 3. *Fences, hedges or walls located on top of retaining walls or earth berms in excess of 8 ½ feet in height shall be setback a minimum of 2 feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of 8 ½ 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 8 feet in height without approval of a variance.*

Finding: Complies as Proposed/See findings elsewhere in staff report. No fences will be placed on a wall or berm. The applicant has proposed an eight-foot height ornamental perimeter fence for security of the students at the courtyard. 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 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 intent of the code to reduce the visual impact of tall fencing is met, as the proposed eight foot height is only necessary for a small section of fence located away from the view of public streets.

The applicant has also proposed 8 foot walls surrounding the refuse enclosure, mechanical service yard, and CTE/maker space area. These walls are limited in length and are in fairly private areas of the property.

A concrete block wall of 10 feet in height is proposed on the south side of the covered play area. The applicant has requested an adjustment in 17.65.070 for the height of this fence. See findings in 17.65.070.

III. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Planning files GLUA-19-00025: General Land Use Application, CU 19-02: Conditional Use, MAS-19-00003: Master Plan, MAS-19-00006 Detailed Development Plan as submitted by the applicant with the attached recommended conditions of approval.

IV. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map (On file)
2. Applicant's Submittal (On file)
3. Memorandum from John Replinger of Replinger and Associates (On file)
4. TSP Figure 5 Multimodal Connectivity Plan
5. Fence diagram
6. Public accessway diagram
7. Transportation System Plan (On file)
8. Safe Routes to School Action Plan

9. Parks and Recreation Advisory Committee meeting video for December 5th, 2019 (On file)