



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A) <input type="checkbox"/> Compatibility Review <input type="checkbox"/> Willamette River Greenway <input type="checkbox"/> Communication Facility <input type="checkbox"/> Lot Line Adjustment <input type="checkbox"/> Non-Conforming Use Review <input type="checkbox"/> Natural Resource (NROD) Verification <input type="checkbox"/> Minor Site Plan & Design Review <input type="checkbox"/> Historic Review - Remodel <input type="checkbox"/> Detailed Dev. Plan (DDP)	Type II (OCMC 17.50.030.B) <input type="checkbox"/> Master Plan / PUD / GDP or Amendment <input type="checkbox"/> Detailed Development Plan (DDP) <input type="checkbox"/> Floodplain Review <input type="checkbox"/> Geologic Hazard Overlay <input type="checkbox"/> Minor Partition (<4 lots) <input type="checkbox"/> Minor Site Plan & Design Review <input type="checkbox"/> Non-Conforming Use Review <input type="checkbox"/> Site Plan and Design Review / DDP <input type="checkbox"/> Subdivision (4+ lots) <input type="checkbox"/> Minor Variance <input type="checkbox"/> Natural Resource (NROD) Review <input type="checkbox"/> Public Improvement Modification <input type="checkbox"/> Willamette River Greenway ELD Process (OCMC 17.50.030.E) <input type="checkbox"/> Expedited Land Division	Type III / IV (OCMC 17.50.030.C & D.) <input type="checkbox"/> Annexation <input checked="" type="checkbox"/> Code Interpretation / Similar Use <input type="checkbox"/> Master Plan / PUD / GDP Amendment <input type="checkbox"/> Conditional Use <input type="checkbox"/> Comprehensive Plan / Legislative Amendment <input type="checkbox"/> Code <input type="checkbox"/> Map <input type="checkbox"/> Detailed Development Plan DDP <input type="checkbox"/> Historic Review <input type="checkbox"/> Municipal Code Amendment <input type="checkbox"/> Parking Adjustment <input type="checkbox"/> Variance <input type="checkbox"/> Sign Variance <input type="checkbox"/> Natural Resource (NROD) Review <input type="checkbox"/> Zone Change (Text/Map) <input type="checkbox"/> Willamette River Greenway Legislative Action (OCMC 17.50.170) <input type="checkbox"/> Legislative
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File Number(s):	Application Date: 9/21/20
Project Name: Edgewater at the Cove	
Proposed Land Use or Activity: Live/Work Conversion	# of Lots Proposed (if Applicable):
Physical Address(es) of Site: 1913 & 1925 Main Street., Oregon City, OR 97045	
Clackamas County Map and Tax Lot Number(s): 05022763	

Applicant(s)

Applicant(s) Signature: <i>Michael Barrett</i>		
Applicant(s) Name Printed: Michael Barrett		Date: 9/21/20
Mailing Address: 2505 SE 11th Ave, Suite 117 Portland, OR 97202		
Phone: 541.968.9374	Fax:	Email: michael@hbx-studio.com

Property Owner(s) -- See reverse for more than two Owners

Property Owner #1

Property Owner#1 Signature: <i>Ruth</i>		
Property Owner#1 Name Printed: BCORE MF Edgewater Owner LLC		Date: 9/21/20
Mailing Address: 1937 Main Street, Oregon City, OR 97045		
Ownership Address: 233 South Wacker Drive, Suite 4700 Chicago, IL 60606		
Phone: 415.971.9286	Fax:	Email: ruth@livcor.com

Property Owner #2

Property Owner#2 Signature:		
Property Owner#2 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Representative(s)

Representative(s) Signature:		
Representative(s) Name Printed:		Date:
Mailing Address:		
Phone:	Fax:	Email:

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

TYPE III – CODE INTERPRETATION
Applicant’s Submittal
9/21/20

APPLICANT: HBx Studio Architecture
Attn: Michael Barrett
2505 SE 11th Ave, Suite 117
Portland, OR 97202

OWNER: BCORE MF Edgewater Owner LLC
233 South Wacker Drive, Suite 4700
Chicago, IL 60606

REQUEST: Code Interpretation of the applicability of Chapter 17.62 to a live/work conversion under 17.20.040.

LOCATION: 1913 & 1925 Main St.
Oregon City, OR 97045
#05022763

I. BACKGROUND:

1. Existing Conditions:

The Cove is a phased development project located near the intersection of Interstate 205 and Route 99E in Oregon City Phase I of The Cove, commonly known as “Edgewater” and located at 1937 Main Street, was recently developed as a 12-building apartment complex. Two of the apartment buildings are connected by a covered walkway and front onto Main Street and contain approximately 4 separate suites of approximately 6,500 square feet of office or retail space.

These spaces were included within the 2015 Detailed Development Plan (“DDP”) from 2015:

“Construct 244 multi-family units on Lot 2 within 11 buildings, along with a clubhouse, a series of garages, carports and accessory structures. Two of the structures on Main Street include a total of approximately 5,500 square feet of office space and approximately 1,000 square feet of a deli/coffee shop (or an additional 1,000 square feet of office) on the first floor.”

2. Project Description

This project seeks to create an option to convert each of these existing suites into Live/Work units in compliance with OCMC 17.20.040. Modifications, including a primary entrance along Main Street, to the retail portion are anticipated through a separate Type II Land Use Action.

Following a Pre-Application Meeting on 8/24/20, the Applicant seeks clarification if Site Plan and Design Standards apply in this condition in addition to the standards in 17.20.040.

From the Pre-Application Notes (Page 4):

“The applicant may submit a code interpretation or the clarification on which Site Plan and design Review standards are applicable, as the Live/Work standards in 17.20.040 do not clearly identify whether or not Site Plan and Design Review standards are applicable in addition to the standards in 17.20.040. Because the application includes development in the MUD zone, staff’s determination is that Site Plan and Design Review standards are applicable, unless the Planning Commission determines otherwise via a Code Interpretation.”

The Applicant is seeking guidance in on the applicability (17.62.050.C) for a pedestrian street connection and (17.062.055.F) for Entryways on the primary entrance of the business (17.20.040.C).

In addition, the Applicant is seeking guidance on access from the primary street per 17.20.040.A. Existing site circulation provides a stair and ramp connecting the ground floor level of these buildings to the primary Main Street. Does this existing site circulation meet the requirements for access from the primary street?

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

[OCMC 17.50 – Administrative Processes](#)

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

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

REQUIRED CODE RESPONSES:

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.

- A *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.*
1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 2. *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.*
 3. *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 pre-application conference.*
- B. *A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

Applicant's Response: The Applicant met with the City virtually on August 24th, 2020 for a Pre-Application Conference in anticipation of a Type II Land Use application. The Pre-Application Conference Notes are included within this Code Interpretation submission.

17.50.055 - Neighborhood association meeting.

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.

- A. *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 no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. 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 host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *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.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Applicant's Response: The Applicant has contacted the Two Rivers Neighborhood Association on 9/15 via email to schedule a virtual meeting to discuss the proposed Live/Work conversation. A meeting date has not been set yet, but will most likely be held the last week of September. This meeting is associated with an anticipated Type II Land Use submission and not this code interpretation as it is not required per 17.50.055.A.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. *City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*

- B. *Number and Location.* The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Applicant's Response: The Applicant will post the provided notices in conformance with this section.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. *Form of Guarantee.* Guarantees shall be in a form approved by the City Attorney. Approvable forms of 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. *Performance Guarantees.* A permittee shall be required to provide a performance guarantee as follows.
1. *After Final Approved Design by The City:* The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. 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 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:* The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. 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.
- C. *Release of 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.

- D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee 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 percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

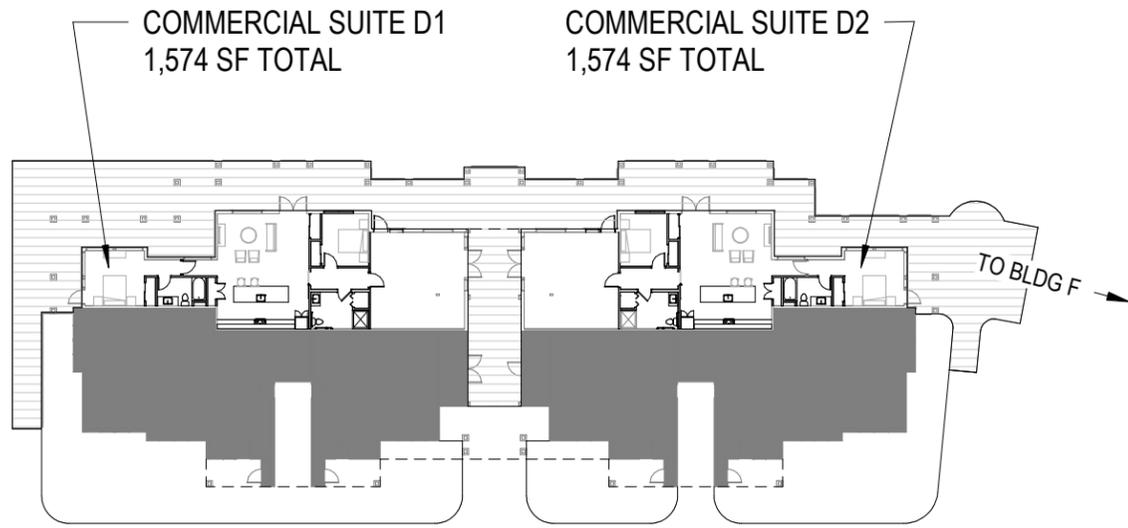
Applicant's Response: No improvements are proposed within this Code Interpretation Submission. A separate Land Use submittal is anticipated following this Code Interpretation for any changes or modifications on site.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

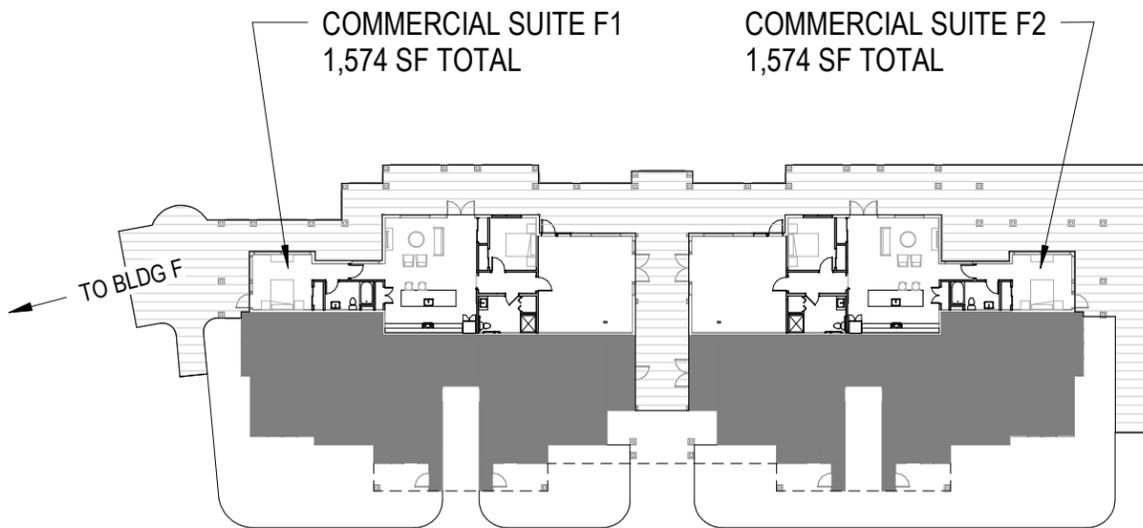
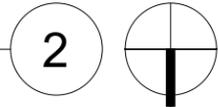
- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, 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.*
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

Applicant's Response: Public improvements are not anticipated as part of this Code Interpretation submission. No improvements are proposed at this time and any changes are anticipated in a separate Land Use submission.



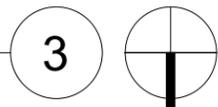
KEY PLAN - BUILDING D

1" = 40'-0"



KEY PLAN - BUILDING F

1" = 40'-0"



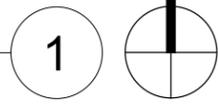
BUILDING D
1925 MAIN STREET
OREGON CITY, OR 97045

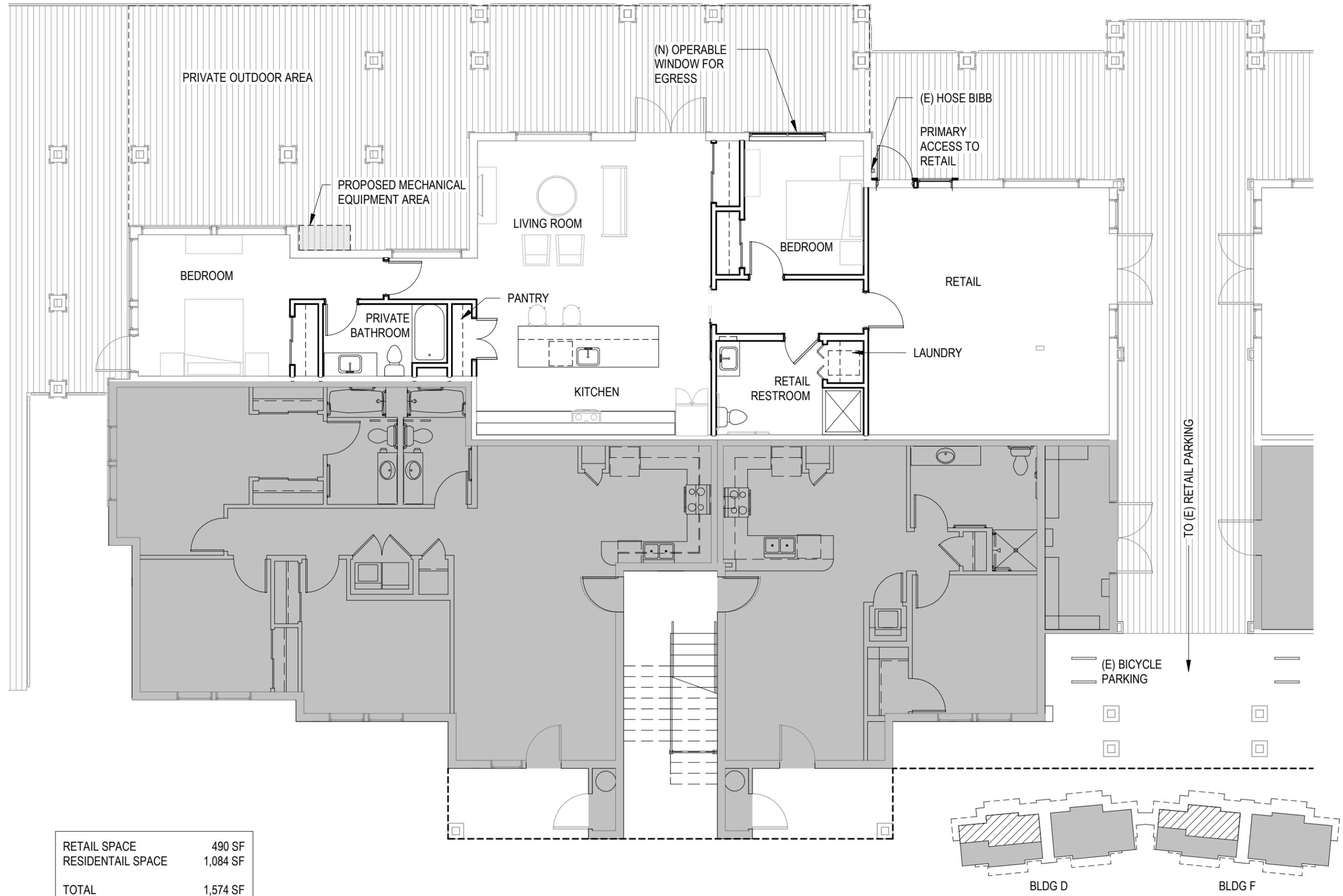
BUILDING F
1913 MAIN STREET
OREGON CITY, OR 97045

- (E) RETAIL PARKING
- ▲ (E) PRIMARY RETAIL ENTRANCE

SITE PLAN - EDGEWATER AT THE COVE

1" = 40'-0"

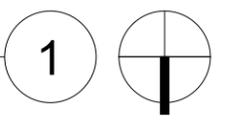


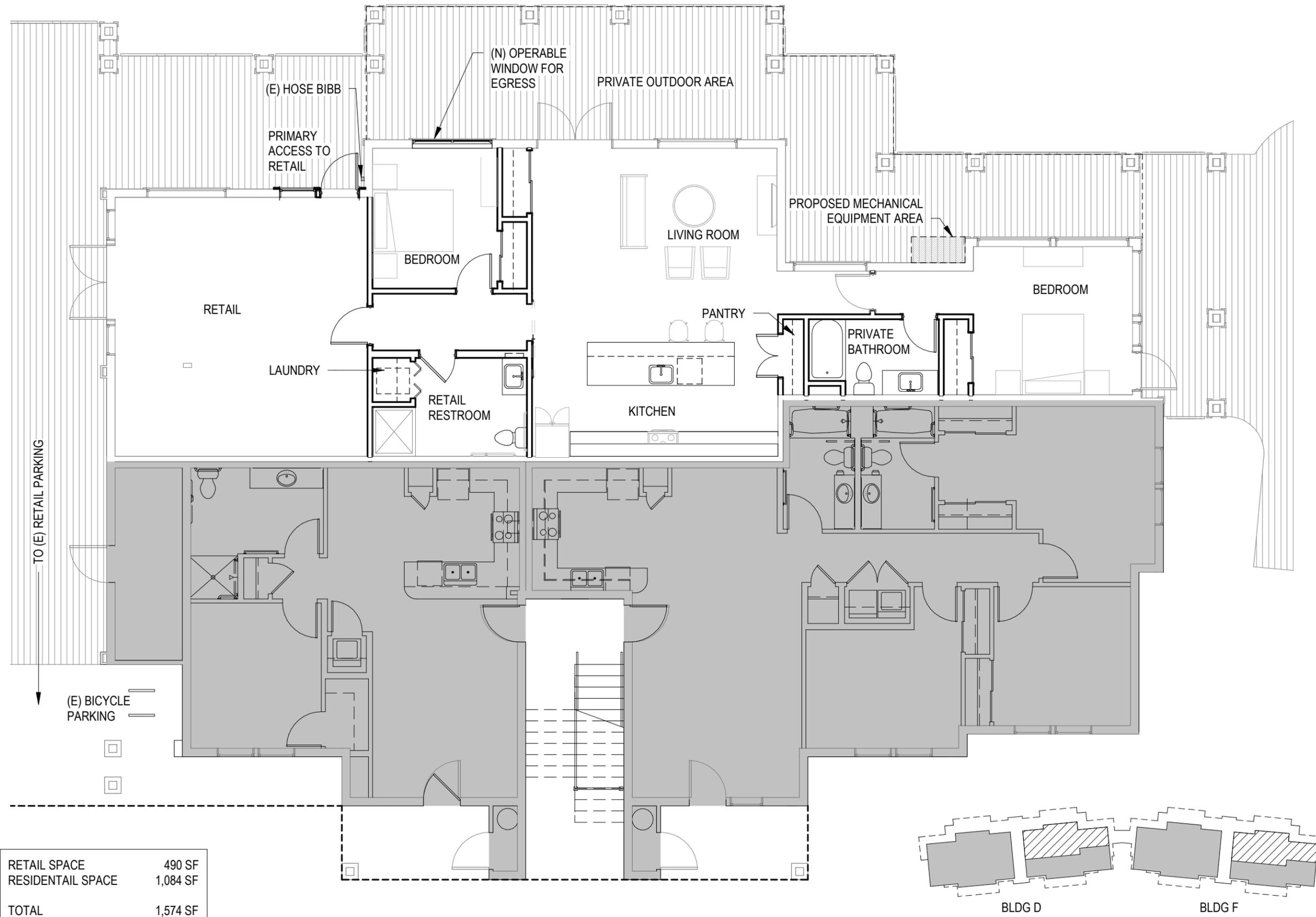


RETAIL SPACE	490 SF
RESIDENTIAL SPACE	1,084 SF
TOTAL	1,574 SF

TYPICAL LIVE/WORK SUITE - EAST

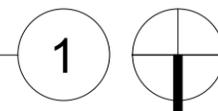
1/8" = 1'-0"

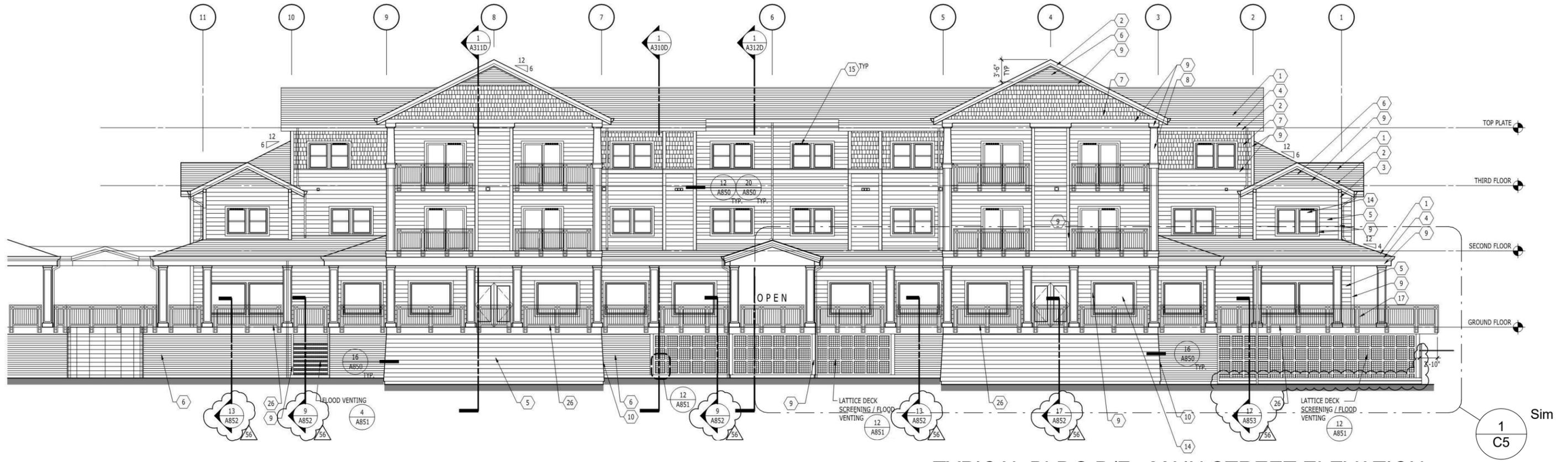




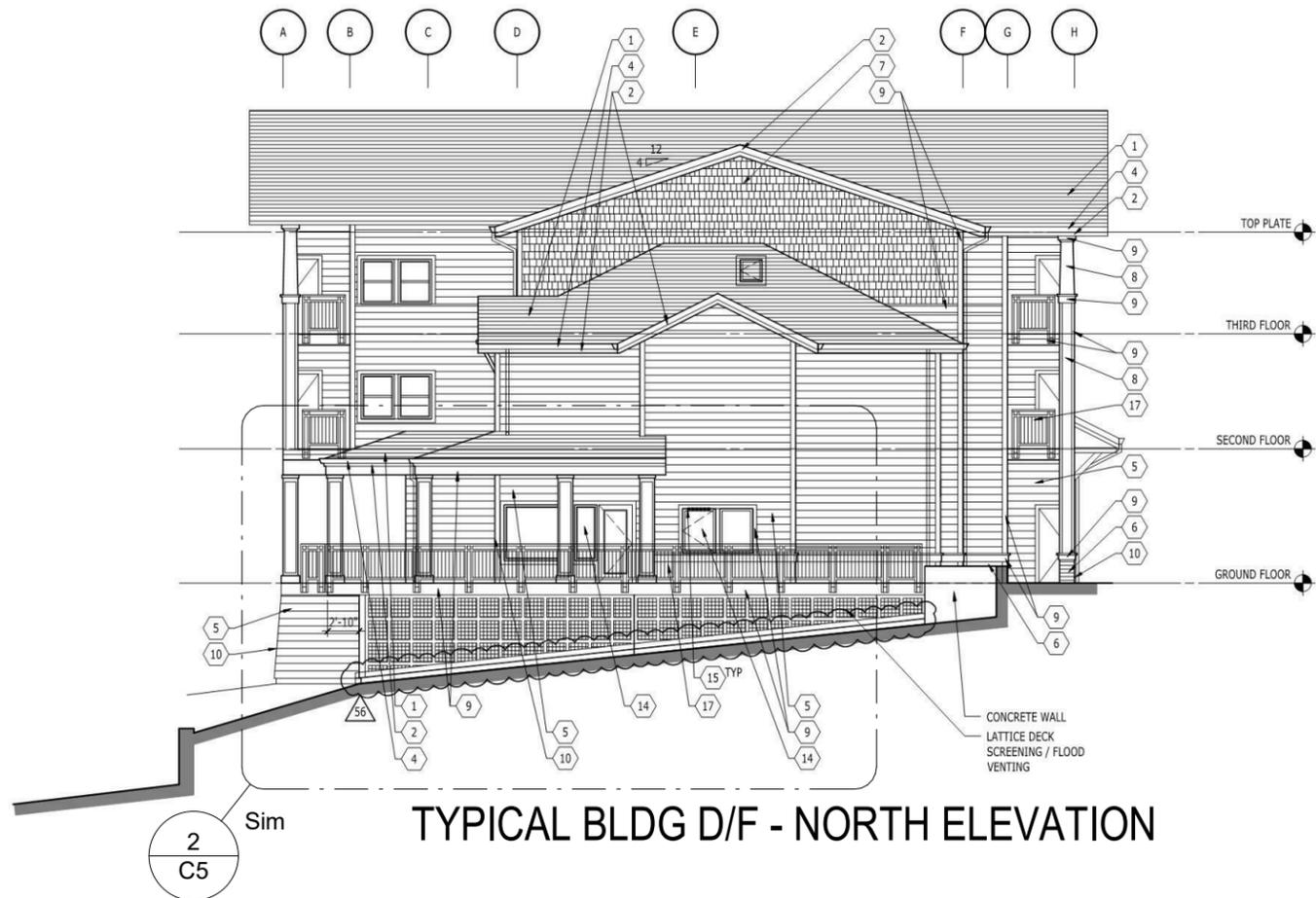
TYPICAL LIVE/WORK SUITE - WEST

1/8" = 1'-0"

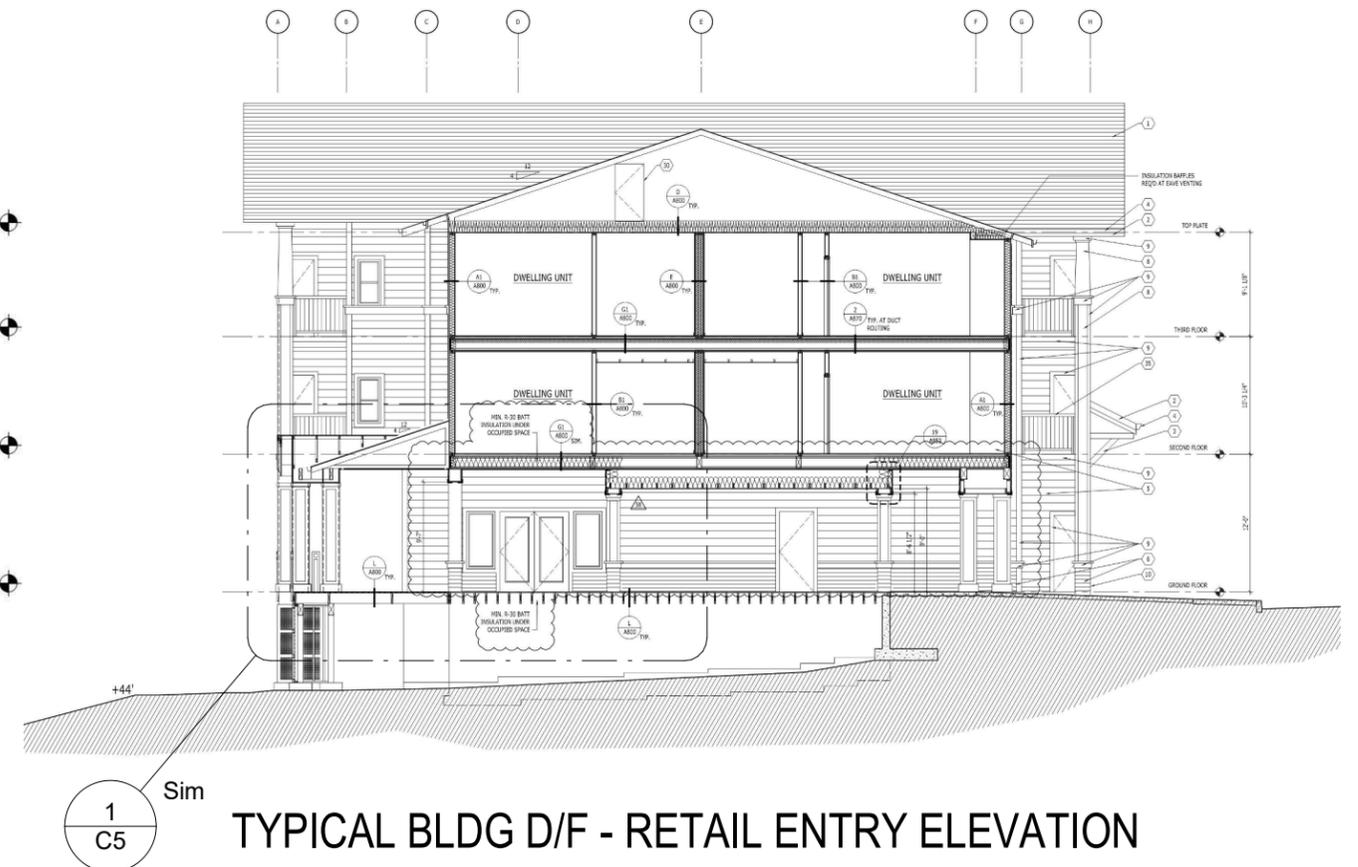




TYPICAL BLDG D/F - MAIN STREET ELEVATION



TYPICAL BLDG D/F - NORTH ELEVATION

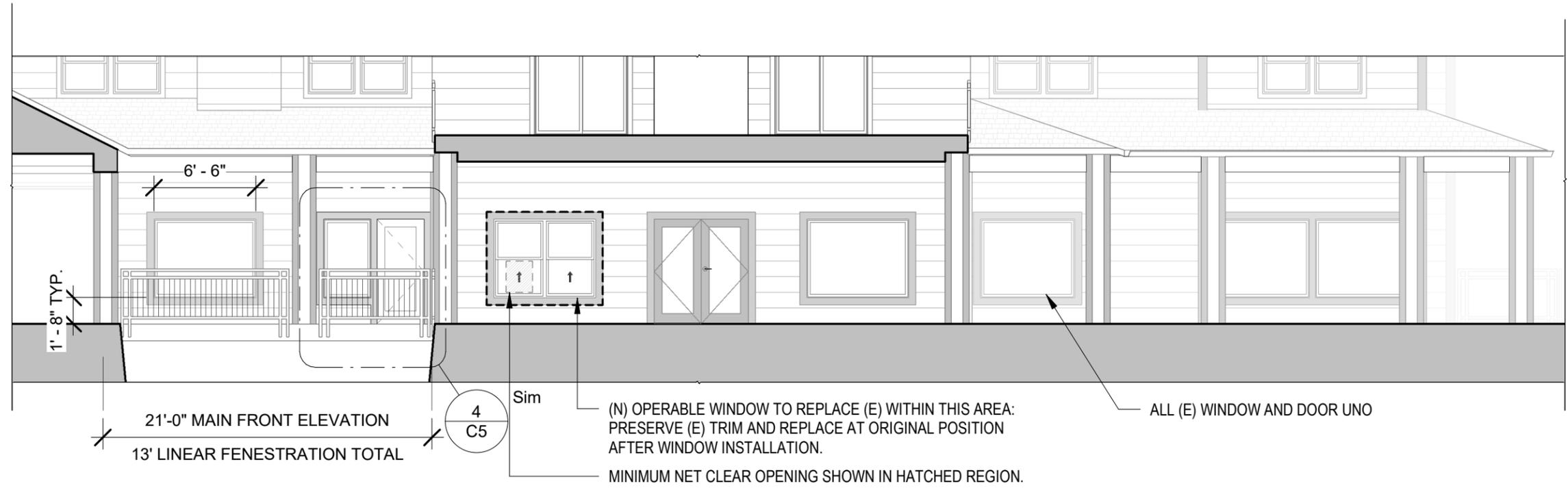


TYPICAL BLDG D/F - RETAIL ENTRY ELEVATION

OVERALL BUILDING ELEVATION - PERMIT SET

1/16" = 1'-0"

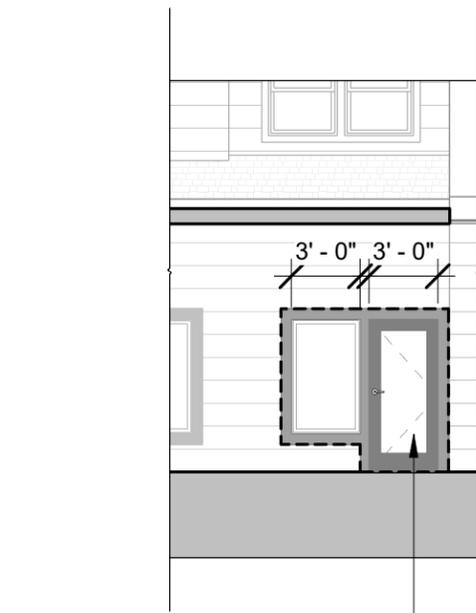
1



TYPICAL SOUTH ELEVATION

1/8" = 1'-0"

1

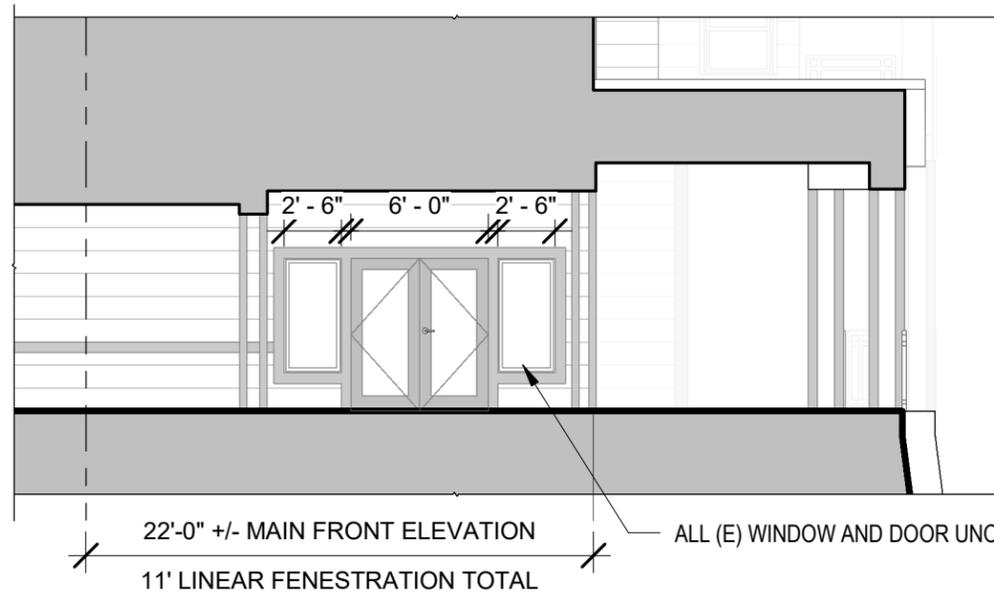


(N) WINDOW AND DOOR TO REPLACE
(E) WINDOW WITHIN THIS AREA

PRIMARY ENTRANCE

1/8" = 1'-0"

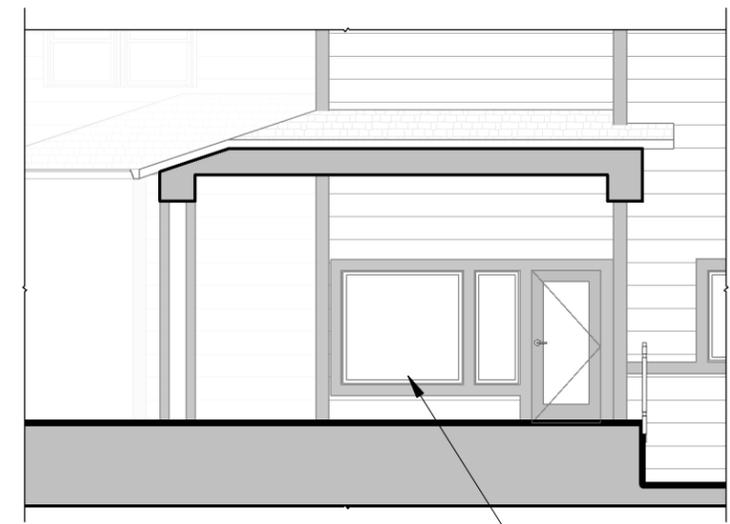
4



TYP. ELEVATION AT RETAIL ENTRANCE

1/8" = 1'-0"

3



TYP. ELEVATION AT BEDROOM DOOR

1/8" = 1'-0"

2

Pre-Application Conference Notes

PA 20-31, August 24, 2020

Proposed Project:

- Conversion of commercial spaces into live/work units. No physical changes proposed, except minor façade alterations to provide emergency escape and egress.

General Information:

- Zoning: “MUD” Mixed Use Downtown District
- Applicable overlay districts:
 - Natural Resource Overlay District
 - Floodplain management Overlay District
 - Geologic Hazards Overlay District

Review Process

Master Plan Amendments and Detailed Development applications may be processed as **Type II** applications. The applicant has **180 days** from the date of submittal to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within **120 days** of deeming the application complete, by state law. Type II decisions are rendered by the Community Development Director, with appeal on the record to the City Commission, and then onto LUBA.

Type II decisions are based on the code approval criteria and require limited discretion by the Community Development staff in order to be approved. Staff is not authorized to waive any requirements of the code except for modifications through Chapter 12.04.

If a Type III Master Plan Amendment is required or adjustments to development standards through the are requested, the application would reviewed under a **Type III process**. The applicant has **180 days** from the date of submittal to have a complete application.

Upon a complete application submittal, the applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within **120 days** of deeming the application complete, by state law.

Type III decisions require a minimum of one public hearing before the Planning Commission and 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.

Master Plan/ Detailed Development Plan:

- Previous Approvals
 - Concept Development Plan: CP 08-05 (Valid for 10 Years)
 - Detailed Development Plan: DP 08-13 (Expired)

- Water Resource: WR 08-21(Valid/Expired)
- Subdivision: TP 08-11 (Valid)
- Geologic Hazards: US 08-03 (Expired)
- Concept Development Plan Amendment: CP 09-02 (Valid)
- Detailed Development Plan Amendment: DP 09-01 (Expired)
- DP 10-01: Detailed Development Plan (Expired)
- CP 15-01/DP 15-01: Master Plan Amendment and Detailed Development Plan for Multi-Family Development on Lot 2
- MAS-18-00005/MAS-18-00006: Master Plan Amendment and Detailed Development Plan for Phase 2 Grading and Retaining Walls

• Summary of Previous Master Plan Amendments:

Type of Use	2008 Approval	2009 Approval	2015 Approval	2018 Approval
Dwellings	224 Units – Condos 0 Units – Apts.	180 Units – Condos 220 Units – Apts.	195 Units – Condos 244 Units – Apts.	404 apartment units 20 Live-Work Units (Lots 3-7)
Retail Sales	0	≤3,520 Sq. Ft.	~6,500 Sq. ft. Commercial (Phase 1)	11,000 SF of retail, office, or restaurant on Lots 3-7 No changes to Lot 2
Restaurant	8,000 Sq. Ft. – High Turnover 8,000 Sq. Ft. - Quality	≤6,750 Sq. Ft. – High Turnover ≤6,800 Sq. Ft. - Quality	No Change	11,000 SF of retail, office or restaurant on Lots 3-7 No changes to Lot 2
Office	42,300 – General 80,000 - Medical	≤131,920 Sq. Ft. (80,000 can be medical)	70,000 Sq. Ft. Office (Phase 3) 57,000 Sq. Ft. MU Office (Phase 4) Total 127,000 Sq. Ft.	11,000 SF of retail, office or restaurant on Lots 3-7 Eliminated 50,400 SF office building from Lot 1 No changes to Lot 2

• Applicable Code:

You may choose between the code that was in place when something was added into the Master Plan and the current code.

- A master plan amendment is required because the master plan calls for office/retail space rather than live/work units on Lot 2. The Master Plan process appears to be a Type II, but if any of the following are true, a Type III review is required:
 1. A proposed expansion of the approved boundary;
 2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
 4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
 6. An increase/decrease greater than ten percent in the amount of approved or required parking; and

7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.

- Based on the information submitted, it appears that the proposal does not trigger a Type III Master Plan Amendment, and the master plan can be amended through a Type II process. The submitted application must include code responses to OCMC 17.65.080.B to demonstrate that the proposal is below the threshold for a Type III master plan amendment process.

Expected Amendments to the Approved Master Plan:

Though the City has not been presented with the official Master Plan, from my understanding the applicant would need to amend the Master Plan for at least the following reasons:

- Converting office/retail space on Lot 2 to live/work units
- Any additional amendments to the master plan should be identified within the submittal (changes to phasing, changes to proposed uses under future phases, changes to location of buildings that are part of future phases, master plan adjustments requested etc.). Please note, additional amendments to the master plan may trigger a Type III process.
- A complete master plan including the uses, phasing, etc. for the complete development is needed.

Detailed Development Plan

- Based on the pre-application submittal, the detailed development plan would require a Type II review. Please note that if any adjustments are requested which have not already been approved as part of a prior master plan amendment, a Type III Detailed Development Plan process would be triggered, and therefore, the entire application would be elevated to a Type III.

Live/Work Units

- OCMC 17.20.040.A
The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live/work dwelling is located shall architecturally differentiate the ground floor from the upper floors by meeting the following requirements on the ground floor:
 - 1.The main front elevation shall provide at least fifty percent windows. The transparency is measured in lineal fashion and required between 3.5 feet and six feet from the ground (for example, a twenty-five-foot long building elevation shall have at least 12.5 feet (fifty percent of twenty-five feet) of transparency in length).*
 - 2.Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.*
 - 3.Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building façades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.*
- OCMC 17.20.040.C
The primary entrance to the business shall be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided, an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.

- The existing building does not appear to be in compliance with the above live/work design standards as there is no direct access to Main Street or visibility of the unit entrance.
- The design must be modified to comply with the above design standards or a master plan adjustment is required. Please note that an adjustment would trigger a Type III process. It does not appear that the aforementioned standards have been adjusted as part of prior master plan amendments.

Parking and Access

- Based on the pre-application submittal, no new parking or changes to existing parking are proposed.
- The land use application must demonstrate compliance with minimum and maximum parking requirements in OCMC 17.52.020, parking requirements for live/work units in 17.20.040, and the approved master plan.

Additional Site Plan and Design Review Standards

- The applicant may submit a code interpretation for clarification on which Site Plan and Design Review standards are applicable, as the Live/Work standards in 17.20.040 do not clearly identify whether or not Site Plan and Design Review standards are applicable in addition to the standards in 17.20.040. Because the application includes development in the MUD zone, staff’s determination is that Site Plan and Design Review standards are applicable, unless the Planning Commission determines otherwise via a Code Interpretation.
- Compliance with site plan and design review standards could not be confirmed. The following standards are applicable to the development:
- Prohibited building materials and standards for special building materials are in OCMC 17.62.050.H.
- Mechanical equipment screening requirements are in OCMC 17.62.050.G
- Siting of Buildings (OCMC 17.62.055.D)
 - On sites with 100 feet or more of frontage, at least 60% of the site frontage shall be occupied by buildings placed within five feet of the property line. A larger front yard setback may be approved if the setback area incorporates at least one pedestrian amenity from the list in OCMC 17.62.055.D for every 5 feet of increased setback requested.
- Building Orientation (OCMC 17.62.055.E)
 - The most architecturally significant façade of the building must be oriented towards the street and have a functional primary entrance facing the streets.
 - Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as awning, arcade, portico or other sheltering element.
- Entryways (OCMC 17.62.055.F)
 - Entrances must include a doorway and a minimum of four of the elements in OCMC 17.62.055.F.
- Building Design Elements (OCMC 17.62.055.I)
 - The building appears to be in compliance with building design elements in OCMC 17.62.055.I
- Windows
 - Windows are measured in lineal fashion between 3.5 feet and six feet from the ground for ground-floor facades.
 - The building’s front and side facades are not in compliance with the ground-floor window requirements.

	Ground Floor	Upper Floor	Ground Floor Side Facade	Upper Floor Side Facade
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	Front/Street Façade	Front/Street Facade		
Window Requirement	60%	10%	30%	10%

Pedestrian Circulation

- Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle.
- The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, and any other pedestrian amenities onsite.
- Pedestrian walkways shall be hard-surfaced, well-drained and at least five feet wide with a surface material that contrasts visually to adjoining surfaces.

Outdoor Lighting

- A lighting plan demonstrating compliance with exterior illumination levels and lighting design in OCMC 17.62.065 must be submitted with the land use application.
- The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
- Lighting is required in the following locations:
 - Parking lots and vehicular circulation areas
 - Pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
 - All building entrances
- Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.

Transportation Impacts:

The applicant will need to provide a trip generation comparison report. This report should show the trip generation for weekday, AM, and PM periods for the use that was approved in previous land use actions and for the use now proposed for the development. For the Live/Work uses, the applicant may use the ITE trip rates for single-family, detached dwellings.

If the trip generation comparison report shows that the Live/Work development will be lower than the uses approved previously or the differences are insignificant, no further analysis will be required.

If the new proposal for Live/Work development is calculated to increase the trips during either the AM or PM peak hour by more than an insignificant value, further analysis including traffic operations at some intersections previously analyzed may be required. The intersections to be analyzed will depend on the amount of increase in peak hour trips, if any.

The applicant’s traffic engineer is welcome to contact the city’s traffic engineering consultant, John Replinger, at Replinger-Associates@comcast.net or at 503-719-3383.

Overlay Districts

- Though the site is within several overlay districts, it does not appear that the proposal would trigger additional overlay district review since limited physical modifications to the existing site are being proposed.

Other notes:

- A neighborhood association meeting is required for master plan amendments and detailed development plan applications. The proposed development is within the Two Rivers Neighborhood Association.
 - Neighborhood Association:** Two Rivers NA
 - Chair:** Bryon Boyce, bryony@birdlink.net
 - Secretary:** Margie Hughes, margiehughes1@aol.com
 - CIC Primary Representative:** Bryon Boyce, bryony@birdlink.net
 - Meetings:** Held the fourth Wednesday of January, April, July and October
 - Location:** Rivershore Bar & Grill, 1900 Clackamette Drive, Oregon City, OR
 - Meeting Time:** 7:00 PM
- Please include the Citizen Involvement Committee Chair, Bob Lasalle, in any Neighborhood Association meeting requests, notifications or correspondence. Bob can be reached at jeanbob@comcast.net.
- OCMC 17.50.055 requires submittal of the meeting sign-in sheet, a summary of issues discussed, and a letter from the neighborhood association indicating that a meeting was held.
- Please note, the land use application must be submitted within one year of the neighborhood association meeting. A second neighborhood association meeting must be held if the land use application is not submitted within one year of attending a neighborhood association meeting.
- Your application was transmitted to the State Historic Preservation Office (SHPO) and affected tribes for review. Comments received have been provided.

Planning Review and Application Fees:

The anticipated Planning applications and fees include:

- Master Plan Amendment: \$2,292
- Detailed Development Plan: See fee sheet
- Code Interpretation: \$1,162
- Traffic Impact Analysis (if required):
 - TAL: \$520
- Mailing Labels: \$17 – or provided by applicant
- Incomplete Applications:
 - First Incomplete Submittal: \$0
 - Each Incomplete Submittal Thereafter: \$308
- [2020 Fee Schedule](#)

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

[OCMC 12.04 – Street, Sidewalks and Public Places](#)

[OCMC 12.08 – Public and Street Trees](#)

[OCMC 13.12 – Stormwater Management](#)

[OCMC 15.48 – Grading, Filling, and Excavating](#)

[OCMC 17.20 – Accessory Dwelling Units, Cluster Housing, Internal Conversion, Live/Work Dwellings and Manufactured Home Park Standards](#)

[OCMC 17.34 – Mixed Use Downtown District](#)

[OCMC 17.41 – Tree Protection, Preservation, Removal and Replanting Standards](#)

[OCMC 17.42 – Floodplain Management Overlay](#)

[OCMC 17.44 – Geologic Hazards Overlay](#)

[OCMC 17.47 – Erosion and Sediment Control](#)

[OCMC 17.49 – Natural Resource Overlay District](#)

[OCMC 17.50 – Administrative Processes](#)

[OCMC 17.52 – Off-Street Parking and Loading](#)

[OCMC 17.62 Site Plan and Design Review](#)

[OCMC 17.65 Master Plans and Planned Unit Developments](#)

Applications, Checklists and Links:

- [Type II Review Process](#)
- [Type III Review Process](#)
- [Land Use Application](#)
- [Oregon City Municipal Code](#)

Planning Division

Diliana Vassileva, Assistant Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Diliana Vassileva at 503.974.5501 or dvassileva@oregoncity.org.

Development Services Division

Sang Pau, Development Project Engineer with the Oregon City Development Services Division reviewed your pre-application. You may contact Sang at 503.974.5503 or spau@orcity.org.

Building Division

Your application was transmitted to Building Official, Mike Roberts. You may contact Mike Roberts, Building Official, at 503.496.1517 or mroberts@orcity.org if you have any building related questions.

Clackamas County Fire

Your application was transmitted to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas County Fire District #1. No comments were returned regarding your application. You may contact Mr. Boumann at 503.742.2660 or at michaelbou@ccfd1.com.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

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.

Public Disclosure:

The purpose of a pre-application meeting is to introduce the impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code 17.50.050). Omissions or failures by staff to identify all relevant applicable land use requirements or how they might affect a proposal may occur, either as a result of a limited pre-application submittal or the consideration of discretionary criteria.

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at this phase. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of the Oregon City Municipal 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.