TYPE II LIMITED LAND USE DECISION
Staff Report and Conditions of Approval
January 13, 2012

FILE NO.: SP 11-11: Site Plan and Design Review
APPLICATION TYPE: Type II
APPLICANT: Steve Winstead, Building Codes Consultancy, Inc.
6950 SW Hampton Street, Tigard, OR 97223
OWNER: Deasis Family Ltd Partnership
300 Beavercreek Rd, Oregon City, OR
REQUEST: Benchmade Knife Company Site Plan and Design Review and Traffic Impact Analysis For Phase 2b Tenant Buildout And Phase 3 South Parking Lot W/ Landscaping (Approx. 44,000 Square Feet).
LOCATION: 300 Beavercreek Rd, Oregon City, OR 97045 AND No Address
Clackamas County Map 3-2E-05C, Tax Lots 3-2E-05C TL 803, 804
REVIEWER: Peter Walter AICP, Associate Planner (503) 496-1568
Bob Cullison, Development Services Manager
DECISION SUMMARY: Approval with Conditions.
VICINITY MAP: Exhibit 2

The decision of the Community Development Director is final unless appealed to the City Commission within 14 days following the mailing of this notice. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look and include partitions, preliminary subdivision plats, site plan and design review. Notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Planning manager accepts comments for fourteen days and renders a decision. The Community Development Director’s decision is appealable to the city commission with notice to the planning commission, by any party with standing (i.e., applicant and any party who submitted comments during the fourteen-day period). The city commission decision is the city’s final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.
DECISION CRITERIA:
The following chapters of the Oregon City Municipal Code (OCMC) are applicable to this application:

- Streets, Sidewalks and Public Places in Chapter 12.04,
- Public and Street Trees in Chapter 12.08,
- “MUE” Mixed Use Employment District in Chapter 17.31,
- Tree Protection in Chapter 17.41,
- Administration and Procedures set forth in Chapter 17.50,
- Off-Street Parking and Loading in Chapter 17.52, and

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

I. BASIC FACTS

1. Project Overview. Tax Lot 3-2E-05C-00804 is currently undeveloped, but has been used as an informal gravel parking area by Benchmade for several years. The applicant submitted this application to improve the parking area, Phase 2, to accommodate buildout of the adjacent knife manufacturing facility at 300 Beaver Creek Road (3-2E-05C-00803). Also, the applicant was required to provide a Traffic Impact Analysis for the complete buildout of the 20,000 SF manufacturing expansion as a Condition of Approval of SP 09-11 (Exhibit 14) as part of Phase 2. The applicant has indicated that they may request a Certificate of Occupancy on the manufacturing facility in advance of this approval, and has posted a Letter of Credit for the parking lot (Exhibit 15). The proposed parking lot would add 83 new spaces, in addition to a reconfiguration of the existing 88 spaces on TL 3-2E-05C-00803. The total number of proposed parking spaces on both parcels is 169 (Exhibits 1 and 2).

2. Surrounding Zoning. The zoning of the subject site and surrounding properties is MUE – Mixed Use Employment.

3. Comments. The applicant’s proposal and/or a request to comment was sent to various City departments, the Hillendale Neighborhood Association, affected agencies and property owners within 300 feet on October 24th, 2011. The subject property was posted with signs from October 10th, 2011 to October 24th, 2011 notifying the public of the land use action on the property and requesting comments. No public comments were received.

Staff comments, including those of the City’s Transportation Consultant, Replinger and Associates, are addressed within this report.

No other comments were received regarding this application.

II. OREGON CITY MUNICIPAL CODE (OCMC) CODE CRITERIA:

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

Finding: Complies as Proposed. The proposed development was reviewed as a Type II application in accordance with the Administration and Procedures identified in OCMC Chapter 17.50.
CHAPTER 17.31 “MUE” MIXED USE EMPLOYMENT DISTRICT

17.31.020 Permitted Uses.
I. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
Finding: Complies. The site at 300 Beavercreek Road is currently developed as a light industrial manufacturing facility (knives), with ancillary office and retail uses.

17.31.030 - Limited uses.
The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.
C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;
Finding: Complies. The existing facility includes a small 400 square foot retail store and the expanded shell at buildout will include 1,112 square feet of retail. The total gross floor area (gross leasable area) of the Benchmade Facility, including manufacturing, is 69,218 square feet, according to the applicant. 1112/69215 – 0.016 = 1.6%. The amount of retail proposed is less than twenty percent of the gross floor area permitted for the site.

17.31.040 Conditional Uses.
Finding: Not Applicable. The proposed parking lot will service the permitted uses on the property. A conditional use application is not required for parking lots that are development in conjunction with a permitted use.

17.31.050 Prohibited Uses.
The following uses are prohibited in the MUE district:
A. Outdoor sales or storage;
Finding: Complies with Conditions. Benchmade currently stores several travel trailers on the northeast portion of the unimproved lot. Storage containers are not a permitted structure in the MUE zone. Outdoor storage of any kind is prohibited, pursuant to OCMC 17.31.050.A. The submitted site plans also indicate the placement of two storage containers at the southeast corner of the site. The applicant shall remove the trailers from the site and shall not place storage containers outside on the property. The applicant can meet this standard by complying with Condition of Approval 6.

17.31.060 - Dimensional standards.
A. Minimum lot areas: None.
Finding: Not Applicable.

B. Minimum Floor Area Ratio: 0.25.
Finding: Not Applicable. The applicant has not proposed a structure on the parcel.

C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
Finding: Not Applicable. The applicant has not proposed a structure on the parcel.
D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.  
**Finding: Not Applicable.** The applicant has not proposed a structure on the parcel.

E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.  
**Finding: Not Applicable.** The applicant has not proposed a structure on the parcel.

F. Maximum site coverage of the building and parking lot: Eighty percent.  
**Finding: Complies.** The parking lot impervious area is 43,917 square feet or 65% of the 67,440 square foot lot.

G. Minimum landscape requirement (including the parking lot): Twenty Percent.  
The design and development of the landscaping in this district shall:  
1. Enhance the appearance of the site internally and from a distance;  
2. Include street trees and street side landscaping;  
3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;  
4. Include, as appropriate, a bikeway walkway or jogging trail;  
5. Provide buffering or transitions between uses;  
6. Encourage outdoor eating areas appropriate to serve all the uses within the development;  
7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.  
**Finding: Complies.** The parking lot landscaping totals 22,331 square feet or 33.6% of the 67,440 square foot lot for the south lot. The applicant provided a landscaping plan, prepared by Anderson Associates in conformance with the design and development standards of this section (Exhibit 9). Further findings for compliance with the Parking Lot Design Standards are provided in Section 17.52.090 below.

**CHAPTER 17.52 – OFF-STREET PARKING AND LOADING**

**17.52.010 – Number of Spaces Required**
The construction of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section.

<table>
<thead>
<tr>
<th>Table 17.52.020 LAND USE</th>
<th>PARKING REQUIREMENTS* Sq. Ft.</th>
<th>AMOUNT REQUIRED</th>
<th>AMOUNT PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MIN</td>
<td>MAX</td>
<td>MIN</td>
</tr>
<tr>
<td>Retail Store</td>
<td>4.10</td>
<td>5.00</td>
<td>1,112</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>1.3</td>
<td>1.67</td>
<td>35,939</td>
</tr>
<tr>
<td>Office</td>
<td>2.7</td>
<td>3.3</td>
<td>32,167</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>138</td>
</tr>
</tbody>
</table>
The parking requirements are based on spaces per 1,000 square feet of gross leasable area unless otherwise stated.

Finding: Complies. The applicant’s parking analysis indicates that at buildout, the expansion will require parking for 1,112 square feet of retail store use, 35,939 square feet of light industrial/manufacturing use and 32,167 square feet of office use. These numbers are calculated per 1000 square feet of gross leasable area as required by code. The minimum amount of parking spaces required is 138 and the maximum number of spaces permitted is 173. The applicant has proposed 171 spaces, meeting the standard.

17.52.020. Administrative provisions.
A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner.
B. Off-street parking for dwellings shall be located on the same lot with the dwelling.
C. 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 trucks used in conducting the business or use.
Finding: Complies with Condition B. Benchmade currently stores several travel trailers on the northeast portion of the unimproved lot. Storage containers are not a permitted structure in the MUE zone. Outdoor storage of any kind is prohibited, pursuant to OCMC 17.31.050.A. The submitted site plans also indicate the placement of two storage containers at the southeast corner of the site. The applicant shall remove the trailers from the site and shall not place storage containers outside on the property. The applicant can meet this standard by complying with Condition of Approval 6.

17.52.030.A. Development of parking lots shall require site plan review. The standards address access, surfacing, drainage and dimensional requirements.
Finding: Complies. The applicant submitted this application for Site Plan and Design Review.

17.52.030.B. 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. The proposed access to the site will be via a 28-foot wide driveway off of Red Soils Court. The design of the off-street parking does not require backing or other maneuvering within the right-of-way. The driveway accessways comply with this standard.

17.52.030.C. 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 stormwater runoff and improve water quality pursuant to the city’s stormwater and low impact development design standards are encouraged.
Finding: Complies. The applicant proposes to pave the off-street parking spaces with porous pavement and use normal asphalt on the associated drive aisles. The applicant has proposed a low impact development design for the parking lot with water quality swales in the center, north and east sides of the parking lot.

17.52.030.D. 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: Complies. The applicant proposes to pave the off-street parking spaces with porous pavement and use normal asphalt on the associated drive aisles. The applicant has proposed a low impact development design for the parking lot with water quality swales in the center, north and east sides of the parking lot. The Applicant proposes to use a combination of pervious pavement in the parking spaces and drain impervious surfaces into swales to meet the City's Stormwater standards.

17.52.030.E. Dimensional Requirements.
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[s] 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.

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Stall to Curb</th>
<th>Aisle Width</th>
<th>Curb Length</th>
<th>Overhang</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 degrees</td>
<td>Standard</td>
<td>9’</td>
<td>19.0’</td>
<td>24’</td>
<td>9’</td>
</tr>
<tr>
<td></td>
<td>Compact</td>
<td>8’</td>
<td>16.0’</td>
<td>22’</td>
<td>8’</td>
</tr>
<tr>
<td>45 degrees</td>
<td>Standard</td>
<td>8.5’</td>
<td>19.8’</td>
<td>13’</td>
<td>11.7’</td>
</tr>
<tr>
<td></td>
<td>Compact</td>
<td>8.5’</td>
<td>17.0’</td>
<td>13’</td>
<td>13.3’</td>
</tr>
</tbody>
</table>

Finding: Complies. The site plan includes a combination of 90-degree and 45-degree compact and standard stalls in accordance with the table above. Code allows up to 35% of the stalls to be compact. The existing site will include 12 spaces or 7% of the total spaces. The proposed drive aisles on the new parking lot are a minimum of 20’ wide in all locations and the proposed circulation will be one way, exceeding the dimensional standard.

17.52.040 – Carpool and Vanpool Parking
Carpool and Vanpool Parking. New office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, 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 handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Complies with Conditions. The applicant did not indicate carpool and vanpool parking on the submitted site plan. The applicant shall identify and designate at least five percent of the parking spaces on the property as Carpool and Vanpool parking spaces. Carpool and vanpool parking spaces shall be located closer to the main entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only." The applicant shall make these changes prior to issuance of a final certificate of occupancy for the development. The applicant can meet this standard through Condition of Approval 6.
17.52.050 – Bicycle Parking
Finding: Applicable. The bicycle parking standards apply to entire site.

17.52.060.A Bicycle parking standards.
A. Bicycle parking spaces shall be provided for the uses described in Section 17.52.050, in the amounts specified in Table A. 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 17.52.010 for determining automobile parking space requirements.

<table>
<thead>
<tr>
<th>TABLE A Required Bicycle Parking Spaces*</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE</td>
</tr>
<tr>
<td>Manufacturing</td>
</tr>
</tbody>
</table>

Finding: Complies with Condition. The applicant is required to provide 4 bicycle parking stalls (169 parking stalls/40 = 4.225). The applicant has indicated five bike racks abutting the existing building. The applicant shall assure that bicycle parking continues to be located on-site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance. Applicant can meet this standard through Condition of Approval 8.

17.52.060.A.1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance. The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the public right-of-way. 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. The applicant has indicated five bike racks abutting the existing building. The applicant shall assure that bicycle parking continues to be located on-site, in one or more visible, convenient, secure and accessible outdoor and indoor locations close to a main building entrance. Prior to occupancy the applicant shall provide a plan that indicates the location of the bicycle parking on-site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance. Applicant can meet this standard through Condition of Approval 8.

17.52.060.A.2. Bicycle parking areas shall be clearly marked. Outdoor bicycle parking areas shall be visible from on-site buildings or the street. Indoor bicycle parking areas shall not require stairs to access the space, except that bicycle parking may be allowed on upper stories within multi-story residential structures.

Finding: Complies with Condition. The applicant has indicated five bike racks abutting the existing building. The applicant shall assure that bicycle parking continues to be located on-site, in one or more visible, convenient, secure and accessible outdoor and indoor locations close to a main building entrance. Prior to occupancy the applicant shall provide a bicycle parking plan that indicates that the bicycle parking area is clearly marked and visible from on-site buildings or the street. The applicant may achieve this visibility by installing signs indicating the location of the bicycle parking area. The applicant can meet this standard by complying with Condition of Approval 8.
17.52.060.B. All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.

1. 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. Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If a bicycle parking area is not plainly visible from the street or main building entrance, then a sign must be posted indicating the location of the bicycle parking area.

**Finding: Complies.** The applicant has indicated five bike racks abutting the existing building that are separated from motor vehicle aisles by a minimum of five feet.

17.52.060.B.2. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the public sidewalk where this does not conflict with pedestrian accessibility.

**Finding: Complies.** The proposed location of the bicycle parking does not obstruct a pedestrian accessway.

17.52.060.C. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks. Outdoor bicycle parking areas also shall have direct access to public right-of-way and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways.

**Finding: Complies with Condition.** The applicant has not indicated compliance with this standard. Prior to issuance of a certificate of occupancy the applicant shall provide bicycle parking in accordance with this standard. The applicant can meet this standard by complying with condition of approval 8.

17.52.060.D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored 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 convenience.

**Finding: Complies with Condition.** The applicant identified a bicycle rack but did not indicate if the bicycle rack would be securely anchored to the ground or a structure. Prior to issuance of a final certificate of occupancy the applicant shall demonstrate compliance with OCMC 17.52.060.

**The applicant can meet this standard by complying with condition of approval 8.**

17.52.070 – Pedestrian Access in Off-Street Automobile Parking Areas

Sidewalks and curbs shall be provided in accordance with the city’s transportation master plan and development standards within Section 17.62.050A.7. of the Oregon City Municipal Code.

**Finding: Complies.** The applicant has proposed sidewalks and curbs within the parking lot that provide adequate pedestrian access to the main building.

17.52.090.B.1 – Parking Lot Landscaping

**B. Development Standards.** Parking lot landscaping is required for all uses, except for single- and two-family residential dwellings.

1. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening. Parking lots shall include a 5-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. The perimeter parking lot area 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. The applicant prepared a landscaping plan indicating a perimeter parking lot buffer a minimum of five feet wide. The perimeter parking lot landscaped area includes trees spaced a maximum of thirty-five feet apart, on each side of the entryway, and off-set from street trees.

b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within 3 years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

Finding: Complies with Condition. The applicant’s landscaping plan indicates groundcover planting at the required spacing that will cover 100 percent of the exposed ground within three years. Prior to occupancy, the applicant shall assure that no bark mulch has been applied except under the canopy of shrubs and within two feet of the base of trees. The applicant can assure this standard is met through compliance with Condition of Approval 13.

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. The applicant’s landscaping plan indicates an evergreen screening privat hedge that complies with this section.

17.52.090.B.2. 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:

a. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
   i. Trees spaced a maximum of thirty-five feet apart;
   ii. 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
   iii. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
b. Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

Finding: Not applicable. A parking area / building landscaping buffer is not required since no new structure is proposed.

17.52.090.B.3. 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 stormwater runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050A.1. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

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

Finding: Complies. The proposed parking lot has 95 spaces. 95 ÷ 6 = 15.8 ÷ 6 = 16 trees are required for the interior parking lot landscaping. The applicant’s landscaping plan indicates 20 trees distributed throughout the interior parking lot islands. The applicant indicates that the amount of interior parking lot landscaping is 7,706 square feet or 11% of the 67,440 square foot lot. The total landscaping on the lot is 22,331 square feet or 33%. 33% - 11% = 22%. The standard is met.
b. Ground cover, such as wild flowers, spaced a maximum of sixteen inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.  

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

Finding: Complies. The applicant’s landscaping plan includes interior landscaped islands and swales with groundcover plantings at the required spacing that will cover 100 percent of the exposed ground within three years. Prior to occupancy, the applicant shall assure that no bark mulch has been applied except under the canopy of shrubs and within two feet of the base of trees. The applicant can assure this standard is met through compliance with Condition of Approval 13.

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

i. 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

ii. 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 applicant’s landscaping plan indicates landscaped islands that meet the standard above. The interior parking lot landscaping includes a low impact design (LID) that meets the intent of this section. Prior to occupancy, the applicant shall assure that no bark mulch has been applied except under the canopy of shrubs and within two feet of the base of trees. The applicant can assure this standard is met through compliance with Condition of Approval 13.

17.52.090.B.4 Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking dimensions and landscaping standards for off-street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. The landscaping plan shall be prepared by a licensed landscape architect.

Finding: Complies. The applicant proposed a low impact design for the parking lot that will include water quality swales along the north and east sides and the interior of the parking the lot. Minimal adjustments to the typical parking lot landscaping standards have been proposed to accommodate the low impact design. Staff finds that intent of this chapter has been met.

17.52.090.B.5 The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.

Finding: Complies. The applicant’s landscaping plan includes installation of plants and trees uniformly distributed throughout the parking and loading area.

17.52.090.B.6 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. The applicant has proposed to plant a mix of deciduous shade and coniferous trees spread throughout the parking lot. Along the south perimeter of the lot, lindens and western red cedars are proposed which will shade the parking lot from the south. The proportional upgrade to the
nonconforming parking lot will result in landscaping which is more compliant with the Oregon City Municipal Code.

17.52.090.B.7. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
Finding: Complies. All areas of the parking lot not used for parking, maneuvering or circulation are proposed to be landscaped.

17.52.090.B.8. 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. The proposed landscaping appears to meet the sight line standards. Parking lot and street trees will require normal pruning to comply with Chapter 10.32 and to provide 7’ of clearance over sidewalks and 10’ of clearance over street pavement. The applicant conducted a sight distance analysis for the driveways onto Red Soils Court and did not indicate that sight distance would be a problem due to the low speeds on the cul-de-sac.

17.52.090.B.9. Landscaped areas shall include irrigation systems.
Finding: Complies. The applicant proposed an irrigation system for all landscaped areas.

17.52.090.B.10. 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. The applicant’s landscape architect proposed landscaping that will be appropriate for the site, year-round greenery and staggered flowering. None of the species proposed are on the Oregon City Nuisance List.

17.52.090.B.11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.
Finding: Complies. The applicant proposed a stormwater management system for the parking lot that includes low impact design swales that appear to comply with this standard.

17.52.090.B.12. Required landscaping trees shall be of a minimum two-inch minimum caliper size, planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;
Finding: Complies. The applicant proposed to install trees 2-inches in caliper and 6-8’ in height for conifers. The applicant indicated that the planting would be in accordance with the American Nurseryman Standards. Species have been selected from the appropriate street tree list or the Oregon City Native Plant List pursuant to the recommendations of a licensed landscape architect.

17.52.090.C. 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. The applicant indicated that the planting would be in accordance with the American Nurseryman Standards and that an irrigation system would be installed by the landscape contractor and approved by a landscape architect.
17.52.090.D. Maintenance.
1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of 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.
2. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise 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. The applicant has the responsibility of maintaining the site in accordance with these standards. As proposed, the landscaping plan does not appear to present any violation of this section. Infractions of landscape maintenance may be remedied through the complaint-based code enforcement process.

Chapter 17.62 – Site Plan and Design Review

17.62.015 - Modifications that will better meet design review requirements.
Finding: Not Applicable. The applicant has not proposed to modify a development standard.

17.62.020 Pre-application review.
Prior to filing for site plan and design review approval, the applicant shall confer with the principal planner pursuant to Section 17.50.030. The principal planner shall identify and explain the relevant review procedures and standards.

Finding: Complies. A pre-application conference, PA 10-032, was held on November 10th and 13th, 2010.

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, R8, R-6 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 and non-residential uses in all zones and partitions and residential development within overlay districts. 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: Complies. The proposed development is within the MUE zone district, requiring compliance with the Site Plan and Design Review process.

17.62.050.A.1. Landscaping. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping comprised of native species shall be retained to meet the landscaping requirement. All invasive species, such as Himalayan Blackberry and English Ivy shall be removed on-site prior to building final. 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. 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. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. No
mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the downtown design district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum.

Finding: Complies. The applicant indicates that the total landscaping on the parking lot is 22,331 square feet or 33% of the 67,440 square foot lot. The landscaping plan (Exhibit 9), dated 3/22/2011, was prepared by David Anderson, an Oregon Registered Landscape Architect. Detailed compliance with this section and the parking lot design and landscaping standards was discussed in section 17.52 above.

17.62.050.A.2.a Vehicular Access and Connectivity.
   a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.
   Finding: Complies. The parking lot is located behind the main building on a separate tax lot.

17.62.050.A.2.b. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety. Access for emergency services (fire and police) shall be provided.
   Finding: Complies. The site access is proposed to join within one curb cuts from Red Soils Court. The location of the access will not conflict with pedestrians walking on the public right-of-way adjacent to the site and provides a safe space for automobiles to enter and exit the site. Emergency vehicle access is provided to the building via the existing drive cut to the north and via a break in the perimeter landscaping at the northeast.

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

17.62.050.A.2.d Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.
   Finding: Not Applicable. The site does not abut an alley.

17.62.050.A.2.e. Where no alley access is available, the development shall be configured to allow only one driveway per frontage. Shared driveways shall be required as needed to accomplish the requirements of this section. The driveway shall be located to one side of the lot and away from the center of the site. The location and design of pedestrian access from the public 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: Complies. Only one driveway is proposed.

17.62.050.A.2.f Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable.
   Finding: Complies with Conditions. The parking lot abuts an existing developed parking lot to the south. There do not appear to be any significant grade changes or obstacles that would preclude a future vehicle and pedestrian connection between the two sites that would comply with this standard. The applicant shall provide a vehicle access easement for future connection to the developed parking
lot to the south at the southeast corner of the site. The applicant can meet this standard by complying with Condition of Approval 9.

17.62.050.A.2.g. Parking garage entries (both individual, private and shared parking garages) 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. The applicant did not propose a parking garage.

17.62.050.A.2.h. 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. The applicant did not propose a parking garage.

17.62.050.A.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: Not applicable. The applicant has not proposed a building structure.

17.62.050.A.4. This standard requires that grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

Finding: Complies with conditions. The applicant has proposed a grading plan which appears to meet the requirements. The Applicant shall, at a minimum, obtain a fill permit from Public Works/Development Services for the parking lot grading and paving. The Applicant shall provide a separate Erosion Prevention and Sedimentation Control Plan to the City’s Erosion Control Officer (John Burrell) for approval and obtain an erosion control permit and field installation approval prior to start of construction. There shall not be more than a maximum grade differential of two (2) feet at all boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show the existing and proposed swales. The applicant can meet this standard through Condition of Approval 3 and 4.

17.62.050.A.5. This section requires that development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.
**Finding: Not applicable.** The site in not within the Geologic Hazard Overlay District.

17.62.050.A.6 **Finding:** Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards. The applicant proposes to pave the off-street parking spaces with porous pavement and use normal asphalt on the associated drive aisles. The applicant has proposed a low impact development design for the parking lot with water quality swales in the center, north and east sides of the parking lot. The Applicant proposes to use a combination of pervious pavement in the parking spaces and drain impervious surfaces into swales to meet the City's Stormwater standards.

17.62.050.A.7 **Finding:** This standard requires the development shall comply with City's parking standards as provided in Chapter 17.52. The applicant proposes to pave the off-street parking spaces with porous pavement and use normal asphalt on the associated drive aisles.

17.62.050.A.8 **Finding:** This section requires that sidewalks and curbs shall be provided in accordance with the city's standards. The applicant proposed to provide sidewalks and curbs in compliance with the Oregon City Municipal Code.

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

- 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.

17.62.050.A.9.b **Finding:** 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. The applicant provided direct connections between all main building entrances including the public sidewalk.

17.62.050.A.9.c **Finding:** 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. The site does not contain a dwelling unit.

17.62.050.A.9.d **Finding:** The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site. The subject site contains a single building.

17.62.050.A.9.e **Finding:** 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. The public sidewalk will provide adequate pedestrian connections between the parking lot and the building to the south. The site is industrial/mixed use employment. The pedestrian accessway onsite connects to the adjacent sidewalk which provides access to nearby commercial properties.

17.62.050.A.9f On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textural material or height to alert the driver of the pedestrian crossing area.
Finding: Complies. The applicant has proposed a 6-foot wide concrete walkway with curb ramps at the middle of the lot that connects to the existing building to the north. Where the pathway crosses the drive aisle, it will be striped to visually differentiate it and alert drivers of the crossing.

17.62.050.A.10. This standard requires adequate means to ensure continued maintenance and necessary normal replacement of 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 agencies.
Finding: Complies. The applicant has the responsibility of maintaining the site in accordance with these standards. As proposed, the plan does not appear to present any violation of this section. Infractions of landscape maintenance may be remedied through the complaint-based code enforcement process.

17.62.050.A.11. This standard requires that site planning shall conform to the requirements of Oregon City Municipal Code Chapter 17.41—Tree Protection.
Finding: Please refer to Chapter 17.41.

17.62.050.A.12. This standard requires compliance with the Natural Resource Overlay District when applicable.
Finding: Not Applicable. The property is not located within the City's Natural Resource Overlay District.

17.62.050.A.13. This standard requires that all development shall maintain compliance with applicable Federal, State, and City standards pertaining to air, water, odor, heat, glare, noise and vibration, outdoor storage, and toxic material.
Finding: Complies. The applicant has not indicated that the site would have any adverse impacts. The applicant is responsible for ongoing compliance with applicable federal, state and city standards pursuant to this section. Findings for land use compliance with this section are demonstrated in this report. Compliance with applicable grading, drainage and building code requirements are concurrent obligations of the applicant. Future infractions of this section may be remedied through the complaint-based code enforcement process or other legal mechanism.

17.62.050.A.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 off-site 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. The site currently contains utilities. No water and sanitary sewer facility upgrades or additions are required for this project.

17.62.050.A .15. This standard requires that all traffic related impacts should be mitigated. The traffic mitigation elements may include adequate right-of-way improvements, pedestrian ways, and bike routes. The proposal shall demonstrate consistency with the Oregon City Transportation System Plan (TSP).

Finding: Complies. The proposed project was reviewed by John Replinger, the City’s transportation consultant. Mr Replinger reviewed the applicant’s submitted Traffic Analysis Letter (TAL). The TAL, dated July 21, 2011, was prepared under the direction of Todd E. Mobley, PE of Lancaster Engineering (Exhibit 12). The TAL addresses trip generation, access, driveway width, intersection spacing, sight distance, consistency with the TSP, and operational analysis of the intersections of Warner-Milne/Beavercreek; Beavercreek/Red Soils Court; and Beavercreek/Molalla. Mr. Replinger found that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The manufacturing facility expansion will result in minor increases in traffic. There are no transportation-related issues associated with this development requiring mitigation.

17.62.050.A .16. This standard requires the proposed development to be reviewed by Tri-Met to determine whether transit service is or reasonably can be made available to serve the site.

Finding: Not Applicable. The applicant did not propose and is not required to install further improvements to accommodate Tri-Met. Tri-Met maintains an existing bus stop at the corner of Red Soils Court and Beavercreek Road.

17.62.050.A .17. This standard requires that all utilities shall be placed underground.

Finding: Complies. All utilities would be placed underground.

17.62.050.A .18. This standard requires that access and facilities for handicapped shall be incorporated into the design.

Finding: Complies. The applicant has proposed public and private access improvements that will comply with the Americans with Disabilities Act (ADA). This includes 6 ADA parking stalls, with two ADA van stalls. Access between the parking lot and the site would be provided via three accessible paths and curb ramps. The site shall be reviewed for further compliance with ADA standards by the building division upon submission of building permits.

17.62.050.A .19. This standard requires minimum densities for residential developments.

Finding: Not Applicable. This project is not a residential development.

17.62.050.A .20. Screening of Mechanical Equipment:

Finding: Not Applicable. The applicant has not proposed to alter the mechanical equipment onsite.

17.62.050.A .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. Applicable Conditions of Approval are attached to this staff report to ensure that the development proposal complies with all standards in the Oregon City Municipal Code. The applicant shall comply with the development proposal and the attached conditions of approval.

17.62.065.B.1 Outdoor Lighting
1. General
   a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this Section, unless excepted in Subsection B.3.
   b. The City Engineer/Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

Finding: Applicable. The subject site is a commercial/light industrial use.

17.62.065.B.2 Lighting Plan Requirement
All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Finding: Complies with Condition. The applicant has not submitted a lighting plan. Two existing light poles will be refurbished on the north side and three new light poles installed on the south side of the parking lot. Prior to final occupancy, the applicant shall provide an exterior lighting plan for the parking lot lights, including details of the pole, fixture height and design, lamp type, wattage and spacing of lights. The applicant can meet this standard by complying with Condition of Approval 10.

17.62.065.B.3 Excepted Lighting
The following types of lighting are excepted from the requirements of this Section.
   a. Residential lighting for single-family attached and detached homes, and duplexes.
   b. Public street and right-of-way lighting.
   c. Temporary decorative seasonal lighting provided that individual lamps have a light output of 60 watts or less.
   d. Temporary lighting for emergency or nighttime work and construction.
   e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
   f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
   g. Lighting required and regulated by the Federal Aviation Administration.

Finding: Not Applicable. The project does not include any lighting exceptions.

17.62.065.C General Review Standard. If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For
purposes of this Section, properties that comply with the design standards of Subsection D below shall be deemed to not adversely affect adjacent properties or the community.

**Finding: Complies with Condition.** The development proposal, with the associated conditions of approval can meet the lighting standards in the Oregon City Municipal Code. The applicant shall provide a lighting plan meeting the applicable standards of subsection D below prior to final occupancy. **The applicant can meet this standard by complying with Condition of Approval 10.**

17.62.065.D.1 Design and Illumination Standards

*General Outdoor Lighting Standard and Glare Prohibition*

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

**Finding: Complies with Condition.** The applicant has not submitted a lighting plan. Two existing light poles will be refurbished on the north side and three new light poles installed on the south side of the parking lot. Prior to final occupancy, the applicant shall provide an exterior lighting plan indicating compliance with this standard. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site. **The applicant can meet this standard by complying with Condition of Approval 10.**

17.62.065.D.2 Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above 70.

**Finding: Complies with Conditions.** The applicant did not identify the bulb types to be utilized nor the shielding for lights in excess of 900 lumens. Prior to final occupancy, the applicant shall submit documentation demonstrating any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.

Prior to issuance of permits the applicant shall also submit documentation demonstrating that all fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above 70. **The applicant can meet this standard by complying with Condition of Approval 10.**

17.62.065.D.3 The maximum height of any lighting pole serving a multi-family residential use shall be 20 feet. The maximum height serving any other type of use shall be 25 feet, except in parking lots larger than five acres, the maximum height shall be 35 feet if the pole is located at least 100 feet from any residential use.

**Finding: Complies with Condition.** The applicant has not submitted a lighting plan. Prior to final occupancy, the applicant shall provide an exterior lighting plan indicating the height of the lighting poles in compliance with this standard. **The applicant can meet this standard by complying with Condition of Approval 10.**
**17.62.065.D.4 Lighting levels**

Table 1-17.62.065. Foot-candle Levels

<table>
<thead>
<tr>
<th>Location</th>
<th>Min</th>
<th>Max</th>
<th>Avg</th>
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</thead>
<tbody>
<tr>
<td>Pedestrian Walkways</td>
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<td>7:1 max/min ratio</td>
<td>1.5</td>
</tr>
<tr>
<td>Pedestrian Walkways in Parking Lots</td>
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<td>10:1 max/min ratio</td>
<td>0.5</td>
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<tr>
<td>Pedestrian Accessways</td>
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<td>7:1 max/min ratio</td>
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</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Bicycle Parking Areas</td>
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</tr>
</tbody>
</table>

Finding: Complies with Condition. The applicant has not submitted a lighting plan. Prior to final occupancy, the applicant shall provide an exterior lighting plan indicating the minimum, maximum, ratio and average foot-candle levels in compliance with this standard. The applicant can meet this standard by complying with Condition of Approval 10.

**17.62.065.D.5 Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.**

Finding: If the applicant submits a lighting plan in accordance with Condition of Approval 10, this standard will be met.

**17.62.065.D.6** Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.

Finding: Complies with Condition. The applicant has not submitted a lighting plan. Prior to final occupancy, the applicant shall provide an exterior lighting plan indicating the pedestrian walkway lighting through the parking lot is lit to a minimum of 0.5 foot-candles, a maximum/minimum ratio of 7:1 foot-candles, and an average of 1.5 foot-candles in compliance with this standard. The applicant shall provides details of the pedestrian lighting including details of the pole, fixture height and design, lamp type, wattage and spacing of lights. The applicant can meet this standard by complying with Condition of Approval 10.

**17.62.065.D.7** Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.

Finding: Not applicable. No pedestrian accessways pursuant to OCMC 12.28 are required.

**17.62.065.D.8** Floodlights shall not be utilized to light all or any portion of a building facade between 10:00 pm and 6:00 am.

Finding: Not applicable. The applicant has not proposed to utilize a floodlight.

**17.62.065.D.9** Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

Finding: Not applicable. The applicant has not proposed any on the above uses.
17.62.065.D.10 The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
Finding: Complies with Condition. The applicant did not provide details of the lighting fixtures. Prior to the issuance of permits, the applicant shall submit documentation demonstrating the light standards and fixtures are consistent with the style and character of the architecture proposed for the site. Compliance with this standard is feasible. The applicant can meet this standard by complying with Condition of Approval 10.

17.62.065.D.11 In no case shall exterior lighting add more than 1 foot-candle to illumination levels at any point off-site.
Finding: Not applicable. This standard is less restrictive than OCMC 17.62.065.D.1 which permits no more than 0.5 foot-candles off-site. The more restrictive standard in OCMC 17.62.065.D.1 shall be applied.

17.62.065.D.12 All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
Finding: Complies with Condition. The applicant has not submitted a lighting plan. Prior to final occupancy, the applicant shall provide an exterior lighting plan compliance with this standard. Prior to final occupancy the applicant shall submit documentation indicating that the outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours. The applicant can meet this standard by complying with condition of approval 10.

17.62.065.D.13 Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
Finding: Not applicable. The submitted site plans do not indicate any light fixtures uses to illuminate any of the above objects.

17.62.065.D.14 For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
Finding: Not Applicable. The development does not include upward-directed architectural, landscape, and decorative lighting.

17.62.065.D.15 No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
Finding: Not Applicable. The project does not include any flickering or flashing lights.

17.62.065.D.16 Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of Wireless Communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on Wireless Communication Facilities shall be initiated by motion detecting lighting.
Finding: Not Applicable. The project does not include a wireless site.

17.62.065.D.17 Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:
i. Maximum permitted light post height: 80 feet.
ii. Maximum permitted illumination at the property line: 0.5 foot-candles.

Finding: Not Applicable. The development does not include an outdoor recreational use.

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

Finding: Not applicable. This application is for a parking lot which does not include any refuse and recycling containers.

17.62.090 - Enforcement.
A. Applications for site plan and design review shall be reviewed in the manner provided in Chapter 17.50. The city building official may issue a certificate of occupancy only after the improvements required by site plan and design review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the city.

Finding: Complies with Condition. The applicant may request a certificate of occupancy prior to completion of the parking lot improvements, due to seasonal wet weather conditions which impeded construction activities. The applicant has posted a standby letter of credit for the improvements (Exhibit 15), listing the City of Oregon City as the beneficiary. The city may issue a temporary Certificate of Occupancy, provided the applicant maintains the performance guarantee for the improvements required by this approval. The applicant shall maintain the letter of credit as a performance guarantee for the required improvements. The applicant can meet this standard by complying with Condition of Approval 15.

17.62.095 - Performance guarantees.
A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this section or as a condition of a site plan and design review approval.
B. Types of guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the city in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the city. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the city attorney. The community development director is authorized to accept and sign the contract for the city, and to accept the guarantee. The guarantee must be filed with the city recorder.
Finding:  Complies with Condition. The applicant has posted a standby letter of credit for the improvements (Exhibit 15), listing the City of Oregon City as the beneficiary. The applicant shall maintain the letter of credit as a performance guarantee for the required improvements. A copy of the guarantee shall be filed with the City Recorder. The applicant can meet this standard by complying with Condition of Approval 15.

C. Amount of guarantee. The amount of the performance guarantee must be equal to at least one hundred ten percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action. Finding: Complies. The applicant has posted a standby letter of credit for the improvements (Exhibit 15), listing the City of Oregon City as the beneficiary. The amount of the letter of credit is sufficient to cover 110 percent of the costs of the improvements.

D. Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by the Planning Division or by other appropriate city departments. If the action or improvement is not completed satisfactorily within the stated time limits, the city may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

Finding: Complies. The applicant is responsible for requesting an inspection from the Planning Division when the parking lot has been completed. Upon satisfactory completion of the improvements, the City will release the letter of credit.

17.62.100 - Fees.
Pursuant to Section 17.50.480, a nonrefundable application fee shall accompany the application for site plan and review.

Chapter 12.04 - STREETS, SIDEWALKS AND PUBLIC PLACES

12.04.020 - Street design—Generally.
The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, 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. Access control in accordance with Section 12.04.200 shall be required to preserve the objectives of street extensions.

Finding: Complies with Conditions. The existing constructed street network is adequate to support the proposed development.

The applicant is responsible for this project’s compliance with The City’s Engineering Policy 00-01. The policies pertain to any land use decision requiring the applicant to provide any public improvements.

The applicant shall sign a Non-Remonstrance Agreement for Tax Lot 804 for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. The applicant can meet this standard by complying with conditions of approval 1 and 2.

12.04.025 - Street design—Minimum right-of-way. All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:
A. Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. The TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.
Response: Not applicable. No additional right-of-way is required.

12.04.030 - Street design—Access control.
A. A street which is dedicated to end at the boundary of the development or in the center 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. The access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls.
Finding: Not Applicable. All adjacent streets currently extend beyond the development boundary. There are no access control issues relating to the development.

12.04.035 - 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 ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
Finding: Not Applicable. The applicant has not proposed a new street.
12.04.050 - Intersection level of service standards.  
When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level of Service (LOS) upon full build-out of the proposed development. The minimum acceptable LOS standards are as follows:  
A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worthan LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.  
B. For signalized intersections within the regional center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worthan LOS "E" and a v/c ratio not higher than 1.0.  
C. For un-signalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worthan LOS "F" will be tolerated for minor movements during a peak hour. (Prior code §9-2-1)  
Finding: Complies. See findings under 17.62.050.A .15. The proposed development is not expected to affect the level of service of adjacent intersections.

12.04.055 - Street design—Intersection angles.  
Finding: Not Applicable. The applicant has not proposed a new street.

12.04.060 - 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 the requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.  
Finding: Complies with Conditions. See section 12.04.020 above.

12.04.065 - Street design—Half street.  
Finding: Not Applicable. The applicant has not proposed a new street.

12.04.085 - 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 otherwiseprotected 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 parking lot does not abut the existing minor arterial Beavercreek Road.

12.04.090 - Street design—Pedestrian and bicycle safety.  
Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision
maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the city engineer.

**Finding: Not Applicable.** Red Soils Court is a cul-de-sac and will not be used for non-local traffic.

12.04.095 - Street design—Curb cuts.
To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:
A. To provide adequate space for on-street parking;
B. To facilitate street tree planting requirements;
C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
D. To assure that adequate sight distance requirements are met.

Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.

**Finding: Complies.** The applicant has not proposed to modify the existing driveway into the parking lot.

12.04.105 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

**Finding: Complies.** The site is within 200 feet of an existing Tri-Met stop at the corner of Red Soils Court and Beavercreek Road.

12.04.110 - Street design—Planter strips.
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters. To promote and maintain the community tree canopy adjacent to public streets, trees shall be selected and planted in planter strips in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining healthy and attractive trees and vegetation in the planter strip. If a homeowners’ association is created as part of the development, the association may assume the
maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this Code and enforceable as a civil infraction. **Finding: Complies.** As proposed, the development will use the existing curb tight sidewalk. A continuous 10’ wide landscape strip is being added behind the sidewalk. Three existing deciduous street trees are proposed to remain which are partially within the public right-of-way. No covenant is necessary since the trees are partially within the public right-of-way and the owner is responsible for their maintenance. No further planting of street trees behind the sidewalk is necessary in this case, since the existing street trees are well spaced, mature and healthy.

**Chapter 12.08 – PUBLIC AND STREET TREES**

**12.08.015.A – 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.

**12.08.015.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.

**12.08.015.C.** All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.

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

**Finding: Complies.** As proposed, the development will use the existing curb tight sidewalk. A continuous 10’ wide landscape strip is being added behind the sidewalk. Three existing deciduous street trees are proposed to remain which are partially within the public right-of-way. No covenant is necessary since the trees are partially within the public right-of-way and the owner is responsible for their maintenance. No further planting of street trees behind the sidewalk is necessary in this case, since the existing street trees are well spaced, mature and healthy.

**Chapter 17.41 – TREE PROTECTION STANDARDS**

**17.41.010 - Protection of trees—Intent.**

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all subdivision, partition and site plan and design review applications.

**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.

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.

Finding: The applicant’s narrative indicates that all existing trees on the site will be retained; however the submitted narrative conflicts with the applicant’s submitted landscaping plans and civil plans as described below.

Trees to be Removed
The submitted landscaping plans indicate the removal of the following existing trees:
- Five (5) skyline ash trees in the area to be constructed as a swale on the north side of the lot. These trees are growing within a future construction area and therefore require mitigation at a ratio of one tree : one tree.

Trees to be Retained and Protected
The submitted landscaping plans indicate the retention of the following existing nine (9) trees:
- Three (3) skyline ash trees on the north side of the parking lot (two in a landscaped island at the northwest corner and one within the new landscape berm);
- Five (5) skyline ash trees within the utility easement on the east side of the property; and
- One (1) 24” conifer tree within the utility easement on the east side of the property.

Mitigation Trees to be Planted
The submitted landscaping plans indicate that the five (5) removed ash trees will be adequately mitigated for through the planting of seven (7) trees consisting of five (5) paper bark maples and two (2) western red cedars in a newly constructed landscape berm just to the north of the new swale area. These mitigation trees are proposed in addition to the required perimeter, interior and street trees, which have been reviewed separately pursuant to OCMC 17.52 above.

Finding: Complies with Conditions. Based on the applicant’s submitted landscaping plans (Exhibit 9), this standard can be met if the applicant demonstrates compliance with the following Condition of Approval:

The nine (9) trees proposed for retention and the seven (7) mitigation trees shall be permanently protected through the recordation by the owner of a permanent restrictive covenant or easement approved in form by the city. The restrictive covenant or easement shall allow for normal maintenance and replacement of the trees by the owner pursuant to applicable provisions of OCMC 17.41.060. The applicant shall record the signed and notarized restrictive covenant as a DEED RESTRICTION with the County Recorder and provide a copy of the recorded restrictive covenant to the city for permanent record keeping. The restrictive covenant shall include as an exhibit a copy of the approved landscaping plan which indicates the size, type and location of the retained trees and mitigation plantings. The applicant can meet this standard through Condition of Approval 11.
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. The replacement trees will be planted on-site.

17.41.130 - Regulated tree protection procedures during construction.
A. No permit for any grading or construction of public or private improvements may be released prior to verification by the community development director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the community development director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:
1. Except as otherwise determined by the community development director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the community development director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the community development director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the community development director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The city may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The community development director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or
horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.  
C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies with Condition. The applicant has not proposed any tree protection measures for the nine trees proposed for retention on the submitted plans. The applicant shall propose for approval a tree protection plan in accordance with OCMC 17.41.130, and erect and maintain all proposed tree protection measures throughout the duration of construction activities. No permit for any clearing, grading, excavation or demolition work on the site shall be issued prior to verification by the Planning Division that the proposed and approved tree protection measures have been properly installed. The applicant can assure this standard is met through compliance with Condition of Approval 12.

CONCLUSION AND DECISION:
Based on the analysis and findings as described above, staff concludes that the proposed Site Plan and Design Review application for an addition and parking lot improvements at 508 14th Street (Planning file SP 10-07) can comply with the requirements of the Oregon City Municipal Code with the attached conditions of approval. Therefore, the Community Development Director approves file SP 10-07 as proposed by the applicant with the attached conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:
The complete application record and all exhibits listed below are on file with the Planning Division. Please contact the Planning Division to review these documents.

1. Conditions of Approval
2. Vicinity Map / Aerial Photo (2010)
3. Land Use Application and Receipt, dated August 17, 2011
4. Determination of Incompleteness, dated September 2, 2011
5. Determination of Completeness, dated October 7, 2011
7. Site Plan, Stephen Winstead, AIA, dated November 4, 2010
8. Applicant’s Site Plan and Design Review Narrative, revised August 4, 2011
10. Applicant’s Preliminary Civil Construction Plans, RSG Civil Engineering, dated March 15, 2011
11. Applicant’s Preliminary Stormwater Calculations, RSG Engineering
14. SP 09-11 Site Plan and Design Review Application
15. Performance Guarantee (Standby Letter of Credit), with Rescission of Non-Extension Notice from Bank of America.
CONDITIONS OF APPROVAL (EXHIBIT1)
SP 11-11: Benchmade Parking Lot
Notice of Decision: January 13, 2012

1. The Applicant is responsible for this project’s compliance with Engineering Policy 00-01 found at http://www.orcity.org/sites/default/files/EP00-01v6_1.pdf. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. (DS)

2. The Applicant shall sign a Non-Remonstrance Agreement for Tax Lot 804 for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City’s capital improvement regulations in effect at the time of such improvement. (DS)

3. The Applicant shall provide a separate Erosion Prevention and Sedimentation Control Plan to the City’s Erosion Control Officer (John Burrell) for approval and obtain an erosion control permit and field installation approval prior to start of construction. There shall not be more than a maximum grade differential of two (2) feet at all boundaries. Grading shall in no way create any water traps, or create other ponding situations. The plan shall show the existing and proposed swales. (DS)

4. The Applicant shall, at a minimum, obtain a fill permit from Public Works/Development Services for the parking lot grading and paving. (DS)

5. The applicant shall provide a vehicle access easement for future connection to the developed parking lot to the south at the southeast corner of the site. (DS)

6. Pursuant to OCMC 17.31.050 - Prohibited uses, Outdoor sales or storage is prohibited in the MUE zone district. Storage containers situated outdoors are prohibited. The applicant shall remove any storage containers from the site and shall not place storage containers outside anywhere on the property. (P)

7. Prior to issuance of a final certificate of occupancy for the development, the applicant shall identify and designate at least five percent of the parking spaces on the property as Carpool and Vanpool parking spaces. Carpool and vanpool parking spaces shall be located closer to the main entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only." (P)

8. Bicycle Parking. Prior to issuance of a final certificate of occupancy for the development, the applicant shall provide a revised plan that indicates:
   a. The location of the bicycle parking on-site, in one or more convenient, secure and accessible outdoor and indoor locations close to a main building entrance;
   b. Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks. Outdoor bicycle parking areas also shall have direct access to public right-of-way and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways;
c. The bicycle parking area shall be clearly marked and visible from on-site buildings or the street. The applicant may achieve this visibility by installing signs indicating the location of the bicycle parking area.

d. The bicycle racks shall be securely anchored to the ground or a structure. (P)

9. The applicant shall provide a vehicle access easement for future connection to the developed parking lot to the south at the southeast corner of the site. (P) (D)

10. Lighting/Photometric Plan. Prior to final occupancy, the applicant shall provide an exterior lighting and photometric plan for the parking lot lights in compliance with OCMC 17.62.065 - Outdoor lighting, that shows compliance with the following:
   a. Details of the pole, fixture height and design, lamp type, wattage and spacing of lights;
   b. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 foot-candles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site;
   c. Maximum height of light poles shall be 25 feet;
   d. Any light source or lamp that emits more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
   e. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above 70.
   f. Minimum, maximum, ratio and average foot-candle levels in compliance with Table 1-17.62.065. Foot-candle Levels.
   g. Pedestrian walkway lighting through the parking lot shall be lit to a minimum of 0.5 foot-candles, a maximum/minimum ratio of 7:1 foot-candles, and an average of 1.5 foot-candles. The applicant shall provide details of the pedestrian lighting including details of the pole, fixture height and design, lamp type, wattage and spacing of lights.
   h. Documentation demonstrating the light standards and fixtures are consistent with the style and character of the architecture proposed for the site.
   i. Documentation demonstrating that outdoor lighting not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours. (P)

11. Tree Protection Restrictive Covenant. In accordance with OCMC 17.41.050 (A), The nine (9) trees proposed for retention and the seven (7) mitigation trees shall be permanently protected through the recordation by the owner of a permanent restrictive covenant or easement approved in form by the city. The restrictive covenant or easement shall allow for normal maintenance and replacement of the trees by the owner pursuant to applicable provisions of OCMC 17.41.060 - Tree removal and replanting—Mitigation (Option 1). The applicant shall record the signed and notarized restrictive covenant as a Deed Restriction with the County Recorder and provide a copy of the recorded restrictive covenant to the city for permanent record keeping. The restrictive covenant shall include as an exhibit a copy of the approved landscaping plan which indicates the size, type and location of the retained trees and mitigation plantings. (P)
12. Tree Protection Measures during Construction. The applicant shall propose for approval a tree protection plan in accordance with OCMC 17.41.130 - Regulated tree protection procedures during construction, and erect and maintain all proposed tree protection measures throughout the duration of construction activities. No permit for any clearing, grading, excavation or demolition work on the site shall be issued prior to verification by the Planning Division that the proposed and approved tree protection measures have been properly installed. (P)

13. Bark Mulch Restriction for Landscaping. At the time of landscape installation, no bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

14. The applicant shall coordinate with the Building Division to complete the building permit process. (B)

15. The applicant shall maintain the approved letter of credit (Exhibit 15) as a performance guarantee for the required improvements until the parking lot improvements are constructed. The city may issue a temporary Certificate of Occupancy, provided the applicant maintains the performance guarantee for the improvements required by this approval. A copy of the guarantee shall be filed with the City Recorder. (DS & P)

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