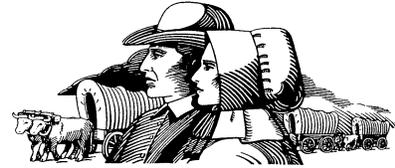


CITY OF OREGON CITY
TYPE III LAND USE DECISION
 221 MOLALLA AVENUE, STE. 200
 OREGON CITY, OREGON 97045
 Tel (503) 722-3789

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FILE NO.: Concept Development Plan: CP 08-05
 Detailed Development Plan: DP 08-13
 Water Resource: WR 08-21
 Subdivision: TP 08-11
 Geologic Hazards: US 08-03

HEARING DATE/ January 26, 2009 - City Hall
LOCATION: 320 Warner Milne Road
 Oregon City, OR 97045

APPLICANT/OWNER:

| | |
|---|---|
| Pacific Property Search, LLC 340 Oswego Pointe, Suite 106 Lake Oswego, Oregon 97034 | Oregon City Oregon City Urban Renewal Agency 320 Warner Milne Road Oregon City, Oregon 97045 |
| Parker Pond LLC PO Box AF Scappoose, Oregon 97056 | Oregon City Leasing 5975 Marginal Way Seattle, Washington 98134 |

REPRESENTATIVES: WRG Design, Inc.

REVIEWERS: Tony Konkol, Senior Planner
 Bob Cullison, Development Services Manager
 Nancy Kraushaar, City Engineer & Public Works Director

REQUEST: The applicant has requested approval of an eight phased concept development plan approval for the development of a mixed use development, a water quality resource area overlay district permit, a detailed master plan for the construction of phases 1 and 2 of the concept master plan, a geological hazards permit and a subdivision plat.

LOCATION: The properties are located at 16400 and 16421 Main Street and identified as Clackamas County Map 2S-2E-29, tax lots 1500, 1503, 1505, 1508, 1600, 1601, 1900, 100 and 2S-2E-20, tax lot 502.

RECOMMENDATION: **Approval with conditions.**

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

PROPOSED PROJECT

The Cove Master Plan will provide direction for the future growth of the Clackamette Cove area of Oregon City. In concert with the goals and objectives of the Urban Renewal District Plan, The Cove will be an exciting new master-planned mixed-use waterfront village. The applicant has taken care throughout the planning process to create new public parks, to preserve and enhance existing vegetation and natural areas, and to connect open spaces through a network of multi-modal public pathways, trails and a waterfront esplanade. In total, more than 85% of The Cove will be public or open to the public.

The Cove consists of approximately 92 acres, 46 acres of which are the body of water referred to as Clackamette Cove. Of the balance of 46 upland acres, approximately 33 acres will be utilized for public parks and open space, and approximately 13 acres will be utilized for commercial and residential development.

In addition to these new public parks and paths, there will be waterfront restaurants where diners will be able to enjoy the views of activity in Clackamette Cove. The restaurants will be located at either ends of a new waterfront office building on a small peninsula looking out at The Cove and/or within the condominium building 3 and/or 4 along the edge of the central plaza in the center of the esplanade. The two restaurants will occupy 8,000 square feet each, and the mixed-use building will provide approximately 42,300 square feet of office space.

The Cove will provide up to 224 residential units in the form of waterfront condominiums situated on the east shore of the Clackamette Cove with a recreation center for the condominium residents and a medical office building south of Main Street.

Phasing

The applicant is proposing to develop the property in eight (8) phases. The phasing schedule and proposed development timeline is outlined on pages 23 – 25 of exhibit 1.

FACTS

Location and Current Use

The Cove project consists of approximately 92 acres, 46 acres of which are the Clackamette Cove, and is located south of the Clackamas River, north of I-205 and east of Highway 99E. The site is used by the Sheriff's Department for access to the Clackamas River and the Clackamas River pedestrian and bicycle trail extends through the site from Main Street, north to the Tri-City Sanitary Sewer Plant. The applicant has prepared a detailed analysis of the existing conditions on the site, please see pages 6 – 16 of exhibit 1.

Surrounding Zoning and Land Uses

The property is bordered by the Clackamas River to the north, the Tri-City Sanitary Sewer Plant, which is zoned industrial, and two parcels zoned Mixed Use Downtown. South of the property is Main Street and I-205, and west of the property is Highway 99E and the Oregon City Shopping Center, which is zoned Mixed Use Downtown.

Review Process

Applicant has applied for concept development Plan approval of an eight-phase development of the project site over the next 10 years. The concept plan application includes a detailed development plan for phases 1 and 2 of the concept plan. The detailed development plan must meet the Site Plan and Design Review, Water Quality Resource Area Overlay District, Geologic Hazards, Subdivision, Flood Management and Off-Street Parking and Loading standards of Oregon City Municipal Code (OCMC).

Public Comments

Notice of the public hearing for the proposal was mailed to all property owners within 300 feet of the site and the site was posted with a land use notice requesting comments and identifying the hearing date. The notice

indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

Comments were received from the Park Place Neighborhood Association (exhibit 4) and the Oregon City Parks and Recreation Department (exhibit 5).

DECISION-MAKING CRITERIA:

Oregon City Municipal Code

- 16.08 – Subdivisions - Process and Standards
- 16.12 – Minimum Improvement and Design Standards for Land Divisions
- 17.34 – Mixed Use Downtown
- 17.42 – Flood Management Overlay District
- 17.44 – Geologic Hazards
- 17.49 – Water Resources Overlay District
- 17.50 – Administration and Procedures
- 17.52 – Off-Street Parking and Loading
- 17.62 – Site Plan and Design Review
- 17.65 – Master Plans

Chapter 17.50 - Administration and Procedures

Finding: the application was deemed complete on November 18, 2008. Public notice of the planning commission hearing was published in the Oregonian on November 24, 2008. The property was posted with a proposed land use action sign on and mailed notice was sent to property owners within 300 feet of the project and agencies on November 21, 2008. The application and public hearing has been submitted and noticed in accordance with the applicable requirements of Chapter 17.50.

The original public hearing concerning the application was scheduled for the December 15th, 2008 Planning Commission meeting, which was cancelled due to inclement weather. Since the Planning Commission was not able to meet on the night of December 15th and continue the hearing to a date certain, staff has noticed, published and posted the site a second time, identifying the new hearings dates of January 12th, 2009 and January 26th, 2009.

Chapter 17.65 – Master Plans

Section 17.65.010 - Purpose and Intent.

It is the intent of this chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.

Section 17.65.050 – Concept Development Plan.

C. *Approval Criteria for a Concept Development Plan. The Planning Commission shall approve an application for concept development plan approval only upon finding that the following approval criteria are met.*

1. *The proposed concept development plan is consistent with the purposes of Section 17.65*

Finding: Complies. Staff has reviewed the proposed Cove Concept Plan and worked with the applicant to provide additional information to address and clarify the proposal. The primary documents reviewed and utilized for the approval are the Cove Concept Plan (Exhibit 1), which includes the Kittelson and Associates Traffic Impact Analysis and Addendum (Exhibits 1 and 3). The proposed concept plan identifies and addresses the impacts on the existing infrastructure and provides a development horizon of 10 years for the project. In general, staff concurs with the proposal. Staff has outlined the outstanding issues and recommended conditions of approval throughout the staff report.

2. *The transportation system has sufficient capacity based on the City's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.*

Finding: Complies with conditions.

Traffic/Transportation –

Access to the subject site is currently provided via Main Street and Agnes Avenue. Main Street begins at Highway 99-W and extends to the east where it intersects Agnes Avenue. At that point, Main Street proceeds south under Interstate 205 and then proceeds in a southwest direction into Downtown Oregon City. Main Street is identified as a "Collector" in the City's April 2001 Transportation System Plan (TSP) and provides access from the site to Downtown, Highway 99-E, and Interstate 205.

Agnes Avenue is also identified as a "Collector" in the TSP. Agnes Avenue is not constructed to City standards and in fact is mainly a private road across private property until it reaches a public ROW adjacent to the Tri-City plant, Tax Lot 2-2E-20-00503. Where Agnes connects to Washington Street, the road is constructed as a public street leading to the Tri-City plant. There are currently limited sidewalks and curbs along Agnes Avenue along part of the Tri-City plant frontage. The TSP identifies the construction of a "Collector" street commensurate with the location of Agnes Avenue.

The subject site is located on an existing street, Main Street, that bisects the various tax lots from south to north. The current Main Street ROW is nominally 60 feet wide but does vary from 49 feet at the intersection with Agnes Avenue to 94 feet wide at the southern end near I-205.

The Applicant will construct several major infrastructure improvements in order to facilitate connectivity and service for vehicles, bicyclists and pedestrians. The first major improvement necessary to serve the condominiums will be the realignment of Agnes Avenue and Main Street. The Applicant is proposing to incorporate two (2) roundabouts into this new alignment in order to add an aesthetic quality to the roadways

and to calm and direct traffic. Main Street and Agnes Avenue are both designated as “collectors” and as such, the Applicant is proposing to realign Main Street and Agnes Avenue with modified collector sections which includes four different sections, as detailed below:

- The first is the Agnes Avenue -- Shed Section which includes two (2) eleven-foot wide travel lanes, one (1) six-foot wide bike lane, a ten (10) and-a-half foot swale, one (1) six (6) foot sidewalk and a fifteen (15) foot frontage zone.
- The second section is the Agnes Avenue and Main Street Crown Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, two (2) six-and-a-half-(6.5) foot wide planter strips and two (2) six (6) foot sidewalks.
- The third section is the Main Street Shed Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, a four-and-a-half (4.5) foot planter strip and a twelve-and-a-half (12.5) foot swale.
- The fourth and final section is Main Street with on-street parking section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, eight (8) feet of parking, a twelve-and-a-half (12.5) foot swale and an eight (8) foot sidewalk..

The total proposed right-of-way width for both Agnes and Main will be 60 feet. The Applicant is proposing to allow for on-street parking on a portion of Main Street that is adjacent to the proposed recreation facility. This section of Main Street will have a 64-foot wide right-of-way. The cross sections for these improvements are set forth on Sheet C3.0 of their Exhibit "A". These sections detail the improvements proposed for the collector streets.

Where Agnes Avenue fronts the proposed condominiums, the proposed section will be further modified to include two (2) "decoupled" 11-foot travel lanes. Bicycle traffic that would normally have utilized the western portion of the street will be encouraged to use the waterfront esplanade. A six-foot bike lane on the east side of Agnes Avenue will still be incorporated. The Applicant is proposing the removal of the westernmost sidewalk for this portion of the roadway and the removal of the sidewalk in select sections. The design has been proposed in order to reduce redundancy in impervious surfaces. This section of the roadway will also incorporate seven-foot planted swales and a one-foot utility strip on both sides.

The applicant has proposed the realignment of Agnes Avenue, and will provide an emergency-only connection to the Tri-City plant in order to allow emergency access to Tri-City's administrative offices and public meeting facilities. Public access would continue from the existing access point along Washington Street. The Cove intends to maintain this access point in order to separate The Cove from the high volumes of traffic which are associated with the Tri-City plant. Emergency access will be facilitated through the placement of a removable bollard or some other acceptable form of an access restriction device.

Staff finds that Agnes Avenue should be realigned as proposed by the applicant, but the section should be constructed to allow one-way traffic southbound, from Washington Street to Main Street. Agnes currently provides pedestrian and bicycle access between Washington Street and Main Street, and has historically provided a two-way vehicular connection. The City recognizes that allowing northbound traffic to add additional trips to the southbound I-205 /Washington Street intersection would have a negative impact on the intersection and has recommended that Agnes be designed as a one-way southbound to alleviate this concern and allow the connection to be continued until such time that the City and Oregon Department of Transportation can redesign the Highway 213 / I-205 interchange.

The City maintains that allowing southbound only access from Highway 213 will be a benefit to the transportation system by allowing access to the site, and continuing southbound to downtown and 99E via Agnes Avenue, rather than requiring trips to either enter I-205 and exit at 99E or continue through the interchange to Washington Street. The southbound Agnes design will allow an alternative to traveling through the interchange, an option that currently does not exist, and is an overall benefit to the system.

The OR 213/I-205 SB Ramp Terminal had seven reported crashes. Crashes at this location included some involving vehicles southbound on OR 213. Because of these occurrences, City staff intends that Agnes Avenue be operated in such a manner as to prohibit traffic generated at The Cove from accessing this interchange. The City intends that Agnes Avenue will not provide access from The Cove to the I-205/OR 213 interchange until such time safer, alternative connections or features are implemented to allow two-way operation. This action by the City helps to minimize the possibility of increases in crashes at this location.

Oregon City's TSP is in compliance with the requirements of statewide planning Goal 12. The relationship of the proposal to the transportation system, and its impacts, have been set forth in detail in the Traffic Impact Study (TIS) prepared by Kittelson and Associates Inc. attached as Exhibit "D". The TIS assesses the traffic impact of the proposed development and sets forth proposed mitigation measures to ensure the transportation system continues to operate at an acceptable level consistent with the requirements set forth by Oregon City.

The Applicant has demonstrated that the identified improvements to the transportation system will mitigate the impacts of the proposal and ensure that adopted operating standards will be met. The analysis has found that the traffic impacts of the project will not cause a change in the functional classification of any street or transportation facility, will not require or result in changes to the standards that implement the functional classifications system, will result in traffic volumes that are consistent with the functional classifications of the affected streets, and mitigation will be provided to ensure that an adequate level of service and the functionality of the transportation system is maintained. The proposed Concept Development Plan, including the proposed transportation improvements are in compliance with the Oregon Transportation Planning Rule, the Oregon City Transportation System Plan and the goals and policies contained within the Oregon City Comprehensive Plan.

The application was reviewed by the Oregon Department of Transportation (ODOT) whose comments are provided in Exhibits 5 and 11. ODOT made recommendations regarding the timing of collector street improvements and indicated that ODOT intends to sever Agnes from the I-205/OR 213 interchange.

A key component of any development project is the implementation of projects from the TSP that go through or abut the development. Agnes Avenue, a *collector* street identified in the TSP (Project #R-106), and Main Street, a *collector* street identified in the TSP (Project #R-47), are two public streets that abut or go through the site. This development is obligated to improve these streets to match the specifications of the TSP. The site plan provided in the TIA indicates the applicant intends to comply with this requirement. Details of the street design and features are appropriately dealt with during the review of the detailed development plan.

The importance of upgrading these two public streets as collector streets specified in the TSP will help ensure connectivity within the City. The temporary limitations authorized by the City to limit certain vehicles on Agnes Avenue at various times have reduced connectivity in recent years. These limitations were deemed appropriate to deal with safety concerns associated with deterioration of the roadway and the lack of funding to correct them at the time. The reconstruction of Agnes Avenue to the standards specified in the TSP will alleviate the need to continue the temporary limitations on the vehicles allowed to use it.

The development appears to be in compliance with the adopted TSP. Conditions of approval for the development should include the developer's responsibility for upgrading Main Street and Agnes Avenue, two collector streets, in conformance with the TSP.

Agnes Avenue is designated as a Collector in the Oregon City Transportation System Plan and is referenced in the City's Waterfront Master Plan, which states that Main Street provides an important link northeast to Oregon 213 and to I-205. Currently, the proposed section of Agnes Avenue is located on the landfill portion of the site that will need to be realigned in order to provide a public road connection to the Cove development site and provide needed vehicle, bike and pedestrian connections between Main Street and Oregon 213 as envisioned in the TSP and Waterfront Master Plan.

Excerpt from the Waterfront Master Plan: *"Given the constraints posed by the two rivers and the freeway, the number of linkages available is very limited. It is, therefore, extremely important to maintain and enhance all existing linkages. The Main Street connection between the Main Street extension and Oregon 213 at I-205 is important to provide reasonable circulation within the area. This link also provides emergency access to the Tri-City WPCP from two directions..."*

Specific phasing of the improvements shall be as proposed:

- Grading for.
 - Medical site
 - North Park
 - Recreation/Sales Building
 - Mixed Use Building
 - Water Quality Resource Area (Main Street and Mixed Use Building)
- Infrastructure
 - Main Street (fully improved)
 - Agnes Avenue
 - 20-foot paved from Main Street to the North Park
 - 5-foot bike lanes (2), 11-foot paved section for southbound one-way traffic, 6.5-foot planter strip and 6-foot sidewalk from North Park to Washington Street
- North Park landscaped
- Water Quality Area landscaped around Mixed Use Building
- Landscaped Monument at Main Street entrance

Applicant can meet this standard through compliance with Conditions of Approval 3-7.

Traffic Counts

The study addresses the appropriate intersections. It includes an analysis of 23 intersections for the existing conditions and 25 intersections for the build condition. The geographic scope of the analysis includes all the intersections analyzed for The Rivers development project with additional emphasis on those intersections affected by The Cove development, including those along OR 99E. The applicant analyzed all intersections specified by City staff at the pre-application conference and in subsequent correspondence. ODOT concurred with the intersections required for analysis in October 2007. The intersections analyzed in the TIA include several intersections that need not be analyzed according to the criteria specified in Oregon City's Guidelines for Traffic Impact Analyses, which specifies intersections must be analyzed if the site-generated traffic volume exceeds twenty trips during the peak hour.

The traffic counts used in the analysis were from May 2007. Use of these counts was recommended by me to assure consistency with the analysis for The Rivers and because of the McLoughlin Boulevard project underway on OR 99E, a factor that was judged to alter traffic patterns and traffic volumes from normal conditions. The TIA uses appropriate rates for the specified uses from *ITE Trip Generation*. The AM peak, PM peak, and daily rates were provided. Reasonable reductions for internal trips were made to account for traffic that would have multiple origins or destinations within this development or the adjacent Oregon City Shopping Center.

The trip distribution seems reasonable. The trip distribution for the medical office building was differentiated from the trip distribution for the other uses. The applicant specifically analyzed the traffic patterns for traffic accessing the site from I-205 southbound and, I believe, makes an appropriate assumption that this traffic will use the I-205/OR 99E interchange, rather than the I-205/OR 213 interchange, at least during the peak hours. The TIA provides for annual background traffic growth that adds traffic to the affected facilities. Traffic growth varies by location and ranges from 0.5 percent annually to 2.0 percent annually. The following annual growth rates were used: for OR 99E a growth rate of 0.5 percent; for OR 213 a growth rate of 1.37 percent; for I-205 ramps a growth rate of 1.0 percent; and for local streets a growth rate of 2.0 percent. The traffic growth assumptions and methodology appear reasonable. The analysis also specifically accounts for the traffic from the county's Red Soils development as specified in their approved master plan.

Traffic Analysis

Intersection level of service (LOS) and delay calculations were provided to assess operations relative to the City's intersection LOS standard. In addition, the TIA provided the volume-to-capacity (v/c) ratio for intersections for comparison with ODOT's operational standards (Full analysis provided in exhibit 4).

A review of the City's operational standard for intersections is in order. The Oregon City Municipal Code (OCMC) 16.12.065 specifies the intersection level of services standards as follows:

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. 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 worse than LOS "E" and a v/c ratio not higher than one point zero 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 worse than LOS "E" and a v/c ratio not higher than one point zero.

C. For unsignalized 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 worse than LOS "F" will be tolerated for minor movements during a peak hour. (Ord. 03-1014, Att. B3 (part), 2003)

In analyzing the impact of the development, the TIA considered two access scenarios for the connection to the I-205/OR 213 interchange. One scenario assumed traffic would be able to use Agnes Avenue go to The Cove, but not the reverse. The second scenario assumed no connection. City staff has repeatedly affirmed the city's intent to not allow Agnes Avenue to operate such that it carries additional traffic toward the interchange until existing design and operation issues at the interchange are addressed. Thus, city staff did not request any analysis of an access scenario involving two-way traffic on Agnes Avenue through the site.

The TIA provides a detailed discussion of performance at five locations: the I-205/OR 99E SB ramp terminal; the I-205/OR 213 SB ramp terminal; the I-205/OR 213 NB ramp terminal; the OR 213/Washington Street intersection; and the OR 213/Redland Road intersection. A sixth location, I205/OR 99E NB ramp terminal, has been raised as a concern by ODOT. A seventh location, the intersection of 14th/Main Street, is also impacted by the development. These locations are discussed in detail because they approach or exceed either the Oregon City or ODOT operational standards.

The analysis was performed for existing conditions (2007); background conditions (2012); total traffic conditions (2012) with the development; and 2012 traffic conditions with The Rivers development in place.

- I-205/OR 99E SB Ramp Terminal – This intersection is calculated to meet the City’s standard during both the AM and PM peak periods with background traffic growth in 2012. LOS D is predicted during the PM peak hour even with additional traffic from The Cove.

Though it is not relevant to the City’s approval criteria, the TIA predicts the v/c ratio to be 1.04 during the PM peak hour with total traffic, a level of performance that falls below ODOT’s standard. Mitigation to improve the long-term performance could be reconfiguration of this intersection to provide dual left-turn lanes for the southbound movement plus signal improvements. This is project R-48 in the City’s June 2008 *Capital Facilities Improvement Plan for Transportation Projects*. With these modifications, the predicted v/c is 0.87, which is better than its current operations.

The fact that the ramp terminal is predicted to meet the City’s LOS standard satisfies the approval criteria regarding the adequacy of the transportation system to accommodate the development.

- I-205/OR 99E NB Ramp Terminal – This intersection is calculated to meet the City’s standard during both the AM and PM peak periods with background traffic growth in 2012. LOS D is predicted during the AM peak hour and LOS C during the PM peak hour. LOS D is predicted during the PM peak hour even with additional traffic from The Cove.

Though it is not relevant to the City’s approval criteria, the TIA predicts the v/c ratio to be 0.88 during the PM peak hour with total traffic, a level of performance that falls below ODOT’s standard.

The fact that the ramp terminal is predicted to meet the City’s LOS standard satisfies the approval criteria regarding the adequacy of the transportation system to accommodate the development.

- I-205/OR 213 SB Ramp Terminal – The unique configuration of the existing interchange, its unsignalized ramp terminal, and the high volumes of traffic from northbound OR 213 to southbound I-205 cause long delays for the southbound Washington Street traffic. A related problem is the difficulty and long delays for left turns from SB I-205 to northbound Washington Street. These two unsignalized approaches experience long delays but have very low volumes.

Under existing 2007 conditions, for both the AM peak hour and PM peak hour, performance is predicted to be LOS F for the 20 vehicles proceeding southbound on Washington Street. Under 2007 existing conditions, performance is predicted to be LOS D for the AM peak hour and LOS F for the PM peak hour for vehicles turning left onto northbound Washington Street from the I-205 southbound ramp. The traffic volumes during the AM and PM peak hours are predicted to be 5 and 10, respectively.

Though there are currently operational problems, the performance of these two approaches will not be affected by the proposed development. Because of the City staff’s declared intent to operate Agnes Avenue such that traffic generated by The Cove will not use the problematic southbound Washington Street approach, the existing condition is not exacerbated by the proposed development. With regard to the problematic left turn from the SB I-205 ramp to northbound Washington Street, the applicant provides a compelling argument that traffic destined to The Cove will not use this route, at least during the peak hours. Thus, the proposed development will not impact this approach.

Regardless of whether or not The Cove develops as proposed, there is a long-term need to address the operational issues at the southbound ramp terminal. The City’s June 2008 *Capital Facilities Improvement Plan for Transportation Projects* includes a non-specific project to improve this segment of OR 213 (Project R-37).

In the TIA, the applicant also points out that with implementation of “The Jug Handle” project (discussed below) that the problematic left turn from the southbound I-205 ramp terminal to northbound Washington Street could be eliminated without causing as much out-of-direction travel as would its elimination today. This could be implemented with or without the proposed development of The Cove.

Staff recommends that the Planning Commission use the predicted lack of traffic associated with The Cove on the problematic approaches as the basis to conclude that the approval criteria regarding the adequacy of the transportation system to accommodate the development is satisfied.

- I-205/OR 213 NB Ramp Terminal – This ramp currently operates poorly because of its unique configuration, unsignalized ramp terminal and high traffic volumes destined for the SB I-205 on-ramp. Some of the operational concerns are the result of the design and the difficulty of traffic seeking to position themselves in the appropriate lanes at the intersection of OR 213 and Washington Street. The movement with the poorest LOS is the left turn from the northbound I-205 ramp terminal to northbound Washington Street. This movement, which has only 5 left-turning vehicles per hour during the AM and PM peak hours, experiences LOS F during both the AM and PM peak hours.

The TIA predicts that no traffic destined for or originating at The Cove would use this movement. This is a reasonable assumption since other more-direct routes are available using the OR 99E interchange.

One proposal that would mitigate for the poor operating conditions at the ramp terminal was identified during the analysis for The Rivers project on the former landfill site. The improvements, known as “The Jug Handle,” would reconfigure the NB off-ramp as well as the intersection of OR 213/Washington Street. The City’s June 2008 *Capital Facilities Improvement Plan for Transportation Projects* includes an improvement of this section of OR 213 (Project R-37).

According to the TIA, only 5 AM peak hour and 10 PM peak hour site-generated traffic are predicted to go through this ramp terminal. All are predicted to go northbound on OR 213 and none are predicted to attempt the left-turn movement that experiences a poor LOS.

Staff recommends that the Planning Commission use the predicted lack of traffic associated with The Cove on the problematic approach as the basis to conclude that the approval criteria regarding the adequacy of the transportation system to accommodate the development is satisfied.

- OR 213/Washington Street Intersection – Under existing 2007 traffic conditions, this intersection is calculated to operate at LOS D during both the AM and PM peak hours. By 2012, under background conditions, the LOS is predicted to fall to F and E, during AM and PM peak hours, respectively. This is due to predicted traffic growth from approved developments, including the County’s Red Soils Master Plan, and growth in regional traffic on OR 213 and other facilities.

According to the TIA, fewer than twenty vehicles destined for or originating at The Cove are predicted to go through this intersection during either the AM or PM peak hours. This appears reasonable based on the traffic patterns and trip distribution estimated for the proposed development.

A need for a long-term solution has been identified in several documents, including the TSP and the 213 Corridor Study. One possible solution, described in the previous section, would involve construction of “The Jug Handle” project, which is predicted to solve existing capacity problems at this intersection by changing it such that left turns are accommodated elsewhere. Assuming “The

"Jug Handle" were in place, the reconfigured intersection is calculated to operate acceptably, meeting the ODOT v/c standard and the City's operational standard.

Staff recommends that the Planning Commission determine that the low volume (fewer than 20 peak hour vehicles) associated with The Cove traversing the intersection is of no significance given the current peak hour volumes at the intersection (4985 entering vehicles during the AM peak hour and 5985 during the PM peak hour). In addition, Staff suggests that the identification of a potential solution ("The Jug Handle") indicates likelihood of a long-term solution for the problems at this intersection. Based on the development's extremely low volumes in relation to current traffic volumes and the potential for a long-term solution for the existing problems, Staff recommends the City conclude that the approval criteria regarding the adequacy of the transportation system to accommodate the development is satisfied.

- OR 213/Redland Road Intersection – This intersection is calculated to operate at LOS C during the AM peak hour and LOS D during the PM peak hour with the development.

Though it is not relevant to the City's approval criteria, the TIA predicts the v/c ratio to be 1.05 during the PM peak hour with total traffic, a level of performance that falls below ODOT's standard.

The need for a long-term solution at this intersection has been recognized. The City's June 2008 *Capital Facilities Improvement Plan for Transportation Projects* includes an improvement of this section of OR 213 (Project R-37). Furthermore, funding has been identified and planning is currently underway to implement phase 1 of a project to improve this intersection. Implementation of the City's preferred alternative would consist of a separate right-turn lane on the eastbound Redland Road approach and a third southbound through lane. Even with the trips associated with The Cove, the reconfigured intersection is calculated to operate acceptably, meeting the ODOT v/c standard, as well as the City's operational standard.

The fact that the intersection is predicted to meet the City's LOS standard satisfies the approval criteria regarding the adequacy of the transportation system to accommodate the development.

- 14th Street/Main Street Intersection – This unsignalized intersection is under the jurisdiction of the City. Traffic on Main Street is stop-controlled and can suffer long delays during the peak hours. Under existing 2007 traffic conditions, the minor street approach is calculated to operate at LOS E during the AM peak hour and LOS D during the PM peak hour. In 2012 with the development, the minor street approach is calculated to operate at LOS E during both the AM peak hour and the PM peak hour. I think it is likely, however, that traffic patterns in the area will be altered with the planned installation of a new traffic signal on OR 99E at 12th Street as part of the McLoughlin Boulevard project. Greater accessibility offered by 12th Street may produce a modest reduction in traffic on either 14th Street or Main Street, which would reduce delays and allow the intersection to meet the City's operational standard. It also appears possible to alter the lane configurations on Main Street to provide a separate left-turn lane or separate right-turn lane on the northbound approach to more closely match what is currently provided on the southbound approach. This action also could reduce delays slightly, bringing the Main Street approaches up to City LOS standards.

Based on the expected change in travel patterns and traffic volumes due to the McLoughlin project now underway, Staff recommends that the Planning Commission ignore the predicted results for this intersection and conclude that the intersection meets operational standards.

Based on the TIA, and the interpretation of the City's standards to ignore the low volume approaches and intersections not significantly impacted by The Cove, the transportation system can be shown to be adequate to accommodate the planned development.

The TIS provides information on crashes at sixteen intersections for a five-year period. At most locations, turning and rear-end crashes constituted a substantial proportion of the reported crashes. These types of collisions are typical of high-volume, signalized intersections with significant congestion.

The applicant's December 4, 2008 memorandum submitted as supplemental information also provides additional information on crashes. Two locations deserve particular attention: OR 99E/Firestone Drive and OR 213/I-205 SB Ramp Terminal.

According to the supplemental memorandum, the OR 99E/Firestone Drive location had three reported collisions rather than none as indicated in the TIA. According to the supplemental memorandum this yields a crash rate of 0.04 crashes per million entering vehicles, a very low rate by almost any standard. The safety performance of this intersection is noteworthy because ODOT access control policies would generally support restricting it to right-in, right-out movements. On the other hand, the TIA recommends keeping this intersection's operational characteristics unchanged. The principal benefit cited in the TIA for keeping this intersection's current configuration is the improved operational performance of the nearby intersection of OR 99E/Dunes Drive. Because of the low crash rate and the benefits for the performance of the intersection of OR 99E/Dunes Drive, Staff is inclined toward the applicant's point of view as argued in the December 4, 2008 memorandum and Staff concurs with the applicant's suggestion that a different forum be used for decisions on access changes at the OR 99E/Firestone Driveway.

The OR 213/I-205 SB Ramp Terminal had seven reported crashes. Crashes at this location included some involving vehicles southbound on OR 213. Because of these occurrences, City staff intends that Agnes Avenue be operated in such a manner as to prohibit traffic generated at The Cove from accessing this interchange. The City intends that Agnes Avenue will not provide access from The Cove to the I-205/OR 213 interchange until such time safer, alternative connections or features are implemented to allow two-way operation. This action by the City helps to minimize the possibility of increases in crashes at this location.

ODOT's December 19, 2008 materials also discuss various concerns related to safety. ODOT contends that the city has "safety" as an approval criterion and that this criterion is not met at four locations. The following summary presented below summarizes ODOT's information and their suggested mitigation.

- OR 99E/Firestone Driveway. ODOT cites this section of OR 99E as a Safety Priority Index System (SPIS) location (which indicates a large number of crashes). ODOT contends that an increase in traffic at this intersection combined with the potential for traffic entering this street to block the highway violates the city's "safety" criterion. ODOT does not comment on the applicant's crash rate calculation or provide alternative statistics. ODOT proposes the applicant construct a barrier median on the highway that would prevent left turns currently being made illegally as well as traffic destined for The Cove. ODOT also proposes that the applicant alter a section of Firestone Driveway to correct existing deficiencies in the current access.
- OR 99E/Dunes Drive. ODOT contends that the flared right turn area for the southbound approach will not accommodate the 95 percentile queue and thus constitutes a safety deficiency. ODOT proposes the applicant construct a full right-turn lane that complies with ODOT standards.
- OR 99E/I-205 SB ramp terminal. ODOT contends that an increase in the volume of left turns will lengthen the queue and constitute a safety deficiency. ODOT notes that the available queue storage is only 200 feet, a distance that is less than needed for the 95th percentile queue even under current traffic conditions. ODOT proposes the applicant construct dual left turn lanes or reconfigure OR 99E such that side-by-side left turn lanes are available to increase queue storage distance. ODOT notes that "Further analysis and survey will be needed to see if these improvements are feasible to implement."

- OR 99E/I-205 NB ramp terminal. ODOT contends that an increase in the volume of left turns will lengthen the queue and constitute a safety deficiency. ODOT proposes that the applicant extend the southbound left-turn lane by restriping OR 99E to extend the available queue storage distance. Preliminary analysis indicates queue storage can be extended fairly readily through restriping.

While Staff appreciates the information provided by ODOT, Staff disagrees that with ODOT's contention that the "safety" criterion is not met. ODOT's principal arguments appear to be based on the identification of a section of OR 99E as a SPIS location and the lack of sufficient storage at specific locations on OR 99E today to accommodate the 95th percentile queue during the peak hours. ODOT appears not to have pursued safety projects in this area to address the issues they raised. Nor has ODOT provided additional information showing that the length of storage is the proximate cause of a significant number of crashes at these locations.

Staff does not think ODOT has demonstrated that the transportation system is not "capable of safely supporting the development" as specified in the OCMC. Staff does not find the connection between safety and traffic impacts of the proposed development to be persuasive enough to deny the approval of the master plan or to impose significant mitigation. However, Staff finds that it is appropriate for the applicant to participate monetarily in mitigation measures to improve safety. Staff recommends the following as a reasonable condition for the applicant to provide additional assurance that the transportation system is capable of safely accommodating the development:

- The applicant provide funding in the amount of \$20,000 to the City for use by the City and ODOT to improve the configuration of Firestone Driveway and access to and from adjacent parking lots in the vicinity of OR 99E through signing, pavement markings, or other appropriate means. The objective is to reduce the potential of traffic stopping on the highway or along the Firestone Driveway due to parking lot maneuvers or parking lot access.

Staff recommends that the Planning Commission make a positive finding that by complying with this condition, that the applicant has satisfied the OCMC requirement that the transportation system is capable of safely supporting the development in addition to the existing and planned uses in the area.

Bicycle and Pedestrian Access

Pedestrian and bicycle access within the master plan boundary is provided via a series of sidewalks, pathways and trails. The layout of the proposed pathways has been designed to connect in with the existing and planned pedestrian facilities and take advantage of the natural amenities that exist within and adjacent the site. The applicant is proposing to construct 6-foot wide sidewalks along all internal and adjacent frontages of both Main Street and Agnes Avenue and a 20-foot wide esplanade that runs the length of the eastern shore of the Clackamette Cove. The esplanade provides a connection between the proposed recreation building to the south, the condominiums, and the park space located to the north of the Clackamette Cove. The applicant has provided connections between the proposed uses, buildings, parking areas and opens space through a series of separated pathways. These pathways are proposed to be 8 feet wide and are designed to be ADA accessible to the greatest extent possible. The exception are those pathways shown adjacent to the recreation center and connecting from the esplanade to the Cove, which are designed to be 6 feet wide. To ensure that the public open spaces and pathways are protected, the applicant shall record public access easements over all pathways and open spaces described as open to the public in the application.

The proposed circulation system provides pedestrian access throughout the site and connects from Main Street to the Clackamette River trail to the north of the site. The applicant has not proposed any pedestrian connections from the proposed medical office building site to the Oregon City Shopping Center, directly adjacent to the site. The McLoughlin Boulevard Enhancement Plan identifies the need to extend Dunes Drive east, through the shopping center and concrete plant to intersect Main Street extension (Exhibit 9). A

pedestrian / vehicular connection, as identified in the McLoughlin Boulevard Enhancement Plan, would improve the pedestrian and vehicular circulation to and from the site and provide a direct connection to the Dune Avenue intersection with 99E when the Oregon City Shopping Center is redeveloped. The applicant shall amend the Concept Master Plan and identify a local street connection from Main Street extension to the Oregon City Shopping Center. The right-of-way dedication for the connection shall be included in the phase 3 development of the site. The change in grade between the phase 3 building location and the Oregon City Shopping Center limits the ability to construct the street improvements as part of the phase 3 development. It is appropriate for the City to obtain the right-of-way, but will defer the construction of the street connection until the Oregon City Shopping Center is redeveloped.

The applicant can meet this standard by complying with conditions of approval 1 and 26.

Parking

The applicant has proposed to provide both at grade and below grade parking on the site. Utilizing the maximum building square foot for each building on the site, staff has determined that the maximum number of parking spaces on the site is 1,110 and the minimum is 482.

| <i>Use</i> | <i>OCMC Min Number of Parking Stalls</i> | <i>OCMC Max Number of Parking Stalls</i> | <i>Project Calculations</i> | <i>Project Min Number of Parking Stalls</i> | <i>Project Max Number of Parking Stalls</i> |
|-------------------------|--|--|-----------------------------|---|---|
| Residential (2 bedroom) | 1.5 | 2 | 244 units. | 366 | 488 |
| Office | 2.7 | 3.33 | 43,300 sq. ft. | 116 | 142 |
| Medical Office | 0 | 3.33 | 80,000 sq. ft. | 0 | 266 |
| Restaurant/Retail | 0 | 5 | 16,000 sq. ft. | 0 | 80 |
| Park | 5.0/acre | 5.0/acre | 5.5 acres | 28 | 28 |
| | | | Total | 510 | 1004 |

The preliminary site plan indicates that there will be approximately 266 at grade parking spaces on the site, including the 10 spaces adjacent to the north park, and approximately 400 below grade spaces within the residential development, approximately 213 below grade spaces at the medical office building, leaving a total of approximately 107 below grade parking spaces available for the medical office building site.

Staff has calculated that the area of the North Park as approximately 5.5 acres. This calculation does not include the trails and esplanade, but represents the formal gathering space. The Community Services Director has indicated that the industry standard for parking within a developed park, and the standard that was used at Wesley Lynn, is 5 spaces per acre. Staff recommends that this standard be utilized for this development. The applicant shall increase the parking associated with the North Park from 10 spaces to a 28 spaces.

The applicant can meet this standard by complying with condition of approval 2.

Response to ODOT Review Comments

City staff referred the TIA to ODOT and received comments. As cited above, ODOT provided formal comments in a letter and memorandum dated December 19, 2008. Major issues cited by ODOT and my recommendations are summarized as follows:

- ODOT presents information on the ODOT mobility standard, which is based on v/c, and assesses whether or not this standard is met at various locations. ODOT’s mobility standard is not a specified standard used by Oregon City to assess adequacy of the transportation system under OCMC.
- ODOT argues that the Oregon City operational standard (presented on page 3 of this comment letter) is not met at three locations. A strict interpretation of the City’s operational standard could lead one

to this conclusion, but Staff recommend that the Planning Commission make a different interpretation. As described in section 7, above, there can be a poor LOS for certain minor movements at the I-205 southbound ramp terminal at OR 213. Traffic originating at or destined for The Cove is not, however, predicted to use either of the problematic approaches, at least during the peak hours. At the I-205 northbound ramp terminal at OR 213, there can be a poor LOS for certain minor movements. Like the southbound ramp terminal, traffic originating at or destined for The Cove is not predicted to use the problematic approach. The intersection of OR 213/Washington Street is predicted to fail to meet the City's LOS performance standard by year 2012 either with or without the proposed development. Traffic generated by The Cove is predicted to add fewer than 20 peak hour trips to the intersection during either the AM or PM peak hours, an insignificant amount in comparison to the current volumes, which total 4985 entering vehicles in the AM peak hour and 5985 entering vehicles in the PM peak hour. In response to the ODOT comment, Staff recommends that the Planning Commission make a specific determination that City's performance standard is to be interpreted such that the intersections meet the standard.

- ODOT raises "safety concerns" at four specific locations and proposes that the applicant undertake various measures to correct these concerns. Each of the four locations is discussed below along with my response.
 - OR 99E/Firestone Driveway – ODOT objects to the fact that left turn movements occur at this location and suggests the applicant be required to construct a barrier median. ODOT's suggested mitigation appears worthy of further study, but implementation of a barrier median would affect several parties. Staff would point out that many motorists currently make the illegal left-turn cited by ODOT as a problem, yet the crash rate is very low. Staff does not think that the construction of a barrier median is reasonable condition to be placed on the applicant. Staff is not convinced that the safety concerns at this specific location are significant or that ODOT's proposals are necessarily the best solutions. A second recommendation by ODOT is for the applicant to provide a right-turn lane at the Firestone Driveway. Not only would this have significant right-of-way impacts, it could have unintended consequences including reduced safety for bicyclists and pedestrians. It is unreasonable to require the applicant to construct a right-turn lane at this location as a condition of the master plan. Staff recommends a different forum and a public process involving all affected parties be used to assess the need for changes to OR 99E in the vicinity of the Firestone Driveway. A third recommendation by ODOT involves altering the internal circulation of the Oregon Shopping Center's drive aisles and access. As described in the discussion of safety on pages 8 and 9, Staff thinks ODOT makes valid suggestions for improvements to the Firestone Driveway and the access to the Oregon City Shopping Center parking lot. ODOT and city staffs have explored some of these concepts, but some additional work appears to be needed. A reasonable condition of approval is for the applicant to commit to an appropriate level of funding to allow ODOT and the City to implement improvements to Firestone Driveway.
 - OR 99E/Dunes Drive – ODOT raises concerns about the increase in queuing and the effect on safety. ODOT requests that the applicant construct a longer right-turn lane for the southbound approach. In responding to this issue, the applicant has provided information suggesting that the flared southbound approach for this intersection may actually have sufficient storage to accommodate the 95th percentile queue. Building a right-turn lane to full ODOT standards would have a significant impact on adjacent property owners and may not even be necessary. At my request, the applicant analyzed the performance of the intersection without any provision for a right-turn lane for the southbound approach and found that the intersection met the City's performance standard without a right-turn lane. Because ODOT's solution would affect several property owners, Staff recommends a different forum and a public process to assess changes in

this area. It is unreasonable to require the applicant to construct a full right-turn lane for the southbound approach.

- OR 99E/I-205 Southbound Ramp Terminal – ODOT raises concerns about queuing issues at this signalized intersection. ODOT’s letter recognizes that the available queue storage for left turns is less than needed to accommodate the 95th percentile queue during peak hours today. ODOT requests that the applicant implement either of two solutions, both of which would involve significant changes to OR 99E in the vicinity of Dunes Drive and the I-205 SB ramp terminal. ODOT’s memorandum states “Further analysis and survey will be needed to see if these improvements are feasible to implement.” Given the fact that there are existing queue storage issues and ODOT’s solutions may not be feasible, it is unreasonable to require the applicant to take responsibility for implementing an improvement to OR 99E.
- OR 99E/I-205 Northbound Ramp Terminal – ODOT raises concerns about queuing issues at this signalized intersection. ODOT requests that the applicant make provisions to restripe OR 99E to lengthen the storage for the southbound left-turn lane at this location. From reviewing the plans for the McLoughlin Boulevard project currently underway, it appears that the left-turn queue storage could readily be increased to about 500 feet. ODOT and the City staff have already discussed this issue and the City has agreed to proceed with modifications through changes as part of the current construction project.

Overall, Staff found ODOT’s comments about safety to be helpful, but disagree completely with ODOT’s contention that the development cannot be shown to meet the City’s performance standard related to safety of the transportation system. Some of ODOT’s requests for mitigation for safety issues to be unreasonable and some to be reasonable.

- ODOT raises the issue of access management related to the Firestone Driveway. As discussed above, ODOT thinks that this section of the Firestone Driveway is under its jurisdiction and that it can implement access changes under its authority. Certain details may need additional attention, but it seems appropriate for the applicant to provide funding to accomplish these changes to improve safety.
- ODOT raises issues about Agnes Street and claims that it should not provide connectivity with Washington Street and the I-205/OR 213 interchange. The TIA addresses traffic operations using two different scenarios for the Agnes Street connection and City staff has repeatedly stated its commitment to operating Agnes Street as a one-way facility until such time as operational issues at the interchange are addressed by other means. The City’s commitment to operating Agnes Street as a one-way facility that precludes traffic from The Cove from going to the I-205/OR 213 interchange prevents existing operational problems at the interchange from being needlessly exacerbated. The applicant proposes to construct Agnes Street and Main Street adjacent to the development as *collector* streets as specified in the Oregon City Transportation System Plan (TSP). Placing conditions on the development contrary to the adopted TSP is unreasonable.
- ODOT raises concerns about future projects analyzed as part of the TIA. While not underestimating the need for long-term solutions at several locations, the City need not rely upon these projects to find that the transportation system is adequate to serve the development. With the interpretation of the City’s operational standard that I recommend in this letter, the development can be shown to meet the City’s operational standard without any of the projects cited by ODOT.
- In the materials dated December 19, 2008, ODOT provides six specific recommendations and two statements. As a condition of approval, I recommend that the applicant provide a specific amount of funding to the City to help implement a modification of Recommendation #4 in ODOT’s December

19, 2008 materials. Another recommendation (# 5 in ODOT's materials) will be implemented by the City.

Conclusion and Recommendation

Staff recommends that the Planning Commission make specific determinations on manner in which the City's LOS standard is to be interpreted as follows:

- The City make a determination that, because the development does not add traffic to the minor approaches currently experiencing substandard performance at the northbound and southbound ramp terminals for I-205 and OR 213, that the City's LOS standard is met.
- That the City make a determination that, because the development causes an insignificant increase in traffic at the intersection of OR 213 and Washington Street (fewer than 20 peak hour trips through the intersection during either the AM or PM peak hours) relative to the current volumes (which total 4985 entering vehicles in the AM peak hour and 5985 entering vehicles in the PM peak hour), the City's performance standard should be considered to be met.

Staff recommends that the Planning Commission make specific determinations with regard to traffic safety that the transportation is capable of safely accommodating the proposed development in addition to existing and planned uses.

In addition, staff recommends the following conditions of approval for the concept master plan:

- A requirement to construct Main Street, a collector street designated in the TSP, through and adjacent to the site;
- A requirement to construct Agnes Avenue, a collector street designated in the TSP, through and adjacent to the site;
- Design details of the internal street system including the specifics of intersection spacing, sight distance, bicycle lanes, sidewalks, and pedestrian circulation should be addressed during the review of the detailed development plan; and
- A requirement to provide funding to the City in the amount of \$20,000 for use by the City and ODOT to make access modifications to the Firestone Driveway in the vicinity of OR 99E to improve safety and operations of Firestone Driveway.

The applicant can meet this standard by complying with conditions of approval 3, 4, 5 and 6.

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

Finding: Complies. The City of Oregon City's Water Master Plan prepared by Yost West & Associates in 2003 establishes the planned capacity and extension of water infrastructure for the community. The site was previously designated for industrial development. As such, the water facilities that exist and or are planned for the area have adequate capacity in terms of flow and volume to provide for the development of the site pursuant to The Cove Concept Development Plan. Water is currently available to the site via a ten-inch water line that is present within Main Street and Agnes Avenue. These lines are shown within the Existing Conditions Plan included as a part of sheet C1.0 of their Exhibit "A".

The Cove Conceptual Development Plan was developed to be consistent with the City's Water Master Plan. The Applicant is proposing connections to the existing ten-inch water line currently present within both Main Street and Agnes Avenue in order to provide water service for the proposed development areas. New eight-inch lines will be extended from each of the proposed new structures to public rights-of-ways. Public lines not located in rights-of-way will be provided with public access easements in order to ensure public access

for maintenance activities. More detailed information regarding the proposed location and size of improvements is located in Sheet C7.0 of their Exhibit "A".

The City's Sanitary Sewer Master Plan prepared by Yost West & Associates in 2003 establishes the planned capacity and extension of sanitary sewer infrastructure for the community. The Plan anticipated a certain level of development for the subject site based on general land use categories. Directly adjacent to The Cove Master Plan Boundary is the Tri-City Wastewater Treatment Facility where effluent is treated and released. There currently exist several sanitary sewer lines adjacent to and within the subject property. These lines are shown within the Existing Conditions Plan included as a part of Sheet C1.0 of Exhibit "A". There currently exists a 30-inch and 42-inch sanitary sewer line within the existing alignment of Main Street and Agnes Avenue, near the northwestern edge of the property.

Major sanitary sewer lines are present within Main Street and Agnes Avenue. The Applicant is proposing to connect the commercial portion of the site to an existing 30-inch or 42-inch Tri-City Sanitary Line located within the existing alignment of Main Street and Agnes Avenue, near the northwestern edge of the property. The proposed condominiums will connect to an existing 30-inch sanitary line within Main Street and a 30-inch sanitary line within the existing route for Agnes Avenue. The proposed connection points are shown on the attached preliminary utility plans. The Applicant will be rerouting Agnes Avenue but will not be proposing to relocate the existing trunk sanitary lines. More detailed information regarding the proposed location and size of improvements is located in Sheet C7.0 of Exhibit "A".

According to surveys of the subject property and information provided by Oregon City there are stormwater facilities that currently exist adjacent to and within the Master Plan Boundary. There currently exists an outfall located at the southern end of the Clackamette Cove just northeast of the entrance to the former Glacier Concrete site. The outfall appears to be 42 inches in size and to convey stormwater runoff from an area of approximately 138 acres located east of the subject property. Stormwater from this area located west of Washington Street travels via a series of open ditches and culverts into property located west of Interstate 205 where it is collected into an existing stormwater line. Preliminary investigations indicate the existing stormwater line is approximately 42 inches in size. The line begins near the convergence of Main Street and Agnes Avenue and roughly heads northwest within Main Street to the Glacier Concrete facility where it travels northeast to the outfall at the southern end of the Clackamette Cove. The Applicant also suspects that stormwater from the existing Glacier Concrete facility is also discharged through this outfall.

The Applicant has prepared a Preliminary Drainage Master Plan (Exhibit "L") for the site that will guide how stormwater generated from the site will be treated and conveyed. The Plan was developed in accordance with the provisions of the Oregon City *Stormwater and Grading Design Standards* developed in December 1999. The Applicant has developed the Preliminary Drainage Master Plan (Exhibit "L") incorporating the following goals:

1. To minimize downstream impacts
2. To protect and enhance water quality

Stormwater management will be collected and treated on-site prior to release into the Clackamette Cove. The Applicant is proposing to utilize the following Best Management Practices (BMP) for the future development of the site:

1. Vegetated Swales
2. Vegetated Street Swales
3. Rain Gardens (flow-through planters)
4. Pervious Pavement

More detailed information regarding the design and construction of each of these BMPs is located with Exhibit "L". Detention of the post-development stormwater, if required, shall be provided for utilizing underground storage beneath the water quality BMP's identified above.

4. *The proposed concept development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

Finding: Complies. The applicant has indicated that the development is consistent with the intent and purpose of the Water Quality Resource Overlay District. The site has been designed in order to minimize the impact to the surrounding environment and avoid directly impacting the wetlands that exists within the western edge of the site adjacent to the Clackamas River. The applicant is proposing to remove invasive non-native species from within the development area. The applicant has proposed to utilize natural systems to the maximum extent possible for stormwater treatment, including pervious pavement, swales for runoff, and rain gardens. The applicant has requested a reduction in the vegetated corridor width surrounding the Clackamette Cove from two-hundred feet to fifty feet and a small encroachment of the fifty-foot corridor for the construction of a mixed-use building.

The proposed adjustment to allow the esplanade to be constructed as a 20-foot wide path rather than a 12-foot wide path will improve the pedestrian access and experience along the banks of Clackamette Cove and will have minimal impact on the functioning of the natural feature. The applicant has proposed to reduce the 200-foot buffer to 50 feet through the Water Quality Resource Area permit, and has located the path outside the requested 50-foot vegetated buffer. The intent of the regulation is to limit the impact of the development of a path system on the natural resource. The applicant has submitted a Water Quality Resource Report that accounts for the impacts associated with the development and has proposed mitigation to improve the resource from a degraded system to a good system per the OCMC standards. Providing paths for public access within and adjacent to natural resources is a benefit to the public and the increase of 8 feet in the allowable width of the pedestrian pathway combined with the extensive mitigation and restoration plan exceeds the intent of the regulation being adjusted.

The applicant prepared a mitigation plan summary that addresses these items, see pages 9 – 13 of exhibit 1-G. The applicant has indicated that the permanent impacts to the WQRA from the relocation of Main Street, the multi-use building, impervious paths and walls, and portions of the condominiums and recreation building will be 277,999 square feet. Approximately 380 trees greater than 6 inches diameter will be removed due to grading and the proposed improvements. If the variance is approved and the buffer width is reduced to 50 feet, the permanent impacts will be reduced to 4,522 square feet, as portions of the multi-use building and Esplanade will encroach into the 50-foot buffer. In this scenario, approximately 224 trees will be removed, mostly due to grading.

The applicant has proposed to restore the vegetated corridor per the requirements in Table 17.49-2, for a degraded existing vegetated corridor. The mitigation area and all disturbed areas will be restored by planting species from the Oregon City native plant list and the non-native, nuisance plants will be removed. One hundred percent coverage will be accomplished in the mitigation and restoration areas. The proposed planting surrounding the water resource will increase the existing riparian corridor on average by

5. *The proposed concept development plan, including development standards and impact mitigation thresholds and improvements adequately mitigates identified impacts from each phase of development. For needed housing, as that term is identified in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*

Finding: Complies with conditions. The applicant has proposed a concept development plan that adequately mitigates the identified impacts associated with the development, or can mitigate the impacts by complying with the attached conditions of approval during each phase of development. **The applicant can meet this standard by complying with the attached conditions of approval.**

Section 17.65.060 Detailed development plan.

The applicant has submitted a detailed development plan for phases 1 and 2 of the concept master plan. All subsequent phases will be submitted separately as detailed development plans.

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

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

Finding: Complies as conditioned. The development standards and mitigation required will be met as requirement by the approved concept plan.

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

Finding: Complies. The applicant has not requested additional adjustments to any other applicable zoning standard than those identified in the concept plan and all applicable requirements have been addressed in this report.

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

Finding: Complies. Compliance with Chapter 17.62 has been addressed later in this report and through the conditions of approval. The applicant has complied with the standard in Chapter 17.62, Site Plan and Design Review or the adjustments approved in the Concept Master Plan.

Section 17.65.070 – Adjustments to Development Standards.

A. *Purpose.* In order to implement the purpose of the City's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process.

Finding: The applicant has requested the following adjustments to the Oregon City Municipal Code as part of the master planning process:

1) 16.12.290.A Building Site – Setbacks and building locations.

All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side facing the street.

Proposed adjustment: All lots located on a neighborhood collector, collector or minor arterial should be oriented to front the street when practicable. Corner lots may have a side yard facing the street.

2) 17.62.055.E.2 Variation in massing.

Horizontal masses shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.

Proposed adjustment: Horizontal massing of the proposed Mixed-use building may exceed a height:width ratio of 1:3 due to the provisions of variation in massing and materials.

3) 17.52.040.A Carpool and vanpool parking.

New retail, office, commercial and industrial developments with twenty-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park and ride facilities with twenty-five 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/Vanpool Only."

Proposed adjustment: New retail, office, commercial and industrial development with twenty-five or more parking spaces shall designate at least two carpool and vanpool parking spaces. Carpool and vanpool parking spaces shall be located closer to the main employee or commuter entrance than all other employee parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved-Carpool/Vanpool Only."

4) 17.34 and 17.62 Maximum Building Setbacks.

Proposed adjustment: No maximum setbacks shall apply to the Concept Development Plan boundary provided that actual development substantially conforms to the concept Development Plan.

5) 17.49.050.H.5(c) Water Quality Resource Area.

Development Standards. Applications for provisional uses in the water quality resource area shall satisfy the following standards:

Walkway and bike paths: A walkway or bike path shall not exceed twelve feet in width.

Proposed adjustment: A walkway or bike path shall not exceed twenty (20) feet in width.

6) 17.52.010 Number of spaces required.

Medical or Dental Clinic: Maximum of 3.33 parking spaces per 1,000 square feet of gross leasable area.

Proposed adjustment: The maximum parking ratio for a medical or dental clinic or office use shall be 5.0 spaces per 1,000 square feet of gross leasable area.

- 7) 17.52.090.2 Parking lot landscaping.
Perimeter Parking Lot Landscaping and Parking Lot Entryway / Right-of-way Screening. Parking lot entryways and perimeter parking lot landscaping areas not abutting the building or where access/parking is shared between adjoining land owners shall be bordered by a minimum five-foot wide landscaped planter strip with:
- a. Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. Ground cover, such as wild flowers, 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; and
 - c. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided.

Proposed adjustment: The applicant shall provide perimeter parking lot landscaping in conformance with the Landscaping Plan as submitted.

- 8) 17.52.090.4 Parking lot landscaping.
Interior Parking Lot Landscaping. In addition to perimeter parking lot landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the perimeter parking lot landscaping shall not be included in the ten percent requirement.
- a. A minimum of one tree per six parking spaces.
 - b. Ground cover, such as wild flowers, 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; and
 - c. Shrubs shall be spaced no more than four feet apart on average.
 - 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:
 1. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in minimum three-foot by five-foot tree wells; or
 2. 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.

Proposed adjustment: The applicant shall provide perimeter parking lot landscaping in conformance with the Landscaping Plan as submitted.

- 9) 17.62.055.F.2 Institutional and commercial building standards. Façade Treatment.
Façade Transparency. The main front elevation of shall provide at least sixty percent windows or transparency at the pedestrian level. The side elevation shall provide at least thirty percent

transparency. The transparency is measured in linear fashion (For example, a one-hundred foot long building elevation shall have at least sixty feet (60% of 100 feet) of transparency in length).

Proposed adjustment: The applicant shall develop the Recreational Facility consistent with the proposed building design included in the concept master plan.

B. Procedure. Requests for adjustments shall be processed concurrently with a concept development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Finding: Complies. The adjustments are being processed concurrently with the concept development plan.

C. Regulations that may not be adjusted. Adjustments are prohibited for the following items:

- 1. To allow a primary or accessory use that is not allowed by the regulations;*
- 2. To any regulation that contains the word “prohibited”;*
- 3. As an exception to a threshold review, such as a Type III review process; and*
- 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.*

Finding: Complies. The applicant has not requested any adjustments to a regulation that may not be adjusted.

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*

Finding: Complies.

1) 16.12.290.A Building Site – Setbacks and building locations.

The proposed adjustment allows the applicant to take full advantage of the views and amenities offered by the Clackamette Cove and provide public access throughout the area. The applicant has submitted site plans of the proposed buildings and the pedestrian circulation system throughout the site demonstrating that the intent of section 16.12.290.A will be met. Allowing the building locations to be altered from the requirements of section 16.12.290.A creates an overall benefit, creating a public space / private development interaction that enhances the pedestrian environment throughout the site. The main objective of section 16.12.290.A was to avoid the creation of long blocks along collector streets that have 6-foot fences along the backyards of the adjacent residential development. The applicant has not proposed to separate the residential development from the public right-of-way, but rather connect the right-of-ways to the resource and public amenities through the private residential development, which exceeds the purpose of the regulation be adjusted.

2) 17.62.055.E.2 Variation in massing.

The proposed adjustment allows the mixed-use building to exceed the width to height ration of 3:1 is due to the requirements to meet the minimum height of the building when constructed in a flood plain. The intent of this section is to ensure that a long, dominant wall is not created. The applicant has submitted preliminary site plans demonstrating that the mixed-use building will include extensive wall articulation and landscaping that meets the intent of the variation in massing requirement of the OCMC.

3) 17.52.040.A Carpool and vanpool parking.

The proposed adjustment allows the applicant to reduce the number of carpool and vanpool parking to two spaces. The intent of this section is to promote alternative transportation methods in large institutional and commercial developments. Based on the limited size of the proposed office uses on the site, a reduction of the required carpool and vanpool parking from 5% of the total parking to two spaces seems appropriate and provides designated spaces for the alternative transportation method consistent with the requirement.

4) 17.34 and 17.62 Maximum Building Setbacks.

The applicant has requested to remove the maximum building setback requirements of the Mixed use Downtown zone and site plan and design review. The intent of these sections is to create a safe pedestrian connection from the public right-of-way to the proposed use and improve the relationship between the pedestrians on the public right-of-way and the design of the private development. The applicant has submitted site plans demonstrating that pedestrian circulation and access to the site from the public right-of-way has been a main design feature in the location and design of the buildings and pedestrian circulation system. Allowing the applicant to develop the site consistent with the proposed master plan will meet the intent of this section of the code by creating an attractive and interconnected pedestrian environment that also provides a safe and direct connection between the public right-of-way, the private development and the public access areas throughout the cove.

5) 17.49.050.H.5(c) Water Quality Resource Area.

The proposed adjustment to allow the esplanade to be constructed as a 20-foot wide path rather than a 12-foot wide path will improve the pedestrian access and experience along the banks of Clackamette Cove and will have minimal impact on the functioning of the natural feature. The applicant has proposed to reduce the 200-foot buffer to 50 feet through the Water Quality Resource Area permit, and has located the path outside the requested 50-foot vegetated buffer. The intent of the regulation is to limit the impact of the development of a path system on the natural resource. The applicant has submitted a Water Quality Resource Report that accounts for the impacts associated with the development and has proposed mitigation to improve the resource from a degraded system to a good system per the OCMC standards. Providing paths for public access within and adjacent to natural resources is a benefit to the public and the increase of 8 feet in the allowable width of the pedestrian pathway combined with the extensive mitigation and restoration plan exceeds the intent of the regulation being adjusted.

6) 17.52.010 Number of spaces required.

The applicant has proposed to increase the maximum number of parking spaces for a medical office use from 3.33 spaces per 1,000 gross leasable area to 5.0 spaces per 1,000 gross leasable area.

The applicant has not provided justification for the requested increase in parking spaces. Staff recommends that the requested adjustment not be granted.

7) 17.52.090.2 Perimeter Parking lot landscaping.

8) 17.52.090.4 Interior Parking lot landscaping.

The applicant has proposed to implement the preliminary parking lot landscaping plans, which meet the intent of the perimeter and interior parking lot landscaping requirements. The applicant has not proposed large parking fields with multiple rows of parking aisles, but rather, smaller, single row parking aisles with significant landscaping consistent with the overall landscaping design for the project. The intent of the interior and perimeter parking lot landscaping requirements is to avoid the creation of a large parking field absent any landscaping, to provide water quality features through shading and swales and improve the aesthetics of the parking areas. The preliminary landscaping plans submitted by the applicant include ground cover, shrubs and trees, stormwater swales and an attractive planting plan that exceeds the intent of the interior and perimeter parking lot landscaping requirements.

Staff recommends that the adjustment to the perimeter and interior landscaping requirements not apply to the above grade parking lot for the medical office building and the mixed-use building. There will be substantial above grade parking at the medical office building site (266 spaces) and the mixed-use building site (19 spaces), which should meet the parking lot landscaping requirements of the OCMC.

The applicant can meet this standard by complying with conditions of approval 7 and 25.

9) 17.62.055.F.2 Institutional and commercial building standards. Façade Treatment.

The applicant has proposed to provide the 60% transparency for the Recreation Building on the Clackamette Cove façade rather than the main street façade. The applicant has submitted a preliminary design for the facades of the Recreation Building, including the Main Street façade. The Main Street façade is a multi-story building with a well identified entryway, building articulation, and windows. The applicant has not proposed a long, blank wall/building along the public right-of-way, but rather the design of the building includes many architectural design elements and landscaping that creates an interesting and inviting building, contributing positively to the pedestrian experience along Main Street and meeting the intent of this section.

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

The adjustments requested by the applicant are consistent with the overall purpose of the zone, which is to create an active, well designed urban environment that promotes pedestrian circulation and use. The design and quality of the proposed buildings and landscaping meets the requirements of the criteria being adjusted and have been designed to promote and encourage pedestrian interaction with the buildings and proposed public spaces, which is consistent with the overall purpose of the zone.

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

The Clackamette Cove and Clackamas River will be protected and improved through the proposed adjustments and mitigation / restoration plan proposed by the applicant. The resources will be improved from a degraded condition to a good condition, while promoting public interaction and improving public access to the resources. Through invasive plant removal, additional native plantings, and public education signage, the resource will be protected and restored.

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

The applicant has proposed extensive landscaping, superior building design and quality, and considered the impacts and limitations associated with the surrounding natural resources and flood plain in the overall design of the concept plan. Buildings, open spaces, parking and infrastructure have been designed to limit the impacts on the natural resources, provides extensive rehabilitation over the existing conditions and promotes public access throughout the site while providing private residential, office and commercial uses. The impacts of the adjustments have been mitigated by the applicant.

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

The proposed adjustment to allow the esplanade to be constructed as a 20-foot wide path rather than a 12-foot wide path will improve the pedestrian access and experience along the banks of Clackamette Cove and will have minimal impact on the functioning of the natural feature. The applicant has proposed to reduce the 200-foot buffer to 50 feet through the Water Quality Resource Area permit, and has located the path outside the requested 50-foot vegetated buffer. The intent of the regulation is to limit the impact of the development of a path system on the natural resource. The applicant has submitted a Water Quality Resource Report that accounts for the impacts associated with the development and has proposed mitigation to improve the resource from a degraded system to a good system per the OCMC standards. Providing paths for public access within and adjacent to natural resources is a benefit to the public and the increase of 8 feet in the allowable width of the pedestrian pathway combined with the extensive mitigation and restoration plan exceeds the intent of the regulation being adjusted.

Chapter 17.34 - Mixed Use Downtown

Section 17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

Section 17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or Mixed Use Corridor –2 zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;*
- B. Banquet, conference facilities and meeting rooms;*
- C. Child care facilities;*
- D. Clubs/lodges;*
- E. Heath and fitness clubs;*
- F. Hotel and motel, commercial lodging;*
- G. Indoor recreational facilities, including theaters;*
- H. Marinas;*
- I. Medical and dental clinics, outpatient and infirmary services;*
- J. Museums and cultural facilities;*
- K. Office uses;*
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- M. Postal services;*
- N. Publicly-owned parks, play fields and community or neighborhood centers;*
- O. Religious institutions, such as churches, mosques and synagogues;*
- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;*
- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;*
- R. Residential units, single-family and two-family attached;*
- S. Residential Units, multi-family;*
- T. Restaurants, eating and drinking establishments;*
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;*
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);*
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;*
- X. Studios and galleries, including dance, art, photography, music and other arts; and*
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)*

Finding: Complies. The applicant has proposed residential, restaurants/commercial, parks, marina, recreation facility, medical facility and office space.

Section 17.34.030 Conditional uses.

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

Finding: Not applicable. The applicant has not proposed a conditional use on the site.

Section 17.34.040 Prohibited uses.

Finding: Not applicable. The applicant has not proposed a prohibited use on the site.

Section 17.34.060 Mixed Use Downtown Dimensional standards—for properties located outside of the Downtown Design District .

- A. *Minimum lot area: none.*
- B. *Minimum floor area ratio: 0.30.*
- C. *Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.*
- D. *Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:*
 - 1. *Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;*
 - 2. *Property within five hundred feet of the End of the Oregon Trail Center property; and*
 - 3. *Property within one hundred feet of single-family detached or detached units.*
- E. *Minimum required setbacks, if not abutting a residential zone: none.*
- F. *Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.*
- G. *Maximum Allowed Setbacks.*
 - 1. *Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*
 - 2. *Interior side yard: no maximum.*
 - 3. *Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*
 - 4. *Rear yard: no maximum.*
 - 5. *Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*
- H. *Maximum site coverage including the building and parking lot: ninety percent.*
- I. *Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)*

Finding: Complies. The applicant is proposing an FAR of 0.67, in excess of the 0.30 required in the MUD zone. The applicant provided a table on page 31 of exhibit 1 detailing the proposed floor area ratio by building type. The applicant has indicated that subsequent detailed development plans will comply with the minimum FAR per building type to ensure that the last building to be constructed is not left responsible for the providing the FAR for the entire project. The applicant has requested, and staff concurs, that the FAR will be calculated based on the full build-out of the site over the 10-year approval period. The applicant has indicated that all building will be in excess of 25 feet tall and will be less than 75 feet tall and that the minimum landscaping requirements for the site will be greatly exceeded. The applicant has requested an adjustment so that no maximum allowed setback is established, but rather the site is developed consistent with the approved master plan.

Chapter 17.42 - Flood Management Overlay District

17.42.170 Flood management area standards.

A. Uses Permitted Outright:

1. *Excavation and fill required to plant any new trees or vegetation;*

Finding: Complies. Applicant proposes to plant new native vegetation during each phase of the development and as part of the mitigation requirements for the Water Resource Overlay Zone.

2. *Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.200 (Floodways).*

Finding: Complies. Applicant proposes to plant new native vegetation during each phase of the development and as part of the mitigation requirements for the Water Resource Overlay Zone.

B. Provisional Uses. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the Flood Management Overlay District subject to compliance with the Development Standards of this section.

Finding: Applicable. The proposed uses are all allowed uses and are subject to the development standards of this section (i.e. must meet balanced cut and fill requirements).

C. Prohibited Uses.

1. *Any use prohibited in the base zone;*

2. *Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.*

Finding: Not applicable. The applicant has not proposed a prohibited use nor proposed any uncontained hazardous materials.

D. Site Development Standards. All development in the floodplain shall conform to balanced cut and fill standards.:

This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

2. *No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purposes of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

3. *Any excavation below bankfull stage shall not count toward compensating for fill.*

4. *Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*

5. *For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*

6. *For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.*

7. *Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.*

8. *Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.*

9. *New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to*

minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

Finding: Complies. The Applicant is proposing development beyond the scope of this provision; as such the provisions of this chapter apply. The Applicant has designed the cuts and fills on the site consistent with this requirement. The Applicant has balanced the floodplain consistent with this requirement. The proposed development will create approximately 900 cubic yards of excess storage within the floodplain between the elevations of 18 feet mean sea level (msl) and 51 feet msl. The Applicant is not proposing to balance the cut fills utilizing any excavation below bankfull stage. The entire Master Plan boundary is located within the same City floodplain. All proposed cut and fills associated with the development of the site shall occur within the Master Plan boundary consistent with this requirement. The City has not identified any of these areas. The proposed cuts and fills within the site are necessary in order to permit the level of development proposal. The Applicant is not proposing to create any new or alter any existing wetlands. Therefore the proposal is consistent with this requirement. The proposed development will place vehicle parking in the floodplain. Such parking areas will be accompanied by signs that inform the public of the potential for flooding. Temporary fill will be removed no later than the completion of the final inspection as consistent with the requirements of this standard. The entire development has been designed to balance all cut and fill to within the floodplain consistent with local and federal requirements. The Applicant is not proposing to construct any detention facilities on the site.

E. Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Residential Construction.

a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional

engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
- ii. The bottom of all openings shall be no higher than one foot above grade.*
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

5. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection (D)(2) of this section are met;

ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.120(B);

iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (E)(4)(b) of this section; and

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).

6. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Zone AE on the community's FIRM.

a. On sites which are (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; the manufactured home shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. On sites within an existing manufactured home park or subdivision that are not subject to the above manufactured home provisions, the manufactured home shall be elevated so that either:

i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

F. Recreational Vehicles. Recreational vehicles placed on sites within Zones AI-30, AH and AE as shown on the flood insurance rate map shall:

1. Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

2. Meet the requirements of subsection (E)(6) of this section and the elevation and anchoring requirements for manufactured homes.

Finding: Complies. The Applicant is not proposing to place any manufactured homes on the site. All proposed building will be designed and constructed consistent with any local, state and federal requirements that pertain to development within floodplains consistent with this requirement. The design of buildings constructed on site has taken into account the presence of FEMA's 100-year floodplain. All structures proposed for the site will be designed consistent with these requirements. Conformance with this

requirement will be assured at the time of building permit review. Specific information relating to the design and location of proposed water, sewer and stormwater facilities is located within Sheet C7.0 of Exhibit "A" and Exhibit "L", the Preliminary Drainage Report. All systems have been designed consistent with city standards and adopted facility master plans.

The Applicant is not proposing any on-site waste disposal; all effluent generated onsite will be conveyed to the Tri City Waste Water Treatment Plant for treatment and release. The Base Flood Elevation for the subject is 50.7 Feet above msl. All newly constructed residential structures will have the lowest floor at or above 52 feet msl, consistent with this requirement. The Applicant has designed the proposed structures to allow for all habitable space to be located a minimum of one (1) Foot above the base flood elevation of 50.7 feet msl.

The proposed condominiums have garages and in some cases storage areas that are located below the base flood elevation. These areas will be designed to accommodate a 100-year flood event and utilize construction methods that are resistant to flood damage consistent with this requirement and those requirements set forth by the Federal Emergency Management Agency (FEMA) for construction in areas prone to flooding. The Applicant will demonstrate compliance with this requirement at the time of building permit review for each proposed building. Nonresidential buildings will be designed to ensure that the lowest "occupied" floor will be elevated a minimum of one (1) foot above the base flood elevation of 50.7 feet msl. The proposed parking for the building will be located beneath and will be designed to allow for flood storage consistent with FEMA and local provisions. The Applicant will demonstrate compliance with this requirement at the time of building permit review for each proposed building. Findings regarding the proposed subdivision have been provided in the Subdivision section of the narrative, below.

Chapter 17.44 - US Geologic Hazards

The identified steep slopes requiring the standards of this section are the slopes adjacent to the south/southeast bank of the Clackamette Cove. The applicant has proposed to grade the steep slopes, reducing the angle of the bank to a 3:1 slope.

Section 17.44.060 Development Standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

Finding: Complies as proposed. The Cove has been designed to require the minimum disturbance of natural topography on the site. Grading is limited to that which is necessary to allow for the construction of buildings, installation of utilities and improvements to the transportation system. Grading activities will be limited to the dates established and/or approved by the Director.

B. Designs shall minimize the number and size of cuts and fills.

Finding: Complies as proposed. The Cove has been designed to require the minimum number of cuts and fills needed to meet the balancing required for the site. The proposed cuts and fills are necessary in order to allow for the development of the site. Finished floor elevations must be elevated a minimum of one-foot above the base flood elevation of 50.7 msl. At the same time, the applicant is precluded from adding any additional fill material into the floodplain. The result is a delicate balance between the proposed cut and fills necessary to allow for development of the site while reducing the likelihood of negative impacts to downstream and adjacent properties. The proposed grading plan is consistent with this requirement.

C. Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies as proposed. The applicant has designed the proposed grading of the site consistent with this requirement. Please see the grading review in section 17.62.050.

D. Grading-Fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of twenty feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies as proposed. The applicant has not proposed to terrace any areas within the steep slope area.

E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.

Finding: Complies as proposed. The grading proposed for the site has been designed by a qualified engineers.

F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.

Finding: Complies as proposed. The proposed retaining walls have been designed, and will be constructed in accordance with the Uniform Building Code.

G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Complies as proposed. The applicant has not proposed to place any roads within the steep slope areas adjacent to the cove.

H. Density shall be determined as follows:

- 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;*
- 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;*
- 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.*

Finding: Not applicable. There are no identified minimum or maximum density requirements within the mixed-use downtown zone.

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks:

- 1. For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;*
- 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.*
- 3. No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.*

Finding: Not applicable. There are no identified minimum or maximum density requirements within the mixed-use downtown zone.

J. For those portions of the property with slopes over thirty-five percent between grade breaks:

- 1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;*
- 2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.*

Finding: Not applicable. There are no identified minimum or maximum density requirements within the mixed-use downtown zone.

K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 04-1016, Att. 1 (part), 2004; Ord. 94-1001 §2 (part), 1994)

Finding: Complies as proposed. The city has reviewed the applicant's geotechnical report and concur with the recommendations.

Section 17.44.070 Access To Property.

A. Shared private driveways may be required if the city engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.

B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.

C. Points of access to arterials and collectors shall be minimized.

D. The city engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Not applicable. The applicant has not proposed a private driveway within the steep slope areas.

Section 17.44.080 Utilities.

All new service utilities, both on-site and off-site, shall be placed underground and under roadbeds where practicable. Every effort shall be made to minimize the impact of utility construction.

Finding: Not applicable. The applicant has not proposed utilities within the steep slope area.

Section 17.44.090 Storm Water Drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Public Works Stormwater Management Design Manual and Standards Plan or other adopted standards subsequently adopted by the city commission. Drainage design shall be approved by the city engineer before construction, including grading or other soil disturbance, has begun.

Finding: Complies as proposed. Please see sections 17.49 and 17.62.050.

Section 17.44.100 Construction Standards.

During construction on, or within fifty feet of, land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be

approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).*
- D. In no event shall construction activities aggravate existing conditions. All disturbed sod shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.*
- E. Existing vegetative cover shall be maintained to the maximum extent practicable.*
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.*
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 94-1001 §2(part), 1994)*

Finding: Complies as proposed. The applicant has submitted grading and stormwater plans and a water quality resource report addressing site preparation, mitigation and best management strategies that will minimize the impact on the adjacent resource, control erosion and protect vegetation identified for retention.

Chapter 17.49 - Water Quality Resource Overlay District

Section 17.49.050 Water quality resource area standards.

This section applies to water quality resource areas within the water quality resource area overlay district.

A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of water quality resource areas.

Finding: The applicant has indicated that the development is consistent with the intent and purpose of the Water Quality Resource Overlay District. The site has been designed in order to minimize the impact to the surrounding environment and avoid directly impacting the wetlands that exists within the western edge of the site adjacent to the Clackamas River. The applicant is proposing to remove invasive non-native species from within the development area. The applicant has proposed to utilize natural systems to the maximum extent possible for stormwater treatment, including pervious pavement, swales for runoff, and rain gardens. The applicant has requested a reduction in the vegetated corridor width surrounding the Clackamette Cove from two-hundred feet to fifty feet and a small encroachment of the fifty-foot corridor for the construction of a mixed-use building.

B. The water quality resource area is the vegetated corridor and the protected water feature. The width of the vegetated corridor is specified in Table 17.49-1. At least three slope measurements along the water feature, at no more than fifty-foot increments, shall be made for each property for which development is proposed. Depending on the slope measurements, the width of the vegetated corridor may vary.

**Table 17.49-1
WIDTH OF VEGETATED CORRIDOR**

| <i>Protected Water Feature Type (see definitions)</i> | <i>Slope Adjacent to Protected Water Feature</i> | <i>Starting Point for Measurements from Water Feature</i> | <i>Width of Vegetated Corridor (see Note 1)</i> |
|--|---|---|---|
| <i>Anadromous fish-bearing streams</i> | <i>Any slope</i> | <i>• Edge of bankfull flow</i> | <i>200 feet</i> |
| <i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i> | <i>< 25 percent</i> | <i>• Edge of bankfull flow</i> | <i>15 feet</i> |
| <i>All other protected water features</i> | <i>< 25 percent</i> | <i>• Edge of bankfull flow • Delineated edge of Title 3 wetland</i> | <i>50 feet</i> |
| | <i>≥ 25 percent for 150 feet or more (see Note 2)</i> | | <i>200 feet</i> |
| | <i>≥ 25 percent for less than 150 feet (see Note 2)</i> | | <i>Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.</i> |

Notes:

- 1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).*
- 2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.*
- 3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.*

Finding: Complies as proposed. The applicant provided a Water Resources Report, prepared by Amber Wierck and John van Staveren of Pacific Habitat Services, Inc (Exhibit 1, Exhibit G), and dated October 28, 2008, which identifies the water resource on the site. The report indicates that the Clackamas River and

Clackamette Cove are anadromous fish-bearing resources requiring a 200-foot buffer from the edge of the bankfull flow or ordinary high water line. The applicant has requested a reduction in the vegetated corridor width surrounding the Clackamette Cove from two-hundred feet to fifty feet and a small encroachment of the fifty-foot corridor for the construction of a mixed-use building.

C. Uses Permitted Outright.

- 1. Stream, wetland, riparian and upland enhancement or restoration projects; and farming practices as defined in ORS 30.930 and farm uses, excluding buildings and structures, as defined in ORS 215.203;*
- 2. Placement of structures that do not require a grading or building permit;*
- 3. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.*

Finding: The applicant has not proposed an outright permitted use.

D. Uses Under Prescribed Conditions.

- 1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.*
- 2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.*
- 3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.*

Finding: The applicant has not proposed a use under prescribed conditions.

E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:

- 1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;*
- 2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;*
- 3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;*
- 4. New public or private utility facility construction;*
- 5. Walkways and bike paths (see subsection (H)(5) of this section);*
- 6. New stormwater pre-treatment facilities (see subsection (H)(6));*
- 7. Widening an existing road adjacent to or running parallel to a water quality resource area;*
- 8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.*

Finding: This project includes provisional uses 1, 2, 5 and 8. Findings regarding compliance with Subsections G and H are outlined below.

F. Prohibited Uses.

- 1. Any new development, other than that listed in subsections C, D and E;*
- 2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.*

Finding: The applicant has not proposed a prohibited use.

G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.

- 1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.*

2. *The location of all existing natural features including, but not limited to, all trees of a caliper greater than six inches diameter at a height of four feet, natural or historic drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the water quality resource area;*
3. *Location of Title 3 wetlands. Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist;*
4. *An inventory and location of existing debris and nuisance plants;*
5. *An assessment of the existing condition of the water quality resource area in accordance with Table 17.49-2;*
6. *An inventory of vegetation, including percentage ground and canopy coverage;*

Finding: Complies. The applicant has prepared and submitted a Water Resource Report prepared by a qualified professional that addresses the required information identified in subsection G1 through G6.

7. *An analysis of the impacts the proposed development may have on the water quality resource area.*

Finding: This criterion is met. The applicant has submitted a detailed analysis of the impacts the proposed development will have on the water quality resource area, the vegetated corridor, hydrology and wildlife (Exhibit 1, Exhibit G, pages 5–6). The analysis indicates that the proposed development is not likely to alter the hydrology of the system. PHS has identified aquatic and terrestrial wildlife that are likely to inhabit the subject area and has concluded the proposed development is unlikely to negatively impact these species and that the proposed improvements to the riparian area that will consist of removal of invasive species and planting native species will benefit the wildlife through the provision of improved habitat.

8. *An analysis of the impacts the proposed development will have on the water quality of affected water resources, taking into account relevant natural features and characteristics of the water quality resource area;*

Finding: This criterion is met. The applicant has submitted a detailed analysis of the impacts the proposed development will have on the water quality of the resource (Exhibit 1, Exhibit G, pages 5–7). The analysis indicates that the water quality of the Clackamette Cove should remain unaltered as a result of the development. Stormwater from the rooftops will be redirected into rain gardens adjacent to the buildings and pervious pavements will be utilized within the parking areas. Stormwater collected in the public street system will be directed to stormwater swales within the planter strips adjacent to the streets, which will allow the water to be collected, slowed and conveyed through a dispersion trench via storm sewer networks, reducing discharge velocities, erosion and the transport of sediment to the resource.

The conveyance system for the project will be designed to convey a 25-year storm event and contain the peak runoff from a 100-year storm event. In addition, re-grading will improve the steep slopes to a gentler 3:1 slope, reducing erosion. The stormwater plan has been designed to minimize downstream impacts and to protect and enhance water quality.

9. *An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;*

Finding: This criterion is met. The mitigation plan for the proposed development is included on page 7 of exhibit 1-G.

The water resources report shall be prepared by one or more qualified professionals including a wetlands biologist or hydrologist whose credentials are presented in the report;

Finding: Complies. Please see page 51 of exhibit 1.

Alternatives analysis demonstrating that:

- a. *No practicable alternatives to the requested development exist that will not disturb the water quality resource area,*

- b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use.*
- c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,*
- d. It will be consistent with a water quality resource area mitigation plan,*
- e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,*
- f. For applications seeking an alteration, addition, rehabilitation or replacement of existing structures:*
 - i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the water quality resource area than the one proposed, and*
 - ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the water quality resource area to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation, and*
 - iii. Provide mitigation to ensure that impacts to the functions and values of the water quality resource area will be mitigated or restored to the extent practicable;*

Finding: Complies as proposed. The development has been designed to minimize impacts to the water quality resource area. Buildings have been located an average of 175 feet from the ordinary high water line in most areas surrounding the cove. There are no other practicable alternatives to the proposed development within the 200-foot corridor because the property would not be developable. The applicant has proposed to balance wildlife habitat and recreation with development and infrastructure improvements.

The applicant has proposed to relocate Main Street, which currently impacts 11,329 square feet of the resource, resulting in a reduction of 6,807 square feet of impact to the resource area. In order to minimize the impact within the water quality resource area, the applicant redesigned the site to concentrate development in those areas that are degraded, enabling areas that are in a more natural state to be reserved for recreational trail and restoration activities.

The current condition of the vegetated corridor is degraded because of the prior industrial use of Clackemette Cove, resulting in a riparian zone with a current width from 20 to 30 feet wide. The rest of the corridor width is exposed bare dirt or has scattered vegetation. With the proposed plantings, the functional riparian area will be approximately six times the current width. This will restore the water quality resource area and ultimately improve the riparian function and provide improved habitat wildlife.

The rationale behind choosing the selected alternative is to reduce the amount of impact to the resource while proposing a development that meets the development potential of the site. The applicant has not identified a practicable alternative that will not impact the water quality resource area. Applicant prepared a detailed analysis, provided on pages 7 – 9 of exhibit 1-G.

12. A water quality resource area mitigation plan shall be prepared by a registered professional engineer, landscape architect, biologist, or other person trained or certified to determine that the vegetated corridor meets the requirements of Table 17.49-2 and shall contain the following information:

- a. A description of adverse impacts that will be caused as a result of development,*
- b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,*
- c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,*
- d. A map showing where the specific mitigation activities will occur,*
- e. A maintenance program assuring plant survival for a minimum of three years,*
- f. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan.*

Finding: Complies as proposed. The applicant prepared a mitigation plan summary that addresses these items, see pages 9 – 13 of exhibit 1-G. The applicant has indicated that the permanent impacts to the WQRA from the relocation of Main Street, the multi-use building, impervious paths and walls, and portions of the condominiums and recreation building will be 277,999 square feet. Approximately 380 trees greater than 6 inches diameter will be removed due to grading and the proposed improvements. If the variance is approved and the buffer width is reduced to 50 feet, the permanent impacts will be reduced to 4,522 square feet, as portions of the multi-use building and Esplanade will encroach into the 50-foot buffer. In this scenario, approximately 224 trees will be removed, mostly due to grading.

The applicant has proposed to restore the vegetated corridor per the requirements in Table 17.49-2, for a degraded existing vegetated corridor. The mitigation area and all disturbed areas will be restored by planting species from the Oregon City native plant list and the non-native, nuisance plants will be removed. One hundred percent coverage will be accomplished in the mitigation and restoration areas. The proposed planting surrounding the water resource will increase the existing riparian corridor on average by 135 feet and cover approximately 466,014 square feet, which is a much greater replacement ratio than 1:1.

H. Development Standards. Applications for provisional uses in the water quality resource area shall satisfy the following standards:

1. The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 17.49-2.

Finding: Complies as proposed. The vegetated corridor will be restored based on the requirements listed in Table 17-49.2, for a degraded existing vegetated corridor. The mitigation area will be restored by using plants from the Oregon City native plant list and non-native plants will be removed. One hundred percent coverage will be accomplished in the mitigation and restoration areas.

2. Existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area. Trees in the water quality resource area shall not be used as anchors for stabilizing construction equipment.

Finding: Complies as proposed. The existing vegetation will be preserved except in areas where the bank will be re-graded to a gentler 3:1 slope. 383 trees are proposed for removal. The re-grading is a requirement for this site, because the riparian area plantings and trail system would not be feasible without it and the site would not be developable to meet FEMA standards. Next to work areas, the water resource area will be marked to prevent disturbance within the resource area.

3. Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated during the next planting season. Nuisance plants, as identified in the Oregon City nuisance plant list, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Removed nuisance plants shall be replaced with plants from Oregon City's native plant list by the next planting season.

Finding: Complies as proposed. The applicant has proposed mitigation techniques that meet this requirement to be followed during construction on the site. This criterion is met.

4. Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed in subsection E of this section. Such markings shall be maintained until construction is complete.

Finding: Complies as proposed. The applicant has proposed mitigation techniques that meet this requirement to be followed during construction on the site. This criterion is met.

5. Walkways and bike paths:

Finding: Complies as proposed. The Cove includes an extensive network of pedestrian walkways that connect the site to adjacent uses and the Clackamas River Trail. Some sections will be paved while others

will be made of earthen material and/or gravel. The walkways will be constructed in a manner that minimizes the impact on the protected water features on the site.

The applicant is proposing to construct an Esplanade adjacent to the eastern shore of Clackamette Cove that is approximately 20 feet wide and to be located almost entirely outside of the reduced vegetated corridor. The applicant has requested an adjustment since the Esplanade will be greater than 12 feet wide. The applicant has calculated this area as an impact and will mitigate for the impact.

6. Stormwater quantity control and quality control facilities.

Except for flood control facilities designated by adopted Oregon City stormwater master plans, the stormwater quantity control and quality control facility may encroach a maximum of twenty-five feet into the outside boundary of the water quality resource area of a protected water feature, (maximum allowable encroachment to be proportionally reduced for applicable intermittent stream vegetated corridor).

Finding: Not applicable. The applicant has not proposed a storm water facility within the WQRA. All stormwater from proposed facilities will be treated on-site but outside of the WQRA.

7. Additions, Alterations, Rehabilitation and Replacement of lawful structures.

For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this chapter shall apply in addition to the nonconforming use regulations of this title (Chapter 17.58). Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to and will have no greater material adverse impact on the protected water feature than the existing structures, roadways, driveways, accessory uses and development.

Finding: Complies as proposed. The applicant has indicated that any improvements to existing structures will not encroach further into the vegetated corridor.

8. Off-Site Mitigation

a. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:

- i. As close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable;*
- ii. Within the watershed where the development will take place or as otherwise specified by the city in an approved wetland mitigation bank.*

In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction has been placed on the property where the mitigation is to occur is required.

Finding: Not applicable

Vegetated Corridor Width Reduction. A reduction in the width of the vegetated corridor required by Table 17.49-1 may be allowed as part of a Type III proceeding under the following conditions:

- 1. On slopes that are greater than or equal to twenty-five percent for less than one hundred fifty feet, a maximum reduction of twenty-five feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that the slope is stable.*
- 2. On an anadromous fish-bearing stream, the two hundred foot vegetated corridor may be reduced if the following criteria are met:*
 - a. The existing condition of the vegetated corridor is primarily developed with commercial, industrial or residential uses or is significantly degraded with less than twenty-five percent vegetative cover.*
 - b. A decrease is necessary to accomplish the purposes of the proposal and no practicable alternative is available.*
 - c. Decreasing the width of the vegetated corridor will not adversely affect the water resource functional values. The functional values of a water resource include, but are not limited to, the following: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; groundwater recharge and discharge; erosion control; historical and archaeological and aesthetic value; and recreation.*

- d. *Improvements will be made to the remaining vegetated corridor pursuant to the mitigation requirements of the section on Degraded Existing Vegetation Corridor in Table 17.49-2 of this chapter. The applicant must demonstrate that the improvements will increase the functional values of the water resource.*
- e. *A proposal to enhance a vegetated corridor shall not be used as justification to reduce an otherwise functional standard corridor width.*
- f. *In no case may the reduced corridor be less than otherwise would be required by Table 17.49-1 for a non-anadromous fish-bearing stream.*

Finding: Complies as proposed. The applicant has requested a reduction of the 200-foot vegetated corridor width on the subject site to a 50-foot vegetated corridor width. The water resource report indicates that the site is “degraded” as defined by the Oregon City Municipal Code and the site has historically been utilized as an industrial site. The proposed reduction is necessary to allow for development of the site consistent with the underlying zone. A 200-foot vegetated corridor width would effectively preclude the efficient and rational development of the site by limiting the area available for development, making compliance with the minimum floor area ratio requirements and vision articulated in the comprehensive plan difficult. No other practicable alternatives have been identified.

The proposed reduction will not adversely affect the functional value of the Clackemette Cove, which is identified as degraded. The proposed enhancements and mitigation will greatly improve the functional value of the resource, including the reduction of erosion and improved habitat and water quality.

Section 17.49.060 Subdivision and partitions.

- A. *The purpose of this section is to amend the City regulations governing land divisions to require that new subdivisions and partition plats delineate and show the water quality resource area as either a separate tract or part of a larger tract that meets the requirements of subsection (D) of this sections.*

Finding: Complies as proposed. The applicant has proposed a subdivision with the creation of tracts for the natural areas.

Section 17.49.070 Density Transfers.

- A. *The purpose of this section is to allow density accruing to portions of a property within the water quality resource area to be transferred outside the water quality resource area.*

Finding: Not applicable. The applicant is not proposing a density transfer.

Section 17.49.080 Variances.

- A. *The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.*
- B. *This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of Chapter 17.60.*
- D. *Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:*
 1. *The variance is the minimum necessary to allow the proposed use or activity;*
 2. *The variance does not increase danger to life and property due to flooding or erosion;*
 3. *Unless the proposed variance is from Section 17.49.050(G)(12) (mitigation), the proposed use will comply with those standards; and*
 4. *The proposed use complies with the standards of the base zone and other applicable overlay districts.*

Finding: Complies as proposed. The applicant has requested a variance to the 50-foot corridor width for the Commercial Mixed-use building. The applicant has indicated that the proposed mixed-use building is an integral piece of the overall development and that the proposed location is the result of several factors. The applicant has tried to locate the office/restaurant as far from the Tri-City Sewer Plant as possible to reduce

the likelihood of any negative impacts from odor. The proposed location also provides excellent visibility from McLoughlin Boulevard, a benefit for the future users of the site. The applicant is also limited by the requirements of developing within the 100-year flood plain, which impacts the design of the building.

The proposed encroachment of the building would impact 4,522 square feet. The applicant has proposed to relocate Main Street, which will remove the street from the 50-foot vegetated corridor, resulting in a net increase of 11,329 square feet to the vegetated corridor. Even with the encroachment of the office building, there would be a net increase of 6,807 square feet to the vegetated corridor. The overall net increase to the vegetated corridor is in an overall benefit to the resource.

The proposed building is designed to comply with the requirements of the Flood Management Overlay District, which requires that all habitable spaces be 1-foot above the flood elevation. The requested variance will not increase the danger to life and/or property due to flooding.

Chapter 17.52 – Off-Street Parking and Loading

Section 17.52.020 Administrative Provisions.

A. *The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Use of property in violation is a violation of this title. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it is unlawful and a violation of this title to begin or maintain such altered use until the required increase of off-street parking or loading is provided.*

Finding: Complies. The applicant has indicated that the owner would provide continuous maintenance of the parking lot and added that the parking and loading areas would be used exclusively for parking and loading.

B. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.*

Finding: Complies as conditioned. Staff has calculated that the area of the North Park as approximately 5.5 acres. This calculation does not include the trails and esplanade, but represents the formal gathering space. The Community Services Director has indicated that the industry standard for parking within a developed park, and the standard that was used at Wesley Lynn, is 5 spaces per acre. Staff recommends that this standard be utilized for this development. The applicant shall increase the parking associated with the North Park from 10 spaces to a 28 spaces. **The applicant can meet this standard by complying with condition of approval 2.**

C. *In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. Shopping centers shall be considered a retail use.*

Finding: Complies. The total off-street parking complies with the maximum and minimum requirements of the master plan.

D. *Owners of two or more uses, structures, or parcels of land, may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory documentation is presented to the planning department.*

Finding: Not applicable. The applicant has not proposed to share the parking lot with another owner.

E. *Off-street parking for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve dwelling. Other required parking spaces shall be located not farther than five hundred feet from the building or use they are required to serve, measured in a straight line from the building.*

Finding: Complies. The parking is located on the same tax lot and the applicant has not proposed parking further than 500 feet from any building it is required to serve.

F. *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.

G. *Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time, not to exceed one year may be granted by the building inspector providing that a performance bond, or its equivalent, is posted equaling one hundred fifty percent of the cost of completion of the improvements as estimated by*

the building inspector, provided the parking space is not required for immediate use. In the event the improvements are not completed within one year's time, the improvements shall be constructed under the direction of the city, utilizing the proceeds of the performance bond or its equivalent as necessary.

Finding: Complies. The applicant has proposed to provide the onsite parking consistent with the concept master plan.

H. Lesser Requirements Allowed by Planning Commission. The planning commission may permit lesser requirements than those specified in the parking and loading requirements above where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the enforcement of the above off-street parking and loading restrictions would cause an undue or unnecessary hardship.

Finding: Not applicable. The applicant has not requested a reduction of the parking and loading requirements.

Section 17.52.030 – Design Review

A. Development of parking lots shall require site plan review.

Finding: Applicable.

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 park parking lot is designed to meet this standard.

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 storm water runoff and improve water quality are encouraged.

Finding: Complies. The applicant has proposed to use pervious asphalt to reduce storm water runoff and improve water quality.

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 with Conditions. The applicant indicates their planned improvements will meet City standards for stormwater treatment. **The applicant can meet this standard by complying with condition of approval 8.**

E. Lighting. Artificial lighting which may be provided shall enhance security, be appropriate for the use, and avoid adverse impacts on surrounding properties and the night sky through appropriate shielding. The lighting shall not cause a measurement in excess of 0.5 foot-candles of light on other properties.

Finding: Complies. The applicant has indicated that the North Park parking lot lighting has been designed to enhance security and will not exceed 0.5 foot-candles at the property line.

F. Dimensional Requirements.

Finding: Complies. The applicant has indicated that all proposed parking will be designed to comply with the dimensional requirements of this section.

Section 17.52.040 – Carpool and Vanpool Parking

A. New retail, office commercial and industrial developments with twenty-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park-and-ride facilities with twenty-five 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.

Finding: Not applicable. Carpool and vanpool parking is not required for the North Park parking area.

Section 17.52.050 – Bicycle Parking

To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all of the following uses:

- A. *Multifamily housing of four or more units;*
- B. *Retail and office development;*
- C. *Industrial development;*
- D. *Institutional development;*
- E. *Transit transfer stations and park-and-ride lots;*
- F. *Automobile parking lots and structures.*

Finding: Applicable.

Section 17.52.060 Bicycle parking standards.

A. *Unless exempted pursuant to subsection J of this section, bicycle parking spaces shall be provided for the uses described in Section 17.52.050, in the amounts specified in Table A, found at the end of this chapter; provided, however, that all nonexempt uses shall have a minimum of two parking spaces. These requirements shall apply to new development; to any change in use of existing development subject to this section; and to any expansion of any existing use subject to this section where the expansion equals or exceeds fifty percent of the existing gross floor area or three thousand square feet of gross floor area. 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.*

Finding: Complies. The applicant has indicated that bicycle parking will be provided as required. The minimum standard for bicycle parking is one bike space per 10 automobile spaces.

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.*

Finding: Complies. Bicycle parking will be provided at the North Park.

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. The applicant has indicated that all bicycle parking spaces will be clearly marked and located in a convenient location.

3. *The locations of bicycle parking spaces shall be indicated in an off-street parking and loading plan which shall be submitted for review by the review authority during site plan and design review or as otherwise required by city regulations.*

Finding: Complies. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

4. *For any expansion of an existing use subject to this section, the number of required bicycle parking spaces shall be determined based on the entire use rather than the incremental increase in floor space. For any change in use, the number of required bicycle parking spaces shall be calculated based upon requirements for the new use as shown in Table A. For any change in use or expansion of an existing use subject to this section, the review authority may reduce or waive requirements of this section to the extent the review authority determines that compliance with those requirements is not practicable due to existing development patterns or that application of these standards is not reasonably related to the scale and intensity of the development.*

Finding: Not applicable.

5. *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 principal planner, is most similar to the use not specifically mentioned.*

Finding: Not applicable.

- 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 that conformance with this section will be demonstrated prior to the issuance of a building permit.

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 applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

- 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. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

- D. *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: Not applicable.

- E. *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. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

- F. *Required bicycle parking shall have a minimum lighting level of three foot-candles so that the system can be securely used at night by employees, residents and customers.*

Finding: Complies. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

- G. *Bicycle parking may be uncovered, although cover is encouraged. Cover can be accommodated through building or roof overhangs, awnings, bicycle lockers or bicycle storage within buildings.*

Finding: Complies. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

H. Bicycle parking spaces required by this chapter may not be rented or leased except where required motor vehicle parking is rented or leased.

Finding: Complies. The applicant has indicated that conformance with this section will be demonstrated prior to the issuance of a building permit.

I. At park-and-ride lots, site drawings shall allocate adequate space for one hundred percent bicycle locker expansion. This expansion area may be part of the required landscaped area on the site.

Finding: Not applicable. A park-and-ride lot was not proposed with this application.

J. The review authority shall allow exemptions from the bicycle parking requirements for the following uses:

- 1. Seasonal uses, such as fireworks stands and Christmas tree sales;*
- 2. Drive-in theaters;*
- 3. Storage facilities for household and consumer goods;*
- 4. Home occupations.*

Finding: Not applicable. None of the listed uses is proposed.

Section 17.52.070 – Pedestrian Access in Off-Street Automobile Parking Areas

The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.

Finding: Complies. A pedestrian walkway is located east of the proposed 10 space parking lot adjacent to the North Park area.

All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 31 of the Uniform Building Code.

Finding: Not applicable. Applicant is not proposing parking improvements with this phase.

Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials.

Finding: Not applicable. Applicant is not proposing parking improvements with this phase.

Section 17.52.080 – Conversion of Existing Required Parking

To promote transit travel and the more efficient use of urban land on properties adjacent to transit streets, off-street parking spaces constructed in excess of the minimum required may be redeveloped for transit oriented uses.

Finding: Not applicable. The project is not adjacent to a transit street.

Section 17.52.090 – Parking Lot Landscaping

Section 17.52.090.C.1.

The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). 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. Where parking areas abut a residential district, there shall be a wall, sight-obscuring fence, or sight obscuring landscaping not less than six feet in height. Slight modifications to landscaping location may be proposed for review that enhances the reduction of non-shaded impervious parking lot area.

Finding: Complies with conditions. The applicant has proposed 10 parking spaces for the North Park area. Staff has recommended that a minimum of 28 spaces be provided to accommodate the park use, which will result in a redesign of the concept master plan and the phase 1 and 2 detailed development plans. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with this section.

The applicant can meet this standard by complying with condition of approval 27.

Section 17.52.090.C.2.a Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening.

Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-way Screening. Parking lot entryways and perimeter parking lot landscaping areas not abutting the building or where access/parking is shared between adjoining land owners shall be bordered by a minimum five-foot wide landscaped planter strip with trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;

Finding: Complies with conditions. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with this section. **The applicant can meet this standard by complying with condition of approval 27.**

Section 17.52.090.C.2.b.

Ground cover, such as wild flowers, 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 conditions. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with this section. **The applicant can meet this standard by complying with condition of approval 27.**

Section 17.52.090.C.2.c.

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

Finding: Complies with conditions. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with this section. **The applicant can meet this standard by complying with condition of approval 27.**

Section 17.52.090.C.3. 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:*
- b. Trees spaced a maximum of thirty-five feet apart;*
- c. Ground cover such as wild flowers, 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; and*
- d. An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or*
- e. 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.

Section 17.52.090.C.4. Interior Parking Lot Landscaping.

In addition to perimeter parking lot landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the perimeter parking lot landscaping shall not be included in the ten percent requirement.

- a. A minimum of one tree per six parking spaces.*
- b. Ground cover, such as wild flowers, 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.*
- c. Shrubs shall be spaced no more than four feet apart on average.*
- 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 conditions. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with this section. **The applicant can meet this standard by complying with condition of approval 27.**

Section 17.52.090.C.5. Alternative Landscaping Plan.

The city encourages alternative designs that utilize innovative “green” designs for water quality management of parking lot storm water. An applicant may prepare an alternative landscaping plan and specifications that meet the intent of the requirements in subsections (C)(1) through (C)(5) above and the intent of the zoning district and shall be approved by the community development director.

Finding: The applicant may choose to propose an alternative landscaping plan.

Section 17.52.090.C.6.

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

Finding: Complies. All areas of the parking lot are used for parking, maneuvering, circulation or landscaping.

Section 17.52.090.C.7.

The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.

Finding: Complies. No obstructions exist.

Section 17.52.090.C.8.

Landscaped areas shall include irrigation systems.

Finding: Complies. The applicant has indicated that irrigation systems will be included were necessary and appropriate.

Section 17.52.090.C.9.

Off-street loading areas and garbage receptacles shall be located so as not to hinder travel lanes, walkways, public or private streets or adjacent properties.

Section 17.52.090.C.10.

Garbage receptacles and other permanent ancillary facilities shall be enclosed and screened.

Not applicable. Applicant is not proposing parking improvements or garbage facilities with this phase.

Section 17.52.090.C.11.

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 has indicated that no invasive plant materials will be used on the campus.

Section 17.52.090.C.12.

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

Finding: Complies. The applicant has submitted a stormwater management plan consistent with the Oregon City Municipal Code.

Section 17.52.090.C.13.

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 landscaping trees will be a minimum of two-inch caliper in size.

Section 17.52.090.D. 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. *Landscaping shall be installed with the provisions of this code.*
4. *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 has included planting requirements on the site plans in conformance with this section.

Section 17.52.090.E. 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 so that:*
 - a. *It will not interfere with the maintenance or repair of any public utility;*
 - b. *It will not restrict pedestrian or vehicular access; and*
 - c. *It will not constitute a traffic hazard due to reduced visibility.*

Finding: Complies. The applicant indicated that the owner will be responsible for maintenance of landscaping.

Chapter 17.62 – Site Plan and Design Review

The applicant is requesting approval of a detailed development plan for phases 1 and 2 of The Cove Concept Master Plan. The first phase includes the development of the North Park, full improvements of Main Street, half-street improvements along Agnes Avenue, utilities in Main Street, grading of several pad sites, landscaping of the water quality area around the mixed-use building and landscaping of the monument. The second phase includes the grading of the water quality resource area, the esplanade and condos 3 and 4, and the construction of the esplanade and water quality resource area plantings and restoration.

The North Park will be designed as a large cut our bowl that will be planted with hardy grasses. The bowl is ringed with a pedestrian and bike path that connects the site to the natural area on the Cove peninsula and to the existing Clackamas River Trail. 10 parking spaces will be provided at the southern end of the park. The esplanade will be approximately 800 feet long with 5 seating nodes.

Section 17.62.050 - Site Plan and Design Review Standards

A. All development shall comply with the following standards:

- 1. This standard requires that a minimum of fifteen percent of the site area being developed shall be landscaped.*

Finding: Complies. The Cove master plan includes significant landscaping of the site well in excess of the 15% minimum landscaping requirement. The applicant has proposed a mixture of grasses, shrubs and coniferous and deciduous trees. The landscaping has been distributed throughout the phase 1 and 2 project site.

- 2. This section requires that the size, shape, height, and spatial and visual arrangement of structures, including color shall be compatible with existing surroundings and future allowed uses.*

Finding: Complies as conditioned. The applicant has proposed a band shelter within the North Park. The applicant shall submit a detailed design of the band shelter and address the construction requirements for a structure within the flood plain, prior to the issuance of building permit for the construction of the structure. **The applicant can meet this standard by complying with condition of approval 9.**

- 3. This standard requires that grading and contouring will meet the requirements of Chapter 15.48 and shall minimize the possible adverse effects of grading on the natural vegetation and physical appearance of the site.*

Finding: Complies with conditions. The applicant has proposed mass grading on-site during Phase I for the medical-office site, the North Park, the recreational/sales building, the mixed use building and the water quality resource areas at Main Street and the mixed use building.

The applicant has proposed grading on-site during Phase II for the water quality resource area, the esplanade and condo sites three (3) and four (4). This will bring cuts and fills into balance and provide pads for current and future construction. Grading activities will be conducted in a manner that will avoid impacts to existing trees and vegetation that are intended to be preserved. Grading in front of the proposed condominium buildings will result in a maximum 3:1 slope from the esplanade down to the shoreline. Construction fencing will be used to aid in erosion control during construction activities. The Applicant has prepared a soil erosion control plan prepared consistent with Oregon City standards which is included as sheet C6.0 of their Exhibit "A". This grading accommodates the equal cut/fill requirements for the flood plain. Fill/grading permits will be required prior to the construction of these fields.

The applicant meets this standard by complying with the conditions of approval 10 and 11.

- 4. This section requires that the City shall impose the necessary conditions to minimize the risk of erosion and assure that the proposed development will not adversely affect the subject site and/or surrounding areas.*

Finding: Complies with Conditions. Erosion control measures will be provided as necessary to meet City standards. **The applicant can meet this standard by complying with condition of approval 11.**

5. *This standard requires the City to ensure that drainage waters from the proposed development do not degrade water quality in the surrounding areas.*

Finding: Complies with Conditions. The applicant indicates their planned improvements will meet City standards for stormwater treatment. **The applicant can meet this standard by complying with condition of approval 8.**

6. *This standard requires the development shall comply with City’s parking standards as provided in Chapter 17.52.*

Finding: See section 17.52 addressed above.

7. *This section requires that sidewalks and curbs shall meet the City’s requirements for street design standards.*

Finding: Complies with Conditions. The applicant is proposing to provide sidewalks and curbs consistent with City Standards. The applicant has proposed some alternatives using swales thereby perhaps eliminating some curbs. This will be reviewed and approved during plan review. **The applicant can meet this standard by complying with condition of approval 12.**

8. *This standard requires that circulation within the boundary of the site shall facilitate direct and convenient pedestrian and bicycle access.*

Finding: Complies. The pedestrian and bicycle access has been reviewed as part of the Concept Master Plan. The proposed circulation system in phases 1 and 2 are consistent with the approved plan.

9. *The standard requires adequate means to ensure continued maintenance and necessary normal replacement of common facilities and areas.*

Finding: Complies. The applicant has assumed the responsibility of ensuring that the required maintenance is provided for all facilities not subject to maintenance by the City or other public agency.

10. *This standard requires that outdoor lighting must be provided in a manner that enhances security and is appropriate for the use and be limited to 0.5 foot-candles of light on adjacent properties.*

Finding: Complies. The applicant has incorporated lighting along the esplanade designed to enhance security, is appropriate for the site and avoids adverse impacts on surrounding properties. The site illumination is designed to comply with “Dark Sky” standards.

11. *This section requires the applicant to protect significant trees on the subject site. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved. Where the community development director determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper, and the plan must at a minimum meet the requirements of Table 16.12.310-1.*

Table 16.12.310-1
Tree Replacement Requirements

| Size of Tree Removed (Inches in diameter) | Number of Trees to be Planted. |
|--|---------------------------------------|
| 6 to 12 | 3 trees |
| 13 to 18 | 5 trees |
| 19 to 24 | 8 trees |

| | |
|-------------|----------|
| 25 to 30 | 10 trees |
| 31 and over | 15 trees |

Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgment, reasonable satisfies the purposes and intent of this subsection. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

Finding: Complies with conditions. The applicant provide a tree removal plan that has recommended that 80 trees be preserved on the site due to the location, health and species of the tree. The proposed development will remove 383 trees through the site preparation and grading of the site. All trees identified for preservation will be protected on site during the construction activities. The applicant has submitted a detailed tree inventory with recommendations and rational for the preservation or removal of trees located on the site (Exhibit 1, Exhibit E).

The applicant shall prepare a revised tree removal plan identifying trees that are to be removed that are not located within the vegetated corridor or proposed right-of-ways, easements, building pads, public walkways and parking lots. The trees that are not located within one of the identified locations above shall be mitigated for per the replacement schedule identified above or as approved by the Community Development Director. **The applicant can meet this standard by complying with condition of approval 13.**

12. This standard requires that all development shall be designed and maintained to protect water resources areas.

Finding: Applicable. The property is located within the City’s Water Quality Resource Overlay District and the applicant has submitted a water resource report detailing impacts on the adjacent Water Resource, the Clackamas River. See section 17.49 for details.

13. This standard requires that the development shall comply with all applicable City’s regulations protecting natural resources.

Finding: See 12 above regarding the Clackamas Cove and Clackamas River. There are no other natural resources identified within the project site.

14. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the principal planner or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies. The applicant has indicated that the development will maintain compliance with applicable federal, state and city standards.

15. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to

modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies. The City of Oregon City's Water Master Plan prepared by Yost West & Associates in 2003 establishes the planned capacity and extension of water infrastructure for the community. The site was previously designated for industrial development. As such, the water facilities that exist and or are planned for the area have adequate capacity in terms of flow and volume to provide for the development of the site pursuant to The Cove Concept Development Plan. Water is currently available to the site via a ten-inch water line that is present within Main Street and Agnes Avenue. These lines are shown within the Existing Conditions Plan included as a part of sheet C1.0 of their Exhibit "A".

The Cove Conceptual Development Plan was developed to be consistent with the City's Water Master Plan. The Applicant is proposing connections to the existing ten-inch water line currently present within both Main Street and Agnes Avenue in order to provide water service for the proposed development areas. New eight-inch lines will be extended from each of the proposed new structures to public rights-of-ways. Public lines not located in rights-of-way will be provided with public access easements in order to ensure public access for maintenance activities. More detailed information regarding the proposed location and size of improvements is located in Sheet C7.0 of their Exhibit "A".

The City's Sanitary Sewer Master Plan prepared by Yost West & Associates in 2003 establishes the planned capacity and extension of sanitary sewer infrastructure for the community. The Plan anticipated a certain level of development for the subject site based on general land use categories. Directly adjacent to The Cove Master Plan Boundary is the Tri-City Wastewater Treatment Facility where effluent is treated and released. There currently exist several sanitary sewer lines adjacent to and within the subject property. These lines are shown within the Existing Conditions Plan included as a part of Sheet C1.0 of Exhibit "A". There currently exists a 30-inch and 42-inch sanitary sewer line within the existing alignment of Main Street and Agnes Avenue, near the northwestern edge of the property.

Major sanitary sewer lines are present within Main Street and Agnes Avenue. The Applicant is proposing to connect the commercial portion of the site to an existing 30-inch or 42-inch Tri-City Sanitary Line located within the existing alignment of Main Street and Agnes Avenue, near the northwestern edge of the property. The proposed condominiums will connect to an existing 30-inch sanitary line within Main Street and a 30-inch sanitary line within the existing route for Agnes Avenue. The proposed connection points are shown on the attached preliminary utility plans. The Applicant will be rerouting Agnes Avenue but will not be proposing to relocate the existing trunk sanitary lines. More detailed information regarding the proposed location and size of improvements is located in Sheet C7.0 of Exhibit "A".

16. 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.

Finding: Please see the concept master plan transportation review above.

17. This standard requires safe and convenient bicycle and pedestrian travel as appropriate both within the development and between the development and other residential activity centers will be provided.

Finding: Complies. The pedestrian and bicycle access has been reviewed as part of the Concept Master Plan. The proposed circulation system in phases 1 and 2 are consistent with the approved plan.

18. 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 site is not adjacent to an identified transit route within the Oregon City Transportation System Plan.

19. *This standard requires that all underground utilities shall be placed underground.*

Finding: Complies. All utilities shall be placed underground to the maximum extent practicable.

20. *This standard requires that access and facilities for handicapped shall be incorporated into the design.*

Finding: Complies. The applicant has designed the site to be consistent with the applicable federal, state and city requirements.

21. *Pedestrian and bicycle access ways shall be provided as appropriate in accordance with the requirements and standards in Chapter 12.24 and such other design standards as the City may adopt.*

Finding: Complies as conditioned. The applicant has proposed to provide pathway lighting. Chapter 12.24 requires that in order to enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. The applicant shall submit a revised lighting plan demonstrating compliance with this requirement for the esplanade lighting. **The applicant can meet this standard by complying with condition of approval 14.**

22. *In office parks and commercial centers, clustering of buildings shall be provided to the extent reasonably practicable to accommodate off-site pedestrian access.*

Finding: Not applicable. This project is not an office park or commercial center.

Section 17.62.055 Institutional and commercial building standards.

B. Applicability. *In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.*

Finding: Not applicable as part of the phase 1 and 2 construction.

Section 17.62.060 – Building Structures

A. *Building structures shall be complimentary to the surrounding area as provided by the design guidelines adopted by the city commission. All exterior surfaces shall present a finished appearance. 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 city manager 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 as part of the phase 1 and 2 construction.

Section 17.62.070 On-site Pedestrian Access.

All commercial, industrial, institutional and multi-family residential developments shall provide an on-site pedestrian circulation system that provides convenient, accessible and direct route design.

A. *The on-site pedestrian circulation system shall provide direct and barrier-free connections between buildings and existing public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities while minimizing out-of-direction travel. The pedestrian circulation system and pedestrian walkways and facilities shall be designed and constructed, as appropriate, to connect:*

1. *The main building entrance(s) of the primary structure(s) on the site with the nearest sidewalk or other walkway leading to a sidewalk;*
2. *New building entrances on a development site with other new and existing building entrances except those used for loading and unloading;*
1. *Other pedestrian-use areas on-site, such as parking areas, transit stops, recreation or play areas, common outdoor areas, and any pedestrian amenities such as plazas, resting areas and viewpoints;*

2. *To adjacent developments where feasible. Development patterns shall not preclude eventual site-to-site pedestrian connections where feasible, even if infeasible at the time of development. Public and private schools, and parks over one acre in size, shall provide direct pedestrian access from adjacent neighborhoods, using multiple-access points in all directions as reasonably practicable to minimize neighborhood walking distance to a site. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially zoned land.*
- B. *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 increased to seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the safety of the pedestrian must be assured by raising the walkway or separating it 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.*
- C. *The on-site pedestrian circulation system shall be lighted to a minimum level of three foot-candles 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 designed to light the walkway and enhance pedestrian safety.*
- D. *On-site vehicular and pedestrian circulation patterns shall be designed to minimize vehicular/pedestrian conflicts through measures such as minimizing driveway crossings, creating separate pedestrian walkways through the site and parking areas, and designating areas for pedestrians by marking crossings with changes in textural material. Such textural material shall be consistent with Chapter 31 of the Uniform Building Code. Pedestrian walkways in parking areas shall comply with the requirements of Section 17.52.080.*

Finding: Complies with conditions. The applicant has proposed a pedestrian system consistent with the approved concept master plan. Please see criterion 21 above.

Chapter 16.08 – Subdivisions - Process And Standards

Section 16.08.010 - Purpose and General Provisions

All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.

Finding: Complies with Conditions. The proposed project was reviewed by the appropriate agencies and the findings necessary to be in compliance with Chapter 16.08.010 have been included. The applicant can satisfy this standard by complying with the attached Conditions of Approval. **The applicant can satisfy this standard by complying with the attached conditions of approval.**

Section 16.08.020 – Pre-application Conference

Finding: Complies as Proposed. Pre-application conferences were held on June 5, 2007 and August 22, 2008.

Section 16.08.040 Preliminary subdivision plat--Required plans.

The preliminary subdivision plat shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. *Site Plan.*
- B. *Traffic/Transportation Plan.*
- C. *Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*
- D. *Erosion and Sediment Control Permit.*

Finding: Complies. The applicant provided detailed plans of the proposed development.

Section 16.08.050 – Preliminary Subdivision Plat – Narrative Statement

The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:

- A. *Subdivision Description.*

Finding: Complies. The applicant provided a detailed description of the proposed development.

- B. *Timely Provision of Public Services and Facilities.*

Water – See Section 17.62.050 A. 15 for the detailed description.

The applicant has presented a preliminary water system plan, which shows a water service to the proposed new buildings. An adequately sized water service and meter assembly shall be installed and appropriate system development charges shall be paid for each building when it develops as part of the building permit process. New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.

The applicant has proposed a water system that appears to meet City Code.

Staff finds that the proposal can comply with this standard by complying with Conditions of Approval 15 and 16.

Sanitary Sewer – See Section 17.62.050 A. 15 for the detailed description.

The applicant has presented a preliminary sanitary sewer system plan. Sanitary sewer laterals shall be installed for the new buildings and appropriate system development charges shall be paid for each building when it develops as part of the building permit process. The applicant has proposed a sanitary sewer system that appears to meet City Code.

Staff finds that the proposal can comply with this standard by complying with Condition of Approval 17.

Storm Sewer and Storm Water Drainage – The site is located in the Clackamas Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts from this site are significant. Erosion and water quality controls are critical for the development of this site. See Section 17.62.050 A. 15 for the detailed description. The applicant indicates their planned improvements will meet City standards for stormwater treatment.

Exhibit “L” is the Preliminary Drainage Master Plan that demonstrates how The Cove will develop with the goal of minimizing downstream impacts and protecting water quality. The report describes the options available for water quality treatment and run off analysis using the Stormwater and Grading Design Standards established by Oregon City in December 1999. The water quality treatment Best Management Plan (BMP) options for The Cove include vegetation swales, vegetated street swales, flow-through rain gardens and pervious pavement. The proposed site will contain several catchments that will drain directly into the Clackamette Cove as well as a public storm sewer in Main Street. All stormwater from the proposed site will be treated in each basin prior to being released into the Clackamette Cove utilizing one of the BMP’s described above. The proposed conveyance system is designed to convey a 25-year design storm. More detailed information pertaining to the design and function of the proposed stormwater management system can be located within the attached Utility Plan (Sheet C7.0 of Exhibit “A”) and Stormwater Report (Exhibit “L”). The applicant has designed a system in accordance with Chapter 13.12 of the Oregon City Municipal Code as well as the Public Works Stormwater and Grading Design Standards.

Staff finds that the proposal can comply with this standard by complying with Condition of Approval 8.

Parks and Recreation

Finding: Complies. The applicant has proposed the creation of a new public park.

Traffic and Transportation

Finding: Please see the concept master plan transportation review above.

Schools

Finding: Complies as Proposed. The applicant has proposed housing consistent with the permitted uses in the underlying zone.

Fire and Police Services

Finding: Complies as proposed. No comments concerning fire or police service deficiencies have been submitted.

C. *Approval Criteria and Justification for Variances.*

Finding: Not applicable.

D. *Geologic Hazards.*

Finding: Complies. The applicant has submitted a geotechnical report for the site and the applicant has been reviewed under the Geologic Hazards section of the OCMC concerning the grading along the south/southeast bank of the Clackamette Cove. Please see section 17.44.

E. *Water Resources.*

Finding: Please see section 17.49.

F. Drafts of the proposed CC&R's.

Finding: Not applicable.

G. Phasing.

Finding: Complies. The applicant has proposed an 8 phase development over 10 years through the concept master plan process.

H. Density.

Finding: Complies as Proposed. The mixed-use downtown zone does not identify minimum or maximum densities.

Chapter 16.12 – Minimum Improvement and Design Standards for Land Divisions

Section 16.12.020 - Street Design-Generally

The location, width and grade of the 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, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets.

Finding: Complies. The location, widths, and grades of the proposed street network, as proposed, appears to provide connectivity for future development of adjacent properties, a convenient street system, and for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The proposed street system appears to meet the general street designs of the City with a few modifications. Applicant has proposed a street system that appears to meet City code requirements with a few modifications.

The applicant can satisfy this standard by implementing the proposed street improvements and complying with condition of approval 18.

Section 16.12.030 Street Design–Minimum right-of-way

This standard addresses minimum right-of-way width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer’s recommendation.

Finding: Complies with Conditions. Access to the subject site is currently provided via Main Street and Agnes Avenue. Main Street begins at Highway 99-W and extends to the east where it intersects Agnes Avenue. At that point, Main Street proceeds south under Interstate 205 and then proceeds in a southwest direction into Downtown Oregon City. Main Street is identified as a "Collector" in the City’s April 2001 Transportation System Plan (TSP) and provides access from the site to Downtown, Highway 99-W, and Interstate 205.

Agnes Avenue is also identified as a "Collector" in the TSP. Agnes Avenue is not constructed to City standards and in fact is mainly a private road across private property until it reaches a public ROW adjacent to the Tri-City plant, Tax Lot 2-2E-20-00503. Where Agnes connects to Washington Street, the road is constructed as a public street leading to the Tri-City plant. There are currently limited sidewalks and curbs along Agnes Avenue along part of the Tri-City plant frontage. The TSP identifies the construction of a "Collector" street commensurate with the location of Agnes Avenue.

The subject site is located on an existing street, Main Street, that bisects the various tax lots from south to north. The current Main Street ROW is nominally 60 feet wide but does vary from 49 feet at the intersection with Agnes Avenue to 94 feet wide at the southern end near I-205.

The Applicant will construct several major infrastructure improvements in order to facilitate connectivity and service for vehicles, bicyclists and pedestrians. The first major improvement necessary to serve the condominiums will be the realignment of Agnes Avenue and Main Street. The Applicant is proposing to incorporate two (2) roundabouts into this new alignment in order to add an aesthetic quality to the roadways and to calm and direct traffic. While the City agrees on the concept of the two roundabouts, further design details and increased ROW in the area surrounding the two roundabouts will be required during plan review. Main Street and Agnes Avenue are both designated as “collectors” and as such, the Applicant is proposing to realign Main Street and Agnes Avenue with modified collector sections which includes four different sections, as detailed below:

- The first is the Agnes Avenue -- Shed Section which includes two (2) eleven-foot wide travel lanes, one (1) six-foot wide bike lane, a ten (10) and-a-half foot swale, one (1) six (6) foot sidewalk (proposed on the east side but should be moved over to the west side) and a fifteen (15) foot frontage zone.

- The second section is the Agnes Avenue and Main Street Crown Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, two (2) six-and-a-half-(6.5) foot wide planter strips and two (2) six (6) foot sidewalks.
- The third section is the Main Street Shed Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, a four-and-a-half (4.5) foot planter strip and a twelve-and-a-half (12.5) foot swale.
- The fourth and final section is Main Street with on-street parking section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, eight (8) feet of parking, a twelve-and-a-half (12.5) foot swale and an eight (8) foot sidewalk..

The total proposed right-of-way width for both Agnes and Main will be 60 feet. The Applicant is proposing to allow for on-street parking on a portion of Main Street that is adjacent to the proposed recreation facility. This section of Main Street will have a 64-foot wide right-of-way. The cross sections for these improvements are set forth on Sheet C3.0 of their Exhibit "A". These sections detail the improvements proposed for the collector streets.

Where Agnes Avenue fronts the proposed condominiums, the proposed section will be further modified to include two (2) "decoupled" 11-foot travel lanes. Bicycle traffic that would normally have utilized the northern portion of the street will be encouraged to use the waterfront esplanade. A six-foot bike lane on the south side of Agnes Avenue will still be incorporated. The Applicant is proposing the removal of the southernmost sidewalk for this portion of the roadway and the removal of the sidewalk in select sections. The design has been proposed in order to reduce redundancy in impervious surfaces. This section of the roadway will also incorporate seven-foot planted swales and a one-foot utility strip on both sides.

The realignment of Agnes Avenue will provide continued vehicular, pedestrian and bicycle access from Washington Street to Main Street. Access to Tax Lots 1506 and 1507 shall be maintained and shall be determined during plan review in consultation with the tax lot owners.

Oregon City's TSP is in compliance with the requirements of statewide planning Goal 12. The relationship of the proposal to the transportation system, and its impacts, have been set forth in detail in the Traffic Impact Study (TIS) prepared by Kittelson and Associates Inc. attached as Exhibit "D". The TIS assesses the traffic impact of the proposed development and sets forth proposed mitigation measures to ensure the transportation system continues to operate at an acceptable level consistent with the requirements set forth by Oregon City.

The application was reviewed by the Oregon Department of Transportation (ODOT) whose comments are provided in Exhibit . ODOT made recommendations regarding the timing of collector street improvements and indicated that ODOT intends to sever Agnes from the I-205/OR 213 interchange.

Agnes Avenue is designated as a Collector in the Oregon City Transportation System Plan and is referenced in the City's Waterfront Master Plan, which states that Main Street provides an important link northeast to Oregon 213 and to I-205. Currently, the proposed section of Agnes Avenue is located on the landfill portion of the site that will need to be realigned in order to provide a public road connection to the Cove development site and provide needed vehicle, bike and pedestrian connections between Main Street and Oregon 213 as envisioned in the TSP and Waterfront Master Plan. As part of the phase 1 development of the site, the applicant shall construct a partial Agnes Avenue, which will include two (2) 5-foot bike lanes, one (1) 11-foot paved section for southbound one-way traffic, one (1) 6.5-foot planter strip and one (1) 6-foot sidewalk from North Park to Washington Street.

Excerpt from the Waterfront Master Plan: “Given the constraints posed by the two rivers and the freeway, the number of linkages available is very limited. It is, therefore, extremely important to maintain and enhance all existing linkages. The Main Street connection between the Main Street extension and Oregon 213 at I-205 is important to provide reasonable circulation within the area. This link also provides emergency access to the Tri-City WPCP from two directions...”

The applicant has proposed a street system that appears to meet City requirements with a few modifications.

The applicant can satisfy this standard by complying with conditions of approval 4, 18, 19, 20, 21 and 22.

Section 16.12.040 Street Design–Access Control Strips

The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the City Engineer to protect public safety and welfare.

Finding: Not applicable.

Section 16.12.050 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. (Ord. 03-1014, Att. B3 (part), 2003: Ord. 98-1007 §1 (part), 1998)

Finding: Complies as Proposed.

Section 16.12.055 Minimum Street Intersection Spacing Standards

| Functional Classification | Major Arterial | Minor Arterial | Collector | Neighborhood Collector | Local Street |
|---------------------------|----------------|----------------|------------|------------------------|--------------|
| Major Arterial | 2 miles | 1 mile | ¼ mile | 1,000 feet | 500 feet |
| Minor Arterial | 1 mile | ½ mile | 1,000 feet | 800 feet | 400 feet |
| Collector | ¼ mile | 1,000 feet | 800 feet | 600 feet | 300 feet |
| Neighborhood Collector | 1,000 feet | 800 feet | 600 feet | 500 feet | 200 feet |
| Local Street | 500 feet | 400 feet | 300 feet | 200 feet | 150 feet |

Or: A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.

Finding: Complies as Proposed. The only intersection is the new round-about of Main Street and Agnes Avenue. As proposed, it meets the minimum 150-foot separation required by this section.

Section 16.12.060 Street Design–Constrained Local Streets and/or Right-of-Way

Any access way with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager, and Fire Chief, and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Chief to assure an adequate level of fire and life safety.

Finding: Complies. A portion of Agnes Avenue is proposed to be less than 32 feet of pavement to help decrease impervious surfaces. The condo buildings by their multi-storied nature will be sprinklered. As such this section of Agnes Avenue will comply. Complies as conditioned.

Section 16.12.065 Intersection Level of Service Standards.

When approving land use actions, Oregon City requires all relevant intersections to be maintained at the minimum acceptable level of service (LOS) upon full build-out of the proposed land use action. 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 worse than LOS “E” and a v/c ratio not higher than one point zero 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 worse than LOS “E” and a v/c ratio not higher than one point zero.
- C. For unsignalized 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 worse than LOS “F” will be tolerated for minor movements during a peak hour. (Ord. 03-1014, Att. B3 (part), 2003)

Finding: Please see the concept master plan transportation review above.

Section 16.12.070 Street Design-Intersection Angles

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles.

Finding: Complies as Proposed. The applicant has proposed intersections that are laid out to intersect at right angles within the two new roundabouts. The applicant satisfies this standard as proposed.

Section 16.12.080 Street Design-Additional right-of-way

The decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards.

Finding: Complies with Condition. This standard was addressed above in Section 16.12.030.

Section 16.12.090 Street Design-Half Street

Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.

Finding: Not Applicable. The applicant has not proposed a half-street. This standard does not apply.

Section 16.12.100 Street Design-Cul-de-sac

The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs shall have a maximum length of three hundred fifty feet and include pedestrian/bicycle accessways as provided in Section 16.12.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebrow widening of a local street where needed to provide adequate lot coverage.

Finding: Not applicable. The applicant has not proposed a cul-de-sac or dead end street. This standard does not apply.

Section 16.12.110 Street Design-Private Street

The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint.

Finding: Not Applicable. The applicant has not proposed a private street. This standard does not apply.

Section 16.12.120 Street Design-Street Names

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street.

Finding: Not applicable.

Section 16.12.130 Street Design–Grades and Curves

Grades and centerline radii shall conform to the standards in the city's street design standards and specifications.

Finding: Complies as Proposed. The applicant indicated that the proposed street would be designed to conform to City standards. The applicant has satisfied this standard as proposed.

Section 16.12.140 Street Design–Access Control

Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip 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.

Finding: Complies with Conditions. Collector streets serve as major streets within neighborhoods and shares both mobility and access functions; and a higher degree of local access than arterials, which is preserved by limiting direct access from local streets, driveways and surrounding land uses. The applicant shall provide a non-vehicular access strip (NVAS) on the final plat as directed along Agnes Avenue and the intersections and curves around the roundabouts to provide safe locations for driveways. The applicant has not proposed any NVAS. **The applicant can satisfy this standard by complying with conditions of approval 18 and 23.**

Section 16.12.150 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 non-local automobile traffic.

Finding: Complies as Conditioned. The applicant has provided traffic calming measures throughout the subdivision that will reduce the traffic hazards and discourage use by non-local cut through traffic. Staff shall evaluate and determine which traffic calming locations are appropriate during technical plan check review. **The applicant can meet this standard by complying with condition of approval 20.**

Section 16.12.160 Street Design–Alleys

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.

Finding: Not Applicable.

Section 16.12.170 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 accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 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 subdivision has been identified.

Finding: Complies. The applicant has proposed to provide pedestrian and bicycle circulation consistent with the approved concept master plan. Neither Agnes Avenue or Main Street are identified as transit routes in the Oregon City Transportation System Plan.

Section 16.12.180 Street Design–Planter Strips

A. 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 community development director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street

may use tree wells located near the curb within a seven-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.

B. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all 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. The applicant has proposed to include planter strips and swales on all the street cross-sections upon final build out.

Section 16.12.190 Blocks-Generally

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Finding: Complies as Proposed. Due to the location of the Clackamas River, Clackamas Cove and I-205, there is limited opportunity to provide tradition blocks. The applicant has provided a comprehensive pedestrian system that provides convenient and direct access through the site and to the public areas of the site.

Section 16.12.200 Blocks-Length

Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines.

Finding: Not applicable.

Section 16.12.210 Blocks-Width

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Finding: Not applicable.

Section 16.12.220 Blocks-Pedestrian and Bicycle Access

A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:

- 1. Where a new street is not practicable;*
- 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or*
- 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*

B. Pedestrian/bicycle accessways shall be provided:

- 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;*
- 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;*
- 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
- 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.*

C. An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:

- 1. That other federal, state or local requirements prevent construction of an accessway;*

2. *That the nature of abutting existing development makes construction of an accessway impracticable;*
3. *That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;*
4. *That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;*
5. *That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.*

D. Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this code, with the ownership, liability and maintenance standards in Section 12.24.060 of this code, and with such other design standards as the city may adopt.

Finding: Complies. The applicant has proposed an esplanade along the Clackamette Cove with connections to Main Street and Agnes Avenue. The applicant has proposed a pedestrian and bicycle system that is consistent with the requirements of this section.

Section 16.12.230 Building Sites

The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

- A. *Where property is zoned and planned for commercial or industrial use, the decision-maker may approve other widths in order to carry out the city’s comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.*
- B. *Minimum lot sizes contained in Title 17 are not affected by those provided herein. (Ord. 98-1007 §1 (part), 1998)*

Finding: Complies. The applicant has proposed size, width, shape and orientation of building sites that are appropriate in the Mixed-use Downtown zone and is consistent with the approved concept master plan.

Section 16.12.232 Building Sites – Minimum Density

All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Finding: Not applicable.

Section 16.12.235 Calculations of Lot Area.

A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

Finding: Not applicable.

Section 16.12.238 Flag Lots

Flag lots shall not be created through the Subdivision process except where an existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width and depth standards of the underlying zone

Finding: Not applicable.

Section 16.12.240 Building Sites—Frontage Width Requirement

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

Finding: Complies. All of the lots in the subdivision will abut a street for a minimum of twenty feet.

Section 16.12.250 Building Sites -Through Lots

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography.

Finding: Not Applicable. The applicant has not proposed any through lots. This standard is not applicable.

Section 16.12.260 Building Sites—Lots and Parcel Side Lines

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

Finding: Complies as Proposed. As far as practicable, the line of lots and parcels run at right angles to the street upon which they face. This standard is met as proposed.

Section 16.12.270 Building Sites—Solar Access

The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access three hours before and after solar noon.

Finding: Complies as Proposed. The applicant has orientated lots to meet this standard to the extent practicable due to the site constraints and existing development pattern. Adequate space has been proposed between buildings to allow adequate solar access. This standard is met.

Section 16.12.280 Building Sites—Grading

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.

Finding: Complies as Conditioned. The applicant has provided a preliminary rough grading plan and an erosion control plan. The submitted plan appears to meet City requirements with a few modifications. The applicant shall submit separate erosion control plans to the Erosion Control Officer (John Burrell) and obtain an erosion control permit and field installation approval prior to start of construction. **The applicant can satisfy this standard by complying with conditions of approval 11 and 18.**

Section 16.12.290 Building Sites—Setback and Building Location

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is to have lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. *All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.*
- B. *All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:
 - 1. *No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
 - 2. *Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**
- C. *An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the community development director.*

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 04-1016, Att. 1 (part), 2004: Ord. 03-1014, Att. B3 (part), 2003: Ord. 98-1007 §1 (part), 1998)

Finding: Complies as Proposed. The applicant has requested an adjustment through the concept master plan to address this criterion. The proposed accessways to the developments have been designed to minimize the number of accessways.

Section 16.12.300 Building Sites—Division of Lots

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets that facilitates future redivision.

Finding: Not Applicable. The applicant has applied for a concept plan for the entire site. Major deviations from the approved concept plan to alter the lotting pattern would be reviewed as an amendment to the approved concept plan.

Section 16.12.310 Building Sites—Protection of Trees

Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the community development director determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.

Table 16.12.310-1

| Tree Replacement Requirements | |
|--|-----------------------------------|
| Size of tree removed (Inches in diameter at the 4-foot height) | Number of trees to be planted. |
| 6 to 12 | 3 trees |
| 13 to 18 | 5 trees |
| 19 to 24 | 8 trees |
| 25 to 30 | 10 trees |
| 31 and over | 15 trees |

Where the community development director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the community development director finds will reasonably satisfy the objectives of this section. 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. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

Finding: Complies with Condition. Please see section 17.62.050.

Section 16.12.320 Easements

This standard governs the location improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.

Finding: Complies with Conditions. Ten-foot wide public utility easements (PUE’s) will be required along all street frontages. All easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to

approval of the construction plans. **The applicant can satisfy this standard by complying with conditions of approval 18 and 24.**

Section 16.12.330 Water Resources

Any land division which contains water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed.

Finding: Please see section 17.49.

Section 16.12.340 Minimum Improvements—Procedures

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works Stormwater and Grading Design Standards.

Finding: Complies with Conditions. The applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standards and city policy. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. As-built plans will be provided as required. This standard is not met. **The applicant can satisfy this standard by complying with condition of approval 18.**

Section 16.12.350 Minimum Improvements—Public Facilities and Services

The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities.

Finding: Complies with Conditions. This standard addresses minimum improvements, which are required for public transportation systems, storm water drainage and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The Oregon City Development Services Division reviewed the need for the minimum improvements required for this project under Title 16 above. **The applicant can satisfy this standard by complying with the attached conditions of approval.**

Section 16.12.360 Minimum Improvements—Road Standards and Requirements

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

Finding: Not Applicable. This section addresses requirements for private streets and public streets that do not meet adopted standards. Neither of these situations is proposed.

Section 16.12.370 Minimum Improvements—Timing Requirements

Finding: Complies as Proposed. The applicant has indicated that prior to applying for final plat approval construction of all public improvements required as part of the preliminary plat approval will be completed per the approved plans or a guarantee for the construction of those improvements will be provided.

RECOMMENDED CONCLUSION AND DECISION:

Staff recommends approval of The Cove Concept Plan, Water Resource Review, Subdivision, Geologic Hazards permit and Detailed Development Plan for Phases 1 and 2 as proposed and submitted by the applicant and with the attached conditions of approval.

EXHIBITS

1. The Cove application, dated November 2008 (On File);
2. The Cove Site Plan, dated 10/23/08 (On File);
3. The Cove Transportation Impact Analysis response memorandum, dated December 4, 2008;
4. Transportation Impact Analysis review from David Evans, dated January 16, 2009;
5. Oregon Department of Transportation comments, dated January 16, 2009;
6. Email communication between Ms. Kehoe and Oregon City, dated January 16, 2009;
7. City of Oregon City Public Works memorandum, dated January 15, 2009;
8. McLoughlin Neighborhood Association comments, dated January 11, 2009;
9. McLoughlin Boulevard Enhancement Plan (Excerpt);
10. Exhibits entered into the record at the January 12, 2008 Planning Commission hearing; and
11. Staff Memorandum, dated January 5, 2009 (On File).

RECOMMENDED CONDITIONS OF APPROVAL
CP 08-05, DP 08-03, WR 08-21, TP 08-11 & US 08-03

1. The applicant shall amend the Concept Master Plan and identify a local street connection from Main Street extension to the Oregon City Shopping Center. The right-of-way dedication for the connection shall be included in the phase 3 development of the site.
2. The applicant shall increase the parking associated with the North Park from 10 spaces to a 28 spaces.
3. The applicant shall construct Main Street, a collector street designated in the TSP, through and adjacent to the site.
4. The applicant shall construct Agnes Avenue, a collector street designated in the TSP, through and adjacent to the site. As part of the phase 1 development of the site, the applicant shall construct a partial Agnes Avenue, which will include two (2) 5-foot bike lanes, one (1) 11-foot paved section for southbound one-way traffic, one (1) 6.5-foot planter strip and one (1) 6-foot sidewalk from North Park to Washington Street.
5. The applicant shall submit design details of the internal street system including the specifics of intersection spacing, sight distance, bicycle lanes, sidewalks, and pedestrian circulation during the review of the subsequent detailed development plans.
6. The applicant shall provide funding to the City in the amount of \$20,000 for use by the City and ODOT to make access modifications to the Firestone Driveway in the vicinity of OR 99E to improve safety and operations of Firestone Driveway.
7. The requested adjustment to the perimeter and interior landscaping requirements shall not apply to the above grade parking lots for the medical office building, North Park and the mixed-use building. There will be substantial above grade parking at the medical office-building site (266 spaces), the North Park Parking Lot (28 spaces) and the mixed-use building site (19 spaces), which should meet the parking lot landscaping requirements of the OCMC.
8. Water quality treatment shall be provided for the development to mitigate impacts to down-stream receiving waters.
9. The applicant shall submit a detailed design of the band shelter and address the construction requirements for a structure within the flood plain, prior to the issuance of building permit for the construction of the structure.
10. A fill permit will be required either separately or in conjunction with construction plan approvals for these improvements to meet City grading standards and flood plain equal cut and fill requirements.
11. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. 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.
12. The applicant is proposing to provide sidewalks and curbs consistent with City Standards. The applicant has proposed some alternatives using swales thereby perhaps eliminating some curbs. This will be reviewed and approved during plan review.
13. The applicant shall prepare a revised tree removal plan identifying trees that are to be removed that are not located within the vegetated corridor or proposed right-of-ways, easements, building pads, public walkways and parking lots. The trees that are not located within one of the identified locations above shall be mitigated for per the replacement schedule identified above or as approved by the Community Development Director.
14. The applicant shall submit a revised lighting plan demonstrating compliance with this requirement for the esplanade 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.

15. An adequately sized water service and meter assembly shall be installed and appropriate system development charges shall be paid for each building when it develops as part of the building permit process.
16. New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.
17. Sanitary sewer laterals shall be installed for the new buildings and appropriate system development charges shall be paid for each building when it develops as part of the building permit process.
18. The Applicant is responsible for this project's compliance with [Engineering Policy 00-01 -- Guidelines for Development](#). The policy pertains to any land use decision requiring the Applicant to provide any public improvements.
19. The Applicant shall sign a Non-Remonstrance Agreement 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.
20. The Applicant will construct several major infrastructure improvements in order to facilitate connectivity and service for vehicles, bicyclists and pedestrians. The first major improvement necessary to serve the condominiums will be the realignment of Agnes Avenue and Main Street. The Applicant is proposing to incorporate two (2) roundabouts into this new alignment in order to add an aesthetic quality to the roadways and to calm and direct traffic. While the City agrees on the concept of the two roundabouts, further design details and increased ROW in the area surrounding the two roundabouts will be required during plan review. Main Street and Agnes Avenue are both designated as "collectors" and as such, the Applicant is proposing to realign Main Street and Agnes Avenue with modified collector sections which includes four different sections, as detailed below:
 - The first is the Agnes Avenue -- Shed Section which includes two (2) eleven-foot wide travel lanes, one (1) six-foot wide bike lane, a ten (10) and-a-half foot swale, one (1) six (6) foot sidewalk (proposed on the east side but should be moved over to the west side) and a fifteen (15) foot frontage zone.
 - The second section is the Agnes Avenue and Main Street Crown Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, two (2) six-and-a-half (6.5) foot wide planter strips and two (2) six (6) foot sidewalks.
 - The third section is the Main Street Shed Section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, a four-and-a-half (4.5) foot planter strip and a twelve-and-a-half (12.5) foot swale.
 - The fourth and final section is Main Street with on-street parking section. This section includes two (2) eleven (11) foot wide travel lanes, two (2) six (6) foot bike lanes, eight (8) feet of parking, a twelve-and-a-half (12.5) foot swale and an eight (8) foot sidewalk.
21. The total proposed right-of-way width for both Agnes and Main will be 60 feet. The Applicant is proposing to allow for on-street parking on a portion of Main Street that is adjacent to the proposed recreation facility. This section of Main Street will have a 64-foot wide right-of-way.
22. Where Agnes Avenue fronts the proposed condominiums, the proposed section will be further modified to include two (2) "decoupled" 11-foot travel lanes. Bicycle traffic that would normally have utilized the western portion of the street will be encouraged to use the waterfront esplanade. A six-foot bike lane on

the east side of Agnes Avenue will still be incorporated. The Applicant is proposing the removal of the westernmost sidewalk for this portion of the roadway and the removal of the sidewalk in select sections. The design has been proposed in order to reduce redundancy in impervious surfaces. This section of the roadway will also incorporate seven-foot planted swales and a one-foot utility strip on both sides. Access to Tax Lots 1506 and 1507 shall be maintained and shall be determined during plan review.

23. The applicant shall provide a non-vehicular access strip (NVAS) on the final plat as directed along Agnes Avenue and the intersections and curves around the roundabouts to provide safe locations for driveways.
24. The applicant shall provide ten-foot wide public utility easements (PUE's) along all street frontages. All easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans.
25. The requested adjustment to increase the medical office building parking from 3.33 to 5.0 parking spaces per 1,000 square feet has not addressed the approval criteria. This adjustment shall not be granted.
26. To ensure that the public open spaces and pathways are protected, the applicant shall record public access easements over all pathways and open spaces described as open to the public in the application.
27. The applicant shall submit a revised parking lot landscaping plan for the North Park parking area(s) demonstrating compliance with the parking lot landscaping requirements of the Oregon City Municipal Code.