

# THE COVE

## Oregon City, Oregon

An Application for:  
Amended Concept Development Plan (CDP)  
Detailed Development Plan (DDP)  
Natural Resource Overlay District Review  
Geologic Hazards Overlay Review

Originally Submitted: July 6, 2015  
Updated and Resubmitted: October 8, 2015

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**TABLE OF CONTENTS**

**I. INTRODUCTION..... 5**

    SUMMARY OF PROPOSAL ..... 7

    PROJECT SUMMARY ..... 7

    PROJECT MISSION ..... 7

    LAND USE APPROVAL HISTORY SUMMARY ..... 7

    PROJECT DESCRIPTION ..... 10

    VESTING AND APPLICABLE CODE CRITERIA ..... 16

**THE COVE CONCEPTUAL DEVELOPMENT PLAN ..... 19**

    MASTER PLAN BOUNDARY ..... 19

    EXISTING CONDITIONS..... 20

    SURROUNDING USES..... 21

**Conditions of Previous Approvals..... 22**

    2008 CDP APPROVAL # CP 08-05 ..... 22

    2009 CDP AMENDMENT # CP 09-02..... 29

**II. OREGON CITY MUNICIPAL CODE ..... 33**

    CHAPTER 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES..... 33

    CHAPTER 12.08 - PUBLIC AND STREET TREES ..... 42

**TITLE 13 PUBLIC SERVICES ..... 44**

    CHAPTER 13.04 WATER SERVICE SYSTEM..... 44

    CHAPTER 13.08 SEWER REGULATIONS..... 44

    CHAPTER 13.12 STORMWATER MANAGEMENT ..... 44

    CHAPTER 15.48 GRADING, FILLING AND EXCAVATING..... 47

**Title 17 ZONING ..... 47**

    CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS..... 47

    CHAPTER 17.34 "MUD"—MIXED-USE DOWNTOWN DISTRICT ..... 48

    CHAPTER 17.41 TREE PROTECTION STANDARDS..... 50

    CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT ..... 51

    CHAPTER 17.44 - US—GEOLOGIC HAZARDS..... 52

    CHAPTER 17.47 EROSION AND SEDIMENT CONTROL ..... 55

    CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT ..... 55

    CHAPTER 17.50 ADMINISTRATION AND PROCEDURES ..... 56

    CHAPTER 17.52 OFF-STREET PARKING AND LOADING ..... 58

    CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS..... 68

    CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW. .... 70

<b>CHAPTER 17.65 - MASTER PLANS .....</b>	<b>97</b>
<b>III. CONCLUSION .....</b>	<b>104</b>

**EXHIBITS**

Exhibit A	Application Forms
Exhibit B	CDP & DDP Plan Sets
Exhibit C	Tax Map & Title Report
Exhibit D	Pre-App Notes/City Maps
Exhibit E	Traffic Impact Study
Exhibit F	NROD Report
Exhibit G	Geotechnical Report
Exhibit H	Preliminary Drainage Report
Exhibit I	Floodplain Balance Memo
Exhibit J	Site Lighting Details
Exhibit K	Materials Board
Exhibit L	Neighborhood Meeting Materials
Exhibit M	Site Aerial
Exhibit N	Tree Removal Plan
Exhibit O	Construction Management Plan

# I. INTRODUCTION

## General Information

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**Property Owner—  
Lots 1, 3-7  
Tracts A-D** Urban Renewal Agency of Oregon City  
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**Garden Apartments  
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**Applicant's  
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**Tax Lot Information:** Tax Lot 1100 on Map 22E20  
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**PROJECT TEAM**

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## **SUMMARY OF PROPOSAL**

### **PROJECT SUMMARY**

On behalf of Grand Cove LLC (GCLLC), an affiliate of a multi-family residential developer based out of Denver, Colorado, Cardno is submitting a land use application package that will amend the existing Concept Development Plan approval (CP 08-05/CP 09-02) for The Cove master plan to revise the anticipated phasing of improvements identified in the most recent Concept Development Plan approval (CP 09-02) and request other minor adjustments from the approved land uses and design detailed in the previous concept plan submittals.

In addition, this application package requests approval of a Detailed Development Plan (DDP) for the construction of approximately 244 multi-family units within 12 buildings located at the southwest intersection of Main Street and Agnes Street. In conjunction with this first phase of development, the applicant will be providing first phase infrastructure, including road, trail and utility improvements. In addition to the CDP amendment and DDP requests, the applicant is requesting permit approvals and authorizations under the Geologic Hazards (Chapter 17.44), Flood Management Overlay District (Chapter 17.42) and Natural Resource Overlay District (Chapter 17.49) provisions in the Oregon City Municipal Code (OCMC) for Phase 1 site and infrastructure improvements.

### **PROJECT MISSION**

Consistent with the original master plan vision for the Cove, the project mission for The Cove is to create an exciting new master-planned mixed-use waterfront village that will connect developed areas with open spaces through a network of multi-modal pathways, trails and a waterfront esplanade.

## **LAND USE APPROVAL HISTORY SUMMARY**

### **2008 Concept Development Plan (CP 08-05)**

On February 10, 2009 the City of Oregon City issued final approval of a CDP for The Cove, a master planned development surrounding the Clackamette Cove. The CDP proposed that the project would be built in eight phases over 10-years and the record established a CDP expiration date of February 10, 2019. The CDP identified that the project would be developed with the following land uses:

- 224 Condominium Units for lease—Lots 3, 4, 6 & 7;
- 8,000 square foot high turnover restaurant;
- 8,000 square foot “quality” restaurant;
- 42,300 square feet of general office; and,
- 80,000 square feet of medical office

### **2008 Detailed Development Plan (DP 08-13)**

Concurrent with the 2008 CDP request, the applicant requested approval of a detailed development plan for anticipated Phase 1 site improvements. These included:

- Mass grading

- Multi-family apartment area
- North Park
- Mixed Use Building and parcel south of Main Street
- Water Quality Resource Area (Main St and Mixed Use Building)
- Infrastructure
  - Main Street (fully improved)
  - Agnes Avenue
    - Half street improvements up to North Park
    - 20-foot paved width to Washington
  - Utilities in Agnes up to North Park
- North Park final landscape improvements
- Water Quality Area landscaping around mixed-use building

### **2008 Water Resource Review (WR 08-21)**

At the time that the 2008 CDP application was vested, the OCMC included Chapter 17.49, Water Quality Resource Overlay District, which included provisions regarding riparian buffer requirements. On The Cove site, the standard buffer width from the ordinary high water line (OHWL) of the Clackamette Cove was 250-feet. Through the Water Quality Resource and CDP review, the applicant requested, and the City granted, approval of a reduction of the Water Quality Resource Area (WQRA) from 250-feet to 50-feet. The applicant also requested a limited encroachment into the 50-foot buffer for the purposes of constructing a mixed use office building on Lot 1 of the development. The establishment of a 50-foot buffer through the 2008 CDP review remains valid.

### **2008 Subdivision Review (TP 08-11)**

Included with the suite of approvals was a proposal to subdivide parent parcels within the aggregated Cove master plan site and dedicated public rights-of-way. The City approved this request in conjunction with the package of requested land use approvals.

### **2008 Geologic Hazards Review (US 08-03)**

The 2008 application package included a request for review under OCMC 17.44, US – Geologic Hazards. Site conditions that triggered this review included steep slopes adjacent to the south and southeast bank of Clackamette Cove. The applicant provided a geotechnical report prepared by Ash Creek Associates to validate project compliance with the applicable standards of OCMC 17.44.

### **2009 Concept Development Plan Amendment (CP 09-02)**

Shortly after the original CDP (CP 08-05) was approved, the Applicant submitted a CDP amendment request filed by the City under CP 09-02. This amendment request sought to add approximately 2.5 acres of land from the “Tri-City” property to the master plan

boundary, thereby increasing the total site area to 95-acres (including the 46-acres of the Clackamette Cove waterbody). Additional changes were requested in the 2009 amendment that requested the following modifications:

- Reduce the footprint of a mixed use building located in the southwest corner of the site by 10 feet in width on each side and add retail uses within the building.
- Remove two of the approved access drives in the condo building parking area to allow for a gentler slope transition into the basement parking area of the units.
- Relocate 80,000 square feet of mixed use building area from the Glazier site to an area located between Condo buildings 3 and 4. Condo buildings 3 and 4 were reduced by 22 residential units each to accommodate the addition of the mixed use building, resulting in a total of 180 condo residential units in six buildings.
- Add up to 220 apartments or up to 80,000 square feet of office use on the Glazier site.
- Add the approximately 2.5 acre Tri-City property to the concept master plan boundary.
- Relocate a proposed recreation facility along the north side of Main Street to the apartment site and remove the associated on-street parking along Main Street.

The table below identifies the changes in land uses for The Cove as requested and approved under CP-09-02.

Land Use	2008 CDP Approval (CP 08-05)	2009 CDP Amendment (CP 09-02)
Condominiums	224 units. Lots 3, 4, 6 & 7	180 units. Lots 3, 4, 6 & 7
Apartments	0	220
Retail Sales		3,520 SF. Lot 1
High Turnover Restaurant	8,000 SF. Lot 1	6,750 SF. Lot 1
Quality Restaurant	8,000 SF. Lot 1	6,800 SF. Lot 1
General Office	42,300 SF. Lot 1	51,920 SF. Lot 1
Medical Office	80,000 SF. Lot 5	80,000 SF. Lot 2

The City approved the CDP amendment request and issued a notice of decision on October 16, 2009. The CDP modification request did not request an extension of the proposed CDP modification and therefore the original expiration of the master plan on February 10, 2009 remains unchanged. Conditions of approval were issued with the 2009 modification that amended and supplemented the conditions of approval issued under CP 08-05.

## 2009 Detailed Development Plan (DP 09-01)

Consistent with the changes proposed to the master plan under CP 09-02, the applicant proposed the following updates to the DDP with the 2009 amendment request:

### *Phase 1*

1. Relocate the public restrooms in the park to a location adjacent to the northwestern parking lot, near the entrance to the amphitheater park area.
2. Increase the right of way for Agnes Street from 60 feet to 65 feet east of the northeast traffic circle to accommodate increase drainage swales.
3. Construct Agnes Street with half street improvements leading to the North Park and a 20-foot paved section to Washington Street.
4. Install landscaping at the monument at Main Street, near Firestone Alley, with Phase IV rather than Phase I as indicated in the 2008 CDP/DDP request.
5. Construct a 28 stall parking lot as required per condition of approval 2 from Planning File CP 08-05.

### *Phase 2*

1. Alter the phasing of the grading of condos 3 and 4 to occur with Phase IV.
2. Complete environmental restoration of the northwestern peninsula in Phase IV to coincide with the development of the first phase of condominium buildings.

## PROJECT DESCRIPTION

The proposed CDP Amendment and DDP includes updates to site grading, NROD mitigation plantings, floodplain grading activities, road improvements, a temporary parking lot for the trailhead, a temporary access trail to connect the Clackamas River Trail, an upsized stormwater pipe in Main Street; and updates to the phasing plan. A more detailed summary of how the requested changes impact the permits is noted below:

### 1. Grading

**North Park:** The North Park site will be excavated per the grading plans in order to obtain approximately 101,405 cubic yards for fill and floodplain storage the Garden Apartment project and to bring portions of the North Park site to its final design grade. Ultimate grades at the garden apartment site will require finished floor elevations at approximately 52 feet or greater. In total, the floodplain impact created by the fill on the garden apartment site is 107,984 cubic yards. As noted in the floodplain memorandum included under Exhibit B, proposed floodplain fills are balanced by gaining 81,710 cubic yards of storage capacity from the North Park site, 4,091 cubic yards of storage capacity from Lot 1, and utilizing 22,455 cubic yards of floodplain capacity available to the project from the City's "jughandle" road project. In addition to this balance of floodplain capacity within Phase 1, it is anticipated that future development phases will also be developed in a manner that will result in a balance of floodplain storage as described in the memorandum included in Exhibit B.

Grading at the North Park will include work within the geologic hazard overlay, which is designated for areas with a slope of 25% or greater. A portion of site grading will occur within the Natural Resource Overlay District (NROD) and the 50-foot NROD buffer to remove the existing trail and

to remove soil near the northeast corner of the Cove for transfer to the garden apartments. Additionally, upon completion of this excavation, the park area will be hydro-seeded for stabilization until the final park improvements occur with Phase 2.

**Garden Apartments:** Soil transferred from the North Park and Lot 1 to Lot 2 will be used to bring the 12 proposed buildings and associated parking area above the base flood elevation, which is 50.7 feet North American Vertical Datum of 1988 (NAVD 88), per Oregon City standards. Additional grading will occur for internal drive aisles and parking, as well as grading along the site perimeter for transitions from the building pads to the Main Street roadway. The internal drive aisles and parking area will be above the base flood elevation, while Main Street will be below the 50.7 foot base flood elevation. An emergency ingress and egress connection will be provided to the Oregon City Shopping Center to the southwest

## **2. Shoreline Restoration**

- a. The original CDP/DDP application approved in 2008 included a Water Quality Resource Area (WQRA) Assessment conducted by Pacific Habitat Services (PHS). This assessment, as confirmed and approved by City staff in the staff report and recorded in the final Planning Commission decision, validated a reduction in the WQRA buffer from 200-feet to 50-feet, with stream restoration plantings for areas where development would encroach into the 50-foot buffer..
- b. The proposed DDP request includes specific areas of construction within the 50-foot buffer from the Clackamette Cove ordinary high water mark (OHWM). These encroachments were also identified in the former approval, on page 43 of the staff report for CDP 08-05. Potential work and impacts to the vegetated corridor within the Phase 1 construction area will not extend farther into the resource area or create additional impacts in the select areas of encroachment from the original scope of work and design provided in the original submittal. Areas of encroachment include:
  - Approximately 525 lineal feet of construction on Main Street in which proposed road widening and frontage improvements will encroach 25 to 30-feet into the 50-foot buffer; and
  - 125 lineal feet of grading at the north amphitheater where excavation into an embankment adjacent to Clackamette Cove will occur within the outer edge of the 50-foot buffer.
- c. To mitigate for these select areas of buffer encroachment, the proposed project will enhance shoreline areas adjacent to these encroachments through the removal of non-native vegetation and installation of native plants. These activities will improve shoreline habitat, water quality, and bank stability and will reduce erosion. Additional restoration activities will occur for the remainder of the shoreline area in future construction phases. See Exhibit F for further details regarding NROD impacts and proposed mitigation.

## **3. Floodplain activities**

- a. As noted above and in the floodplain memo included under Exhibit B, the proposed Phase 1 grading activities will involve approximately 107,984 cubic yards of floodplain fill, with compensatory floodplain storage created through a combination of excavation at the North Park and Lot 1 and utilization of excess floodplain capacity available to the project from the “jughandle” project. Availability of this excess capacity for the project is documented Section 2.6 of the April 1, 2015 Soil

Excavation and Site Improvement Agreement between GCLLC and the Urban Renewal Commission of the City of Oregon City (URC).

#### 4. Road Improvements

Phase 1 road improvements are limited to Main Street improvements along the garden apartment frontage as well as the roundabout and a temporary roadway at the location of Agnes Street to connect to the temporary Clackamas River Trail parking lot.

- a. **Main Street:** Proposed roadway design and construction for Phase 1 will include the improvement of approximately 650 lineal feet of Main Street along the north side of the apartment project site and approximately 720 lineal feet on the east side of the apartment site. On the north side of the apartment project, Main Street will be a shed section and on the east side of the apartment project the road will be a crown section. The existing and proposed cross sections of Main Street are noted below.
- b. **Roundabout Intersection with Agnes Street:** The roundabout will be designed as originally planned, with improvements and dimensions as summarized in the table below.
- c. **Agnes Street:** A temporary road is planned at the future location of Agnes Street to connect the roundabout to the temporary trailhead parking lot for the Clackamas River Trail.

Road Section	Existing	Proposed
Main Street North (Shed Section)	60' ROW: 37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (1) 4.5' planter strip with 0.5' curb (east side, along Cove) (1) 8' sidewalk (east side, along Cove) 12.5' swale with 0.5' curb (on garden apartment side of the road)
Main Street South (Crown Section)	60' ROW: 33-37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (2) 4.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Shed Section)	<i>Unimproved</i>	60' ROW (varies) (2) 11' travel lane (1) 6' bike lanes (1) 6.5' planter strips with 0.5' curbs (1) 6' sidewalks 10.5' swale with 0.5' curb
Roundabout	60' ROW (per Main Street)	20' Travel Way 40' Central Landscape Area 30' Mountable Truck Aprons 4.5' planter strips with 0.5' curbs 10' sidewalk

**5. Temporary Parking Lot**

A temporary parking lot will be constructed just north of the roundabout with a temporary access connection provided from the northwest corner of the roundabout. The temporary parking area includes approximately 14 parking spaces and will be graded and surfaced with gravel with the exception of ADA accessible pathways which will be paved. The primary purpose of the temporary parking lot is to accommodate the Clackamas River Trail users.

**6. Clackamas River Trail**

Work associated with the Phase 1 North Park grading will impact the current alignment of the Clackamas River Trail. As shown on the site grading plans for the North Park, a temporary 8-foot asphalt trail will replace approximately 920 lineal feet of the trail where grading activities will occur within the existing trail alignment. The Phase 2 scope of work will include the construction of a 20-foot wide trail on each side of the center of Lot 5 for 200-feet. The path transitions to an asphalt surface at the end of the North Park, across the amphitheater to the regional trail system.

**7. Stormwater Outfall Pipe**

A new and upsized (48-inch) stormwater pipe will be installed within Main Street and will be designed to connect with the existing outfall pipe. The existing outfall will be retained with the project and a new outfall is not proposed.

**8. Phasing**

It is anticipated that the proposed project will be phased according to the following schedule noted below. It should be noted that this schedule is an estimate and actual initiation and completion of improvements may vary, but are anticipated within the 10-year approval window of the CDP. See the CDP plan set included in Exhibit B for further details.

UPDATED PHASING PLAN	ESTIMATED START DATE
<b>PHASE 1</b>	
INFRASTRUCTURE	<b>2015</b>
Main Street: Lot 2 frontage street improvements	
Garden Apartment Site Grading	
North Park excavation	
Lot 1 Grading—approximately 4,000 cubic yards of cut transferred to Garden Apartment site.	
Phase 1 NROD Mitigation	
Temporary Trailhead Parking Lot	
Agnes (Temporary connection to temporary parking lot)	
Roundabout construction at Agnes and Main Street	
BUILDINGS—LOT 2:	
244 Garden Apartments, ancillary parking structures and clubhouse	

5,500 SF General Office (not medical or dental office)	
1,000 SF Deli/Coffee Shop	
<b>PHASE 2</b>	
<b>INFRASTRUCTURE</b>	<b>2016</b>
Agnes fully improved through the Cove site	
Esplanade & Tract C in front of 195 waterfront units	
Approximately 350-lineal feet of Main Street from Lot 2 improvements to the east end of the permanent trailhead parking	
Final improvements at the North Park	
Phase 2 NROD Mitigation Plantings	
<b>BUILDINGS—LOTS 3,4,6 &amp; 7:</b>	
195 waterfront units for lease + non-residential	
Within waterfront buildings:	
(2) High turnover restaurants (Total 3,250 SF)	
8,712 SF General Office (not medical or dental office)	
5.28 acres of park	
<b>PHASE 3</b>	
<b>INFRASTRUCTURE</b>	<b>2016</b>
Parking Lot on Tri-City property—272 spaces with 50 public spaces	
<b>BUILDINGS—LOT 5</b>	
70,000 SF Office	
(2) High turnover restaurants (Total 2,700 SF)	
<b>PHASE 4</b>	
<b>INFRASTRUCTURE</b>	<b>2017</b>
Completion of approximately 450-lineal feet of Main Street along the Lot 1 frontage	
<b>BUILDINGS—LOT 1</b>	
50,400 SF Mixed Use Office on Lot 1 (will allow for medical-dental office)	
4,000 SF “Quality” restaurant	
4,000 SF “Quality” restaurant	
<b>PHASE 5</b>	
<b>IN WATER MARINA/WATER SPORTS CENTER</b>	<b>2017</b>
Two Marinas (One public, one private) with combined total of 150 slips	
Outdoor water sports center, seasonal use.	
Installation of a transient moorage dock at Lot 1	

**PERMITS REQUESTED**

## **CDP AMENDMENT**

The proposed CDP amendment requests to maintain the approvals obtained from the City with CP 08-05 and CP 09-02 with the following updates/amendments:

- Increase in the number of multi-family units at the Lot 2 site from 220 units to 244 units with approximately 6,500 square feet of retail space.
- Changes in the infrastructure phasing as noted herein
- Change in the timing of development, which affects the traffic generation timing from previous approvals.
- An extension of the CDP approval for another 10 years.
- An increase in the number of condominium units on Lots 3, 4, 6 and 7 from 180 to 195 units.
- Amended conditions of approval as discussed in this narrative
- Previously planned for a storm pond and landscaping, Tract A is now proposed with a parking lot
- The previously approved road sections predominately remain the same. However, the frontage improvements on the Main Street crown section, where the landscape planter strip would be reduced from 6.5-feet to 4.5-feet and the sidewalk width would be increased from 6-feet to 10-feet. Additionally, the previous along crown section for Agnes Street is no longer proposed and Agnes Street would only have a shed section

## **DDP**

- 244 multi-family units within 11 buildings, along with a clubhouse and ancillary carport and garage structures. This includes supporting commercial retail/office in Buildings 3 and 5. This includes driveway access from Main Street, off-street parking, drive aisles, landscaping, and pedestrian linkage to the overall sidewalk and trail network.
- Grading Plan to transfer 81,710 cubic yards of material from the North Park site to the Garden Apartment site to achieve finished floor elevations above the base flood elevation. The transfer will maintain a net balance of floodplain storage capacity.
- Grading impacts within the 50-foot NROD and proposed mitigation plantings presented as documented in the NROD report in Exhibit F. The areas of encroachment include approximately 525 lineal feet of construction on Main Street and 125 lineal feet of grading at the North Park site.
- Road improvements to Main Street for those portions of the street that front the garden apartments site, as well as the build out of the roundabout and a temporary access road at the location of Agnes Street to connect to the temporary Clackamas River Trail parking lot.
- Construction of a 14 stall temporary parking lot just north of the roundabout. Access to the parking lot will be via the temporary access road along Agnes to the roundabout.
- Installation of a temporary Clackamas River Trail for that portion of the trail within the area of grading impact at the North Park. The temporary trail will be 8-feet wide, approximately 920 lineal feet, and surfaced with asphalt.

- Construction of a new 48-inch stormwater pipe within Main Street. The pipe will be designed to connect to the existing outfall into Clackamette Cove.

**NROD**

- Grading activities within the NROD and proposed mitigation plantings presented as referenced in Exhibit F, NROD Report. The areas of encroachment include approximately 525 lineal feet of construction on Main Street and 125 lineal feet of grading at the North Park site. An updated NROD Report is included with this submittal under Exhibit F.

**GEOHAZARD OVERLAY**

- Grading impacts within the steep slopes overlay located within the North Park portion of the site. Steep slopes are located along the edge of North Park and that portion of Clackamette Cove adjacent to the park. Geotechnical Reports that address the geohazard overlay and approval criteria of OCMC 17.44 are provided under Exhibit G.

**VESTING AND APPLICABLE CODE CRITERIA**

OCMC 17.65.090 states that:

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

The following table outlines the permits obtained with the original 2008 approval and the 2009 amendment and the associated authorizations:

<b>Permit</b>	<b>Associated Authorization</b>	<b>Permit Status</b>
Concept Development Plan (CP 08-05)	OCMC Chapter 17.65 – Master Plans OCMC Section 17.42.170 - Floodplain Management Overlay District OCMC Standard 17.62.050.A(11) – Tree Protection OCMC Chapter 17.62 – Site Plan and Design Review OCMC Chapter 16.12 – Minimum Improvement and Design Standards for Land Divisions	Valid
Detailed Development Plan for Phases 1 and 2 (DP 08-13)	OCMC Chapter 17.65 – Master Plans OCMC Chapter 17.34 OCMC Chapter 17.52 – Off Street Parking and Loading OCMC Chapter 17.62 – Site Plan and Design Review	Expired

Water Quality Resource Area Overlay District Permit (WR 08-21)	OCMC Chapter 17.49 – Water Quality Resource Overlay District	Expired
Subdivision Plat (TP 08-11)	OCMC 16.08 – Subdivisions – Process and Standards	Expired
Geologic Hazards Permit (US 08-03)	OCMC Chapter 17.44 – US Geologic Hazards	Expired
Concept Development Plan Amendment (CP 09-02)	Chapter 17.34 – Mixed Use Downtown Chapter 17.42 - Flood Management Overlay District Chapter 17.62 Section 17.65.050 – Concept Development Plan	
Detailed Development Plan Amendment (DP 09-01)	Section 17.65.060 – Detailed Development Plan Chapter 17.52 – Off Street Parking and Loading Chapter 17.62 – Site Plan and Design Review	

Per OCMC Standard 17.65.090, tree protection and mitigation is vested under the code standard in effect at the time the application was initially submitted. Exhibit N includes the Tree Preservation Plans from the 2009 CDP Amendment. The tree removal reflected in the plans are still accurate for the proposed project. Additional Tree Removal Plans have been provided in Exhibit B, Sheets L2.0 – L2.2.

Standard 17.62.050.A(11) of the Site Plan and Design Review Chapter, effective in 2009 stated the following:

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

<b>Size of Tree Removed (Inches in diameter)</b>	<b>Number of Trees to be Planted.</b>
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.*

It was found in the both the 2008 and 2009 approvals that the application was in compliance with local standards or could be found in compliance with conditions. It was determined that 383 trees would be removed through the site preparation and grading of the site. This approved tree removal plan is included in Exhibit N. To comply with condition #13 from the CP 08-05 approval, an additional tree removal plan is included with this submittal in Exhibit B, Sheets L2.1 – L2.2, which identifies where the trees are proposed to be removed that are not located within the vegetated corridor or proposed right-of-ways, easements, building pads, public walkways and parking lots. As found in following Conditions of Previous Approval Section of this narrative, it was determined that the proposed CDP Plan amendment and Phase 1 DDP are in compliance with condition of approval #13 (CP 08-05), page 24, and #9 (CP 09-02), page 32 of this narrative. Additionally, as shown on the mitigation plans, Sheets M6.0 – M6.2, the site has been mitigated with the replacement plant schedule identified in Table 16.12.310-1.

# THE COVE CONCEPTUAL DEVELOPMENT PLAN

## MASTER PLAN BOUNDARY

The entire site is located within the Urban Growth Boundary and city limits of Oregon City and is included in the tax lots noted below.



The subject property includes ten (11) tax lots including the Clackamette Cove and Tri-City parcels. The site is zoned for mixed use development and was established as an urban renewal area in 1991. The subject property is accessed via Agnes Avenue and Main Street. More detailed information regarding the zoning, size and ownership of each property is set forth below in Table 1.

<b>Table 1 – Property Information</b>				
<b>Taxlot ID</b>	<b>Size (Acres)</b>	<b>Ownership</b>	<b>Zoning Designation</b>	<b>Comprehensive Plan</b>
22E29 01509	14.46	Tri-City Services District	General Industrial	General Industrial (GI)
22E29 02800	4.45	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 02900	11.46	Woodley Properties Inc	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03000	2.82	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03100	0.92	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03200	1.0	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03300	0.90	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03400	3.16	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03500	1.33	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03600	52.85	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E29 03700	2.59	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)
22E20 01100	5.27	Urban Renewal Agency of Oregon City	Mixed Use Downtown	Mixed Use District (MUD)

## **EXISTING CONDITIONS**

No work has commenced on the approved development plan at the Cove. Therefore, there have been no changes to the existing conditions on the subject property.

## SURROUNDING USES

Table A: SURROUNDING LAND USE

<i>Location</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	MUD	Clackamette Cove/Clackamas River
South	MUD	Vacant/I-205 On-Ramp
East	MUD	I-205 On-Ramp/ Tri City Wastewater Treatment Plant
West	MUD	Oregon City Shopping Center

## CONDITIONS OF PREVIOUS APPROVALS

### 2008 CDP APPROVAL # CP 08-05

1. **The applicant shall provide an easement or right-of-way for a vehicular and pedestrian connection between the Oregon City Shopping Center and Main Street extension. The location and design of the connection shall be identified as part of the review during the Detailed Development Plan for the phase 3 development of the project.**

**Response:** As shown on the Site Plan, Sheet A101, Exhibit B, a 40 foot public access easement is provided from the western limits of the proposed apartment project to the Oregon City Shopping Center to allow for a future connection when and if the Oregon City Shopping Center is redeveloped and a connection can be made.

2. **The applicant shall increase the parking associated with the North Park from 10 spaces to a 28 spaces.**

**Response:** The construction of North Park is not a part of the proposed Phase 1. However, this proposal does include rough grading and excavation of approximately 81,710 cubic yards of usable fill material for the Garden Apartments. This condition will be addressed with the future construction of North Park and the proposed project does not preclude future compliance with this condition.

3. **The applicant shall construct Main Street, a collector street designated in the TSP, through and adjacent to the site.**

**Response:** The Phase 1 proposal includes completing 1,370 lineal feet of improvements to Main Street along the Garden Apartment frontage. These improvements are detailed in Plan Sheets 1.0 and 1.1 in Exhibit B. It is anticipated that Phases 2 and 3 will complete the remainder of Main Street as identified on Sheet 3.1, the south end phasing plan.

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. The other half of Agnes Avenue shall be constructed as proposed by the applicant in phase 6.**

**Response:** The applicant is proposing to alter the phasing of the proposed project from previous development plans in a manner that would eliminate improvements to Agnes in Phase 1. See Sheet 1.0 and 2.0 in Exhibit B, which details the Agnes Avenue Shed Section. However, Agnes Avenue is now planned for completion in Phase 2, estimated to begin in 2016.

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.**

**Response:** The proposed Main Street, roundabout and Agnes Avenue improvements are shown on Sheets C2.1 – C2.3, of the DDP Plan Set. Sheet 1.0 in the CDP Plan Set, Exhibit B, the Main Street shed and crown sections and Agnes Avenue shed section detail the proposed paved lane widths, bike lanes and sidewalks as previously conditioned from approvals CP 08-05 and CP 09-02. A Circulation Plan is found in Exhibit B, Sheets 2.0 – 2.1.

6. **The applicant has volunteered to provide the Oregon Department of Transportation \$100,000 prior to the issuance of an occupancy permit for the medical office building or residential development, whichever occurs first. These funds may be used for the design and/or construction of phase two of the McLoughlin Enhancement project and/or improvements to Firestone Alley. If ODOT decides to make these improvements prior to receiving the payment from the applicant, the applicant will reimburse ODOT an equal amount, up to \$100,000, prior to the issuance of an occupancy permit for the medical office building or (residential development, whichever occurs first.**

**Response:** Condition #7 of the 2009 CDP amendment (CP 09-02) amended this condition to require an additional \$20,000 contribution with Phase 1. See the response to that condition regarding the applicant's findings regarding off-site traffic conditions and operations as determined in the July 2015. Transportation Impact Analysis prepared by Kittelson and Associates, Inc.

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 shall meet the parking lot landscaping requirements of the OCMC.**

**Response:** The parking lots for the medical office building, North Park and the mixed-used building are proposed with future phases. Compliance of the perimeter and interior landscaping requirements found in OCMC Title 17 will be addressed with submittal of the subsequent detailed development plans and no change to this condition of approval is anticipated or requested.

8. **Water quality treatment shall be provided for the development to mitigate impacts to down-stream receiving waters as set forth in the Oregon City Stormwater Manual and Design Standards.**

**Response:** As detailed on Sheet C3.1 of the DDP Plan Set, a 10 foot wide swale is proposed onsite between Buildings 2, 4, 6, 7, 8, 9, 10 and 11. Additionally, part of the approved cross section for the Main Street shed connection, a 12.5 foot wide roadside swale is proposed, along with a 10.5 foot roadside swale along the Agnes Avenue shed section (Site Plan, Sheet 1.0, Exhibit B). The stormwater management plan for the Phase 1 project site is detailed in Sheets 4.0 - 4.3 of Exhibit B. Rock check dams are proposed in the interior of the site and HDPE N-12 pipes that range from 4 to 15 inches are proposed along the perimeter of Lot 2. Trapped catch basins are proposed at the lowest grade in the directional flow of run-off to collect run-off. Additionally, a LIDA swale and conveyance ditches are proposed interior to the site as part of Phase 1 development. Specific designs of

stormwater management for future phases will be addressed as necessary with the design of future phases.

9. **The applicant shall submit a detailed design of the band shelter and meet the construction requirements for a structure within the flood plain per the standards identified in Chapter 17.42: Flood Management Overlay District of the Oregon City Municipal Code. The design shall be approved by the city prior to the issuance of a building permit for the construction of the structure.**

**Response:** The band structure is proposed for a future phase and will be addressed with the Detailed Development Plan submittal application for Phase 2.

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.**

**Response:** The applicant will apply for a fill permit in conjunction with construction plan approval requests.

11. **The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval pursuant to Oregon City Municipal Code Section 15.48.**

**Response:** A grading and erosion plan is provided for the Phase 1 DDP on Sheets C3.0-3.6. As shown on the plans, inlet protections are proposed at the lowest grade and in the path of the natural directional flow of run-off across the site. A sediment fence is proposed along the Phase 1 site boundaries. At areas with steep slopes, such as the North Park area (Sheet C3.4), slope stabilization and a temporary sediment pond is proposed during construction. Additionally, stabilized construction entrances are proposed for the anticipated grading activities in North Park and Lot 1.

12. **The applicant is proposing to provide sidewalks and curbs consistent with the City's Engineering Policies and Standards. The applicant has proposed some alternatives using swales thereby perhaps eliminating some curbs, as permitted by the City's Engineering Policy, and will be reviewed and approved during construction plan review.**

**Response:** All the proposed road improvements along the apartment frontage on Main Street and Agnes Avenue are detailed on the CDP Plan Set, Sheets 1.0 and 1.1. These cross sections are consistent with CP 08-05 Conditions of Approval #20 and CP 09-02 Condition of Approval #4, as well as the City's Engineering Policies and Standards.

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.**

**Response:** There are no additional trees anticipated for removal beyond what was previously proposed and approved with the 2008 decision (CP 08-05) and the 2009

amendment (CP 09-02). As previously approved, it is anticipated that future development will remove 383 trees throughout the master plan site. Details of the previous approval can be found in Exhibit N. Consistent with Condition #13 from the CP 08-05, all trees removed within the garden apartment site will be within proposed building, parking lots and associated and surrounding landscape areas, as shown on the Tree Removal Plan of the DDP Plan Set, Sheets L2.0 and L2.1. Therefore, no "mitigation" tree plantings for the apartment site are proposed.

- 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.**

**Response:** Development of the esplanade is proposed for Phase 2. Therefore, this condition of approval is not applicable to the proposed Phase 1 development and will be addressed with the DDP submittal for Phase 2.

- 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.**

**Response:** The location of the water facilities are detailed in Sheets C5.0 – C5.2, Water & Utility Plan, Exhibit B. System Development Charges (SDC) will be paid prior to building permit issuance.

- 16. New fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.**

**Response:** As shown on the Water and Utility Plan, Sheets C5.1 - C5.2, fire hydrants with water line connections are proposed across the site. The locations of which are in compliance with the Clackamas County Fire District defined standards.

- 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.**

**Response:** The location of sanitary sewer facilities are identified in Sheets C6.0 – C6.2, Sanitary Plan, Exhibit B. The SDC charges will be paid prior to building permit issuance.

- 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.**

**Response:** The applicant plans to follow this CDP amendment and DDP request with a submittal of construction plans for Phase 1 public works improvements that meet the City standards listed in the document entitled Engineering Policy 00-01: Guidelines for Development.

- 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.

**Response:** No changes to this condition are proposed or requested with this CDP amendment and DDP request.

**20. The Applicant shall construct the following transportation improvements in order to facilitate connectivity and service for vehicles, bicyclists and pedestrians using the development. 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 construction plan review to accommodate a collector function. Main Street and Agnes Avenue are both designated as "collectors" and as such, the Applicant shall 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.**

**Response:** This condition was amended with the 2009 CDP amendment (CP 09-02) conditions of approval. As shown on the Site Plan, Sheet 1.0 of the CDP Plan Set, the street sections proposed are outlined in the table below. As amended by CP 09-02 condition of approval # 4, no on-street parking is required.

Road Section	Existing	Proposed
Main Street North (Shed Section)	60' ROW: 37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (1) 4.5' planter strip with 0.5' curb (east side, along Cove) (1) 8' sidewalk (east side, along Cove) 12.5' swale with 0.5' curb (on garden apartment side of the road)
Main Street South (Crown Section)	60' ROW: 33-37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (2) 4.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Crown Section) <i>*Proposed for Phase 2</i>	<i>Unimproved</i>	60' ROW (2) 11' travel lane (2) 6' bike lanes (2) 6.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Shed Section)	<i>Unimproved</i>	60' ROW (varies) (2) 11' travel lane (1) 6' bike lanes (1) 6.5' planter strips with 0.5' curbs (1) 6' sidewalks 10.5' swale with 0.5' curb
Roundabout	60' ROW (per Main Street)	20' Travel Way 40' Central Landscape Area 30' Mountable Truck Aprons 4.5' planter strips with 0.5' curbs 10' sidewalk

21. **The applicant shall dedicate a 60-foot wide right-of-way for both Agnes Avenue and Main Street. For that portion of Main Street that is adjacent to the proposed recreation facility, where on-street parking is allowed, the applicant shall dedicate a 64-foot wide right-of-way.**

**Response:** This condition was amended with the 2009 CDP amendment (CP 09-02) conditions of approval. As amended by CP 09-02 condition of approval # 4, on-street parking is not required and will not be included within the Main Street roadway cross section. Therefore, the required dedication of Main Street and Agnes is 60 feet. This section was dedicated with the previous approved DDP in 2008.

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.

**Response:** The proposed CDP Amendment does not request a change to this design of Agnes Avenue, which will be constructed in Phase 2 of the project. .

**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.**

**Response:** The final plat of the Cove Master Plan occurred in conjunction with the first CDP approval. Therefore, this condition of approval is not applicable to the proposed Phase 1 DDP.

**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.**

**Response:** As part of the original plat, the PUE was completed along Main Street, north of the proposed roundabout. The southern/eastern portion along Main Street from the roundabout will be completed as part of this phase.

**25. The requested adjustment to increase the medical office building parking from 3.33 to 5.0 parking spaces per 1,000 square feet shall be allowed. The applicant of the phase 3 development of the site shall provide the City with a shared parking agreement prior to the approval of the phase 3 Detailed Development Plan. The agreement will allow public use of at least the difference in the number of spaces allowed between the office standard of 3.33 and the maximum of 5.0 per 1,000 square feet. The time of the shared parking shall be determined by the applicant and City during the phase 3 Detailed Development Plan approval.**

**Response:** The 50,400 SF of office use to be constructed on Lot 1 is currently programmed for medical office space. The parking ratio for this use will be better defined with the DDP submitted for this phase when it can be determined if any of the office space within the 50,400 SF office use will be general office rather than medical office space. No public use of parking spaces is proposed on Lot 1 because a public parking will be available within other areas of the site. These areas include a public parking lot located south of Main Street, opposite Lot 1, adjacent to the north side of the Oregon City Shopping Center. Public parking will also be provided with Phase 3, where 50 parking spaces of a 272 space parking lot on the Tri-City property would be designated for public use. It should be noted, however, that the office use at Lot 5 adjacent to the Tri-City property is currently intended for general

office use and not medical office use. The shared parking arrangement on the Tri-City property will be further documented in conjunction with the DDP for Phase 3.

- 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.**

**Response:** No changes to this condition of approval are requested and it is anticipated that public access easements will be recorded over public pathways and open spaces that are outside of the public right of way. There are no open spaces or pathways within the Lot 2 garden apartment project included with this DDP request.

- 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.**

**Response:** This condition of approval is not applicable to the proposed Phase 1 improvements and will be addressed in a future DDP submittal for Phase 2. Compliance with the parking lot landscaping requirements of OCMC Section 17.52.060 associated with the north park will be addressed in the future Detailed Development Plan review for Phase 2.

#### **2009 CDP AMENDMENT # CP 09-02**

- 1. The reduction of the mixed use building footprint will remove the proposed building from the 50-foot vegetated corridor that was approved through the original application (WR 08-21). The applicant shall revise the landscaping plan and increase the planting within the vegetated buffer to ensure that the areas that were approved from the location of the mixed use building footprint are replanted as required by the Oregon City Municipal Code.**

**Response:** As shown on the Site Plan – South, Sheet 1.1 of the CDP Plan Set, Exhibit B, the building footprint of the mixed-use building is located outside of the 50-foot buffer. Construction of the building is proposed for Phase 4. At that time a landscaping plan compliant with the Oregon City Municipal Code will be submitted as part of the application package.

- 2. The applicant has proposed to amend the application to include up to 220 apartment units. The apartment units were not part of the original application and staff recommends that the detailed development plan for the apartments should be required to comply with the Oregon City Municipal Code that when into effect on July 31, 2009.**

**Response:** The proposed CDP Amendment includes increasing the number of apartment units from 220 to 244 units. This submittal package includes a Detailed Development Plan for the apartment buildings associated site improvements and other site infrastructure improvements.

- 3. The applicant and owners of the Tri-City property shall amend the approved Tri-City concept master plan and receive conditional use and detailed development plan approval for the proposed shared parking lot located on the property. Prior to the issuance of a building permit for the medical office/general office building proposed**

**in phase III, the applicant shall have received the approvals identified in this condition of approval.**

**Response:** This proposal does not include any amendments to the previously approved parking lot at the Tri-City property. As shown on the updated phasing plan, the shared parking lot with the Tri-City property is not planned until Phase 3 and the office building adjacent to the Tri-City property will also be built in Phase 3.

**4. This condition amends conditions of approval 20 and 21 from the decision for Planning File CP 08-05. Condition of approval number 20 shall be amended as follows to remove the on-street parking street design:**

- a. The reference to “The fourth and final section is Main Street” shall be deleted;
- b. “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 wide bike lanes, a four-and-a-half (4.5) foot planter strip, a twelve-and-a-half (12.5) foot wide swale and an eight (8) foot wide sidewalk on the north side of the street.”

**Response:** As amended by this condition of approval # 4, no on-street parking is required on Main Street and the proposed street sections are those that were approved with the original CDP approval (CP 08-05). This is detailed in the response for condition #20 and shown on Sheet 1.0 of the CDP Plan Set and Sheets C2.1 – C2.2 of the DDP Plan Set located in Exhibit B.

**Condition of approval number 21 shall be amended as follows to remove the Main Street on-street parking from the right-of-way dedication requirements:**

- a. “The applicant shall dedicate a minimum 60-foot wide right-of-way for both Agnes Avenue and Main Street.”

**Response:** As shown on Site Plan – North, Sheet 1.0, there are no on-street parking spaces proposed along the Main Street Shed Section.

**5. The applicant shall submit detailed plans of the restrooms that include the design and exterior materials of the building, landscaping around the facility and how the facility meets the construction requirements for a structure within a flood plain per the standards identified in Chapter 17.42: Flood Management Overlay District of the Oregon City Municipal Code. The design shall be approved by the city prior to the issuance of a building permit for the construction of the structure. The restrooms shall comply with the detailed development plan code requirements that went into effect on July 31, 2009.**

**Response:** The Phase 1 development proposal does not include construction or development of a stand-alone restroom facility. Therefore, this condition is not applicable to the proposal at this time.

**6. The applicant shall provide a half street improvement for Agnes Avenue between Main Street and the North Park as part of the phase 1 development of the site. The ½ street section shall include a minimum of 20 feet of pavement, a 10.5-foot swale and a 6-foot sidewalk.**

The applicant shall comply with the condition of approval 4 from Planning File CP 08-05, which requires that as part of the phase 1 development, the applicant shall construct a partial Agnes Avenue that will include two (2) five-foot bike lanes, one (1) eleven-foot paved section for southbound one-way traffic, one (1) six and a half-foot planter strip and one (1) six-foot sidewalk from the North Park to Washington Street. The other half of Agnes Avenue shall be constructed as proposed by the applicant in phase 6.

**Response:** The applicant is proposing to amend this condition and is proposing to construct Agnes Avenue to its fully improved width in Phase 2 of the project.

7. **Per condition of approval 6 from Planning File CP 08-05, the applicant volunteered to provide the Oregon Department of Transportation \$100,000 prior to the issuance of an occupancy permit for the medical office building or residential development, whichever occurs first. Condition of approval 6 shall be amended to require an additional payment from the applicant to the Oregon Department of Transportation in the amount of \$20,000 to mitigate for the additional trips created by the inclusion of the 220 apartment units.**

**Response:** This condition of approval amends Condition #6 from the original Concept Development Plan approval. The applicant is awaiting City and ODOT review of the July 2015 Kittelson and Associates, Inc. Transportation Impact Analysis prepared by Kittelson and Associates, Inc., which found that no off-site capacity or operational failures would occur as a result of the proposed project. The study finds that:

- *All study intersections are forecast to continue to operate acceptably during the weekday a.m. and p.m. peak periods upon site buildout.*
- *The southbound left-turn movement at the ORE 99E /I-205 SB Ramp Terminal intersection is forecast to continue to exceed the available striped lane queue storage during the weekday a.m. peak hour. No site-generated traffic is expected to increase the queue at this location.*

Based on these findings, no further mitigation is anticipated from what was identified in this condition.

8. **During the detailed development plan for the property south of Main Street, the applicant shall incorporate a pedestrian circulation plan through the site that provides access to safe Main Street pedestrian crossing sites, specifically the round-about at the intersection of Main Street and Agnes Avenue and the two proposed driveways intersections from the site with Main Street. Pedestrian crossing improvements may be necessary, such as a marked crosswalk and sidewalk ramps.**

**Response:** An interconnected pedestrian circulation plan is proposed from each of the proposed 11 buildings included with the garden apartment project in the Phase 1 DDP. These pathways circulate around the buildings and parking lot perimeter to proposed 6-foot sidewalk at the round-about at the intersection of Main Street and Agnes Avenue. Standard 6-foot concrete pedestrian walkways are proposed adjacent to the southern driveway access to Main Street. Esplanade stairs are proposed connecting the internal pedestrian circulation route to the sidewalk south of the northernmost driveway intersection and crosses Main Street at the

esplanade along the waterfront. Details are shown on the Site Plan Sheets C2.1 and C2.2, of the DDP set in Exhibit BA circulation plan is shown on Sheets 2.0 and 2.1 of the CDP Plan Set to show the overall site circulation pattern.

- 9. The applicant shall comply with Planning File CP 08-05 as proposed by the applicant and as conditioned by the Planning Commission with the exception of those parts of the previous conditions of approval that have been amended as part of this approval.**

**Response:** As provided in the responses for each condition of approval of CP 08-05, listed in the previous section of this narrative, the proposal is in compliance with all applicable conditions of previous approvals.

- 10. The applicant shall provide a clearly marked pedestrian crossing between the walkway to the North Park and the sidewalk to the future condominiums on the east side of the permanent parking lot.**

**Response:** As shown on the CDP Plan Set, Sheet 2.0, Circulation Plan – North, a pedestrian connection is proposed via a waterfront esplanade from the southern Cove site to the roundabout south of North Park.

- 11. The applicant shall revise the parking lot lay out so that there are no more than eight contiguous parking spaces without an interior landscaping strip between them and demonstrate that a minimum of 10% of the interior parking lot is devoted to landscaping.**

**Response:** As detailed on Sheet A101 of the DDP set in Exhibit B, a minimum number of 373 spaces are required. The proposal includes 403 parking spaces. As shown on Sheets C2.1 and C2.2, for every eight (8) contiguous parking spaces a landscaped island is proposed. This results in over 10% of the required interior parking lot landscaped area

- 12. The applicant shall incorporate interpretive signage throughout the development identifying the location of bicycle and pedestrian public access within and through the site.**

**Response:** Permanent signage improvements throughout the project for public wayfinding would be installed in conjunction with esplanade improvements that would be constructed in Phase 2.

- 13. The applicant shall provide a temporary bicycle and pedestrian trail connection during the phase 1 and 2 development of the site to ensure that access to, and connectivity along, the Clackamas Trail is maintained during construction.**

**Response:** Connection to the Clackamas Trail will be maintained during construction of Phase 1. A temporary 8 foot asphalt trail, to be built with Phase 1, is proposed south of the North Park and connects to the Clackamas Trail and the cove peninsula, as shown on Sheet 1.0, Site Plan – North, Exhibit B. At the completion of Phase 2, the trail will be minimally realigned and integrated into the overall Circulation Plan for the northern area of the Cove, as depicted on Sheet 2.0, Exhibit B.

14. The applicant shall provide signage for the 20 permanent parking stalls adjacent to the North Park to ensure that the stalls are available for the public and will not be utilized by the condominiums for parking.

**Response:** The proposed CDP Amendment and DDP request will not amend this condition of approval. Construction of the parking stalls adjacent to the North Park will occur with Phase 2 of the project.

## II. OREGON CITY MUNICIPAL CODE

### CHAPTER 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

#### 12.04.007 Modifications

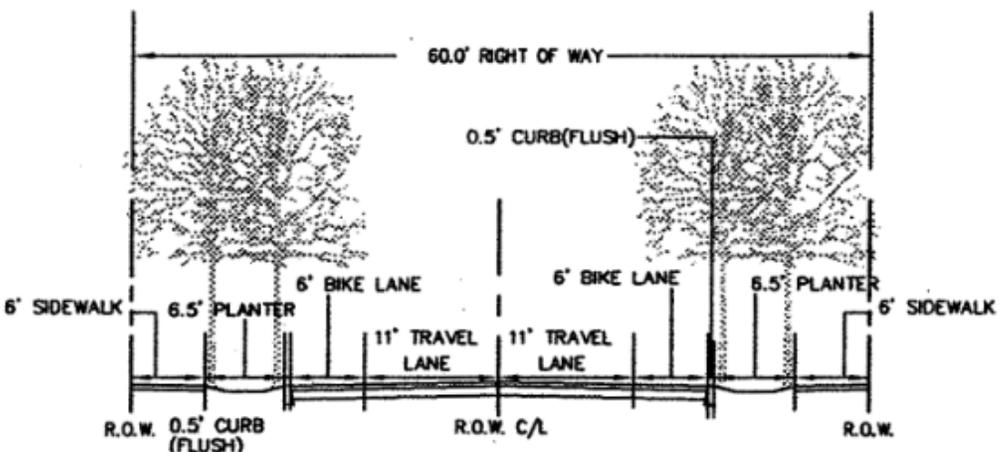
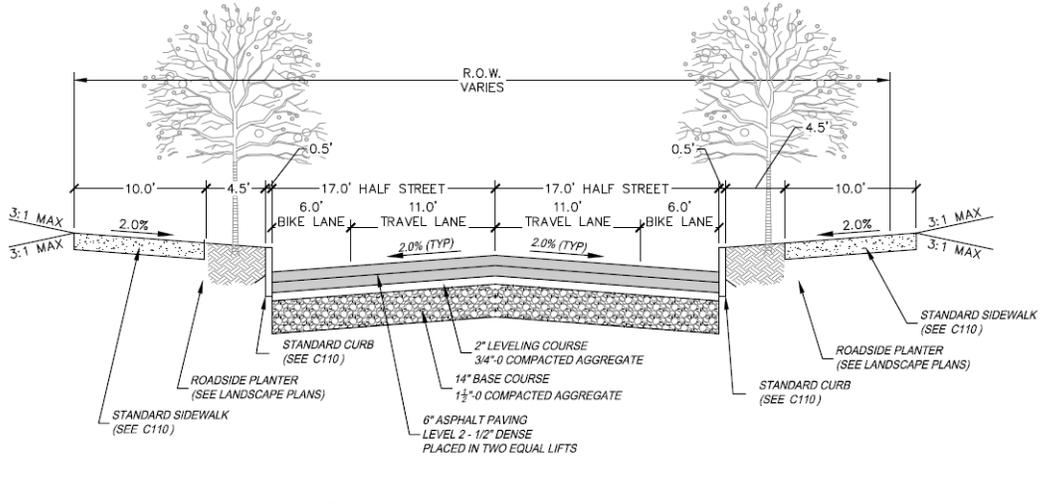
The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications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

- A. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
- C. The modification is consistent with an adopted plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative;
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

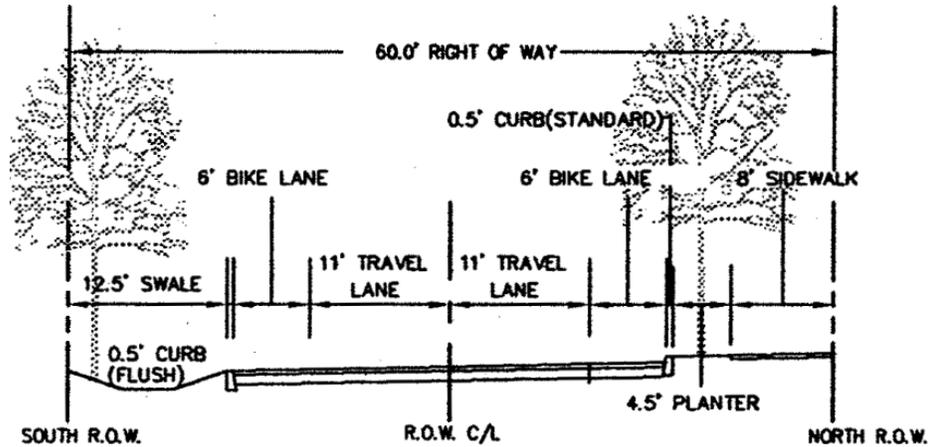
**Response:** Although the phasing of public road improvements has changed from previous approvals, Main Street and Agnes Street will remain predominantly the same as approved by the City, with a few minor changes:

- the landscape planter strip on the Main Street crown section has been reduced from 6.5-feet to 4.5-feet and the sidewalk width has been increased from 6-feet to 10-feet;
- a crown section for Agnes Street is no longer proposed; and,
- The extension of Agnes Street to Washington, as completed in Phase 2, would be a 12-foot paved path with 4-foot gravel shoulders (as compared to a 20-foot paved path conditioned with CP 09-02). The Agnes Avenue connection to Washington Street would be for emergency vehicles only, would be separated from the north park access by removable bollards and would also serve as a multi-use path.

The table below illustrates the formerly approved cross sections and the proposed cross sections.

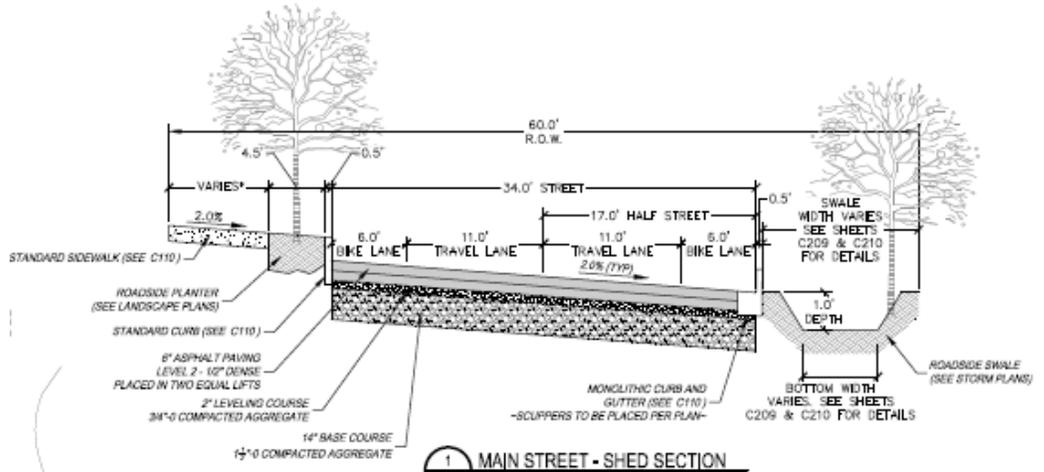
CP 09-02 Approved or Proposed Cross Section	Cross Section
CP 09-02 Approved Main Street Crown Cross Section	 <p style="text-align: center;"><b>MAIN STREET - CROWN SECTION</b></p>
Proposed Main Street Crown Cross Section	 <p style="text-align: center;"><b>2 MAIN STREET - CROWN SECTION</b></p>

CP 09-02 Approved  
Main Street Shed  
Section

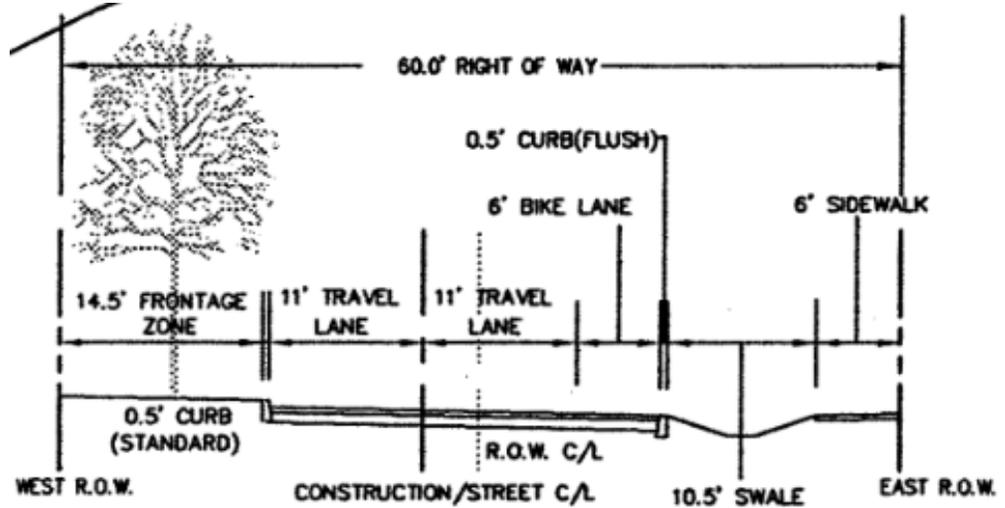


**MAIN STREET (SHED SECTION)**

Proposed Main  
Street Shed  
Section

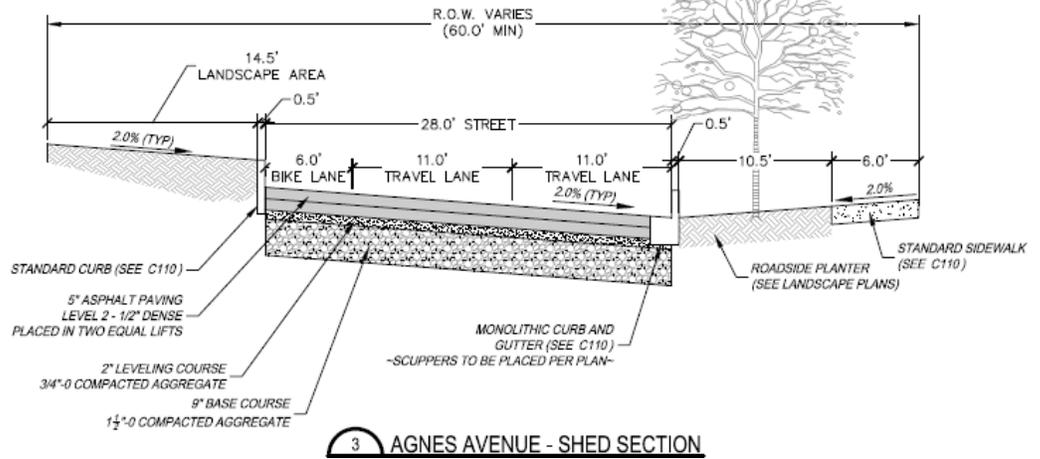


CP 09-02 Approved  
Agnes Avenue Shed  
Section



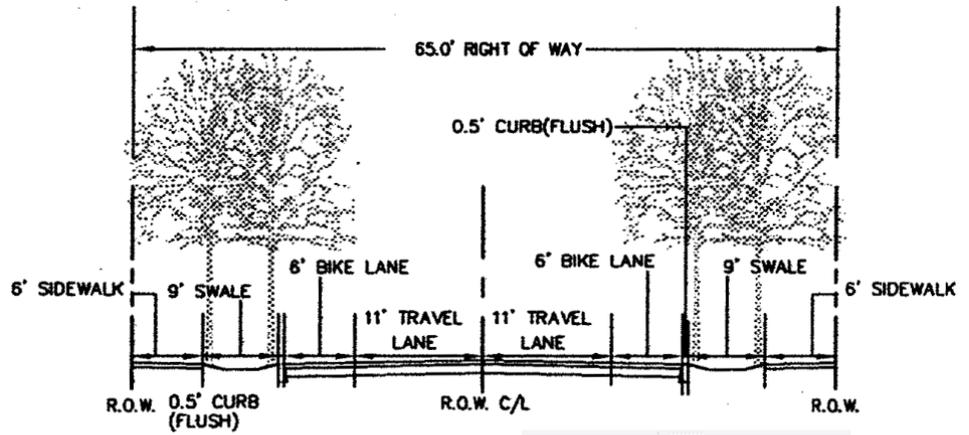
**AGNES AVENUE (SHED SECTION)**

**Proposed Agnes Avenue Shed Section**



**3 AGNES AVENUE - SHED SECTION**

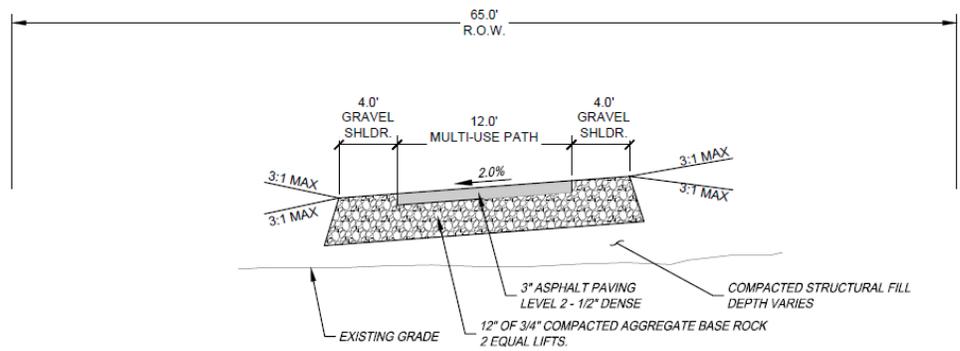
**CP 09-02 Approved Agnes Avenue Crown Section**



**AGNES AVENUE (CROWN SECTION)**

STA: 13+15 - STA: 42+69

**Proposed (Agnes) Multi-use Path / Emergency Access Route**



**MULTI-USE PATH / EMERGENCY ACCESS ROUTE**

SCALE: N.T.S.

- The road cross section modifications noted above are warranted and meet the approval criteria of this section as follows: The proposed modifications will continue to provide for safe and efficient movement of pedestrians motor vehicles, bicyclists and freight by:
  - Ensuring that sidewalks and bicycle lanes are provided with all sections; and,
  - Providing adequate lane widths for standard vehicular traffic and any freight traffic that might travel through the site;
- The modification is fundamentally consistent with the plan as it will provide collector levels of service within collector corridors identified by the City.
- The modification will allow unique street sections to the Cove, which will permit a unique design for the master planned community and create a complementary multi-modal network through the site.
- The modification is not proposed due to constitutionality concerns, but rather to create a unique and complimentary transportation network through the site.

#### **12.04.010 Construction specification—Improved streets.**

**All sidewalks hereafter constructed in the city on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan. The curb shall be constructed at the same time as the construction of the sidewalk and shall be located as provided in the ordinance authorizing the improvement of said street next proceeding unless otherwise ordered by the city commission. Both sidewalks and curbs are to be constructed according to plans and specifications provided by the city engineer.**

**Response:** As shown on the Site Plans, Sheets C2.1 through C2.3, all proposed sidewalks are at least 6-feet in width, with standard curbs to meet the plans and specifications provided by the City Engineer.

#### **12.04.025 Street design—Driveway curb cuts.**

**Response:** The primary entrance into the Garden Apartments site is located along Main Street, north of the roundabout. This entrance is 32-feet wide to accommodate the tenants and visitors to the project. The secondary access from the Main Street side to the west of the roundabout and nearest the Oregon City Shopping Center is 26-feet wide. Both of these driveway entrances are within the allowed range shown above for maximum and minimum driveway widths.

#### **12.04.050 - Retaining walls—required.**

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

**Response:** As shown on the Grading Plans on DDP Plan Sheets C3.1 and C3.2 there are several rock retaining walls placed between the building pads and the Main Street frontage along the garden apartments site. These rock walls will retain the grades adjacent to the garden apartments, which are above the finished grades for Main Street. The rock walls are shown along both Main Street frontages along the garden apartments. Also, there is a “lock and load” retaining wall along the back of the garden apartment site, near the northwest side of the site adjacent to the shopping center. Installation and placement of retaining walls will be done consistent with the final recommendations of the project’s geotechnical engineering consultant.

#### **12.04.180 Street design.**

**Response:** Both Main Street and Agnes Avenue are classified as “Collectors” in the Oregon City Transportation System Plan (TSP). With the past CDP approvals of the site, amendments to the collector street design section requirements have been approved by the City (See the response to OCMC 12.04.007 above). The applicant is proposing a minor change to the cross section of the Main Street crown section to reduce the landscape planter strip width from 6.5-feet to 4.5-feet and increase the sidewalk width from 6-feet to 10-feet. In addition, a crown section for Agnes Street that was previously contemplated and approved for Agnes Street is no longer proposed and Agnes will be built entirely as a shed section. In addition, with Phase 2 of the master plan, a 12’ paved multi-use path is proposed that would extend from the north park parking lot area to Washington Street.

- a. **Main Street:** Proposed roadway design and construction for Phase 1 will include the improvement of approximately 650 lineal feet of Main Street along the north side of the apartment project site and approximately 720 lineal feet on the east side of the apartment site. On the north side of the apartment project, Main Street will be a shed section and on the east side of the apartment project the road will be a crown section.

As previously conditioned in CP 08-05 and CP 09-02, the proposed road improvements for Phase 1 are as follows:

Road Section	Existing	Proposed
Main Street North (Shed Section)	60' ROW: 37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (1) 4.5' planter strip with 0.5' curb (east side, along Cove) (1) 8' sidewalk (east side, along Cove) 12.5' swale with 0.5' curb (on garden apartment side of the road)
Main Street South (Crown Section)	60' ROW: 33-37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (2) 6.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Crown Section) <i>*Proposed for Phase 2</i>	<i>Unimproved</i>	60' ROW (2) 11' travel lane (2) 6' bike lanes (2) 6.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Shed Section)	<i>Unimproved</i>	60' ROW (varies) (2) 11' travel lane (1) 6' bike lanes (1) 6.5' planter strips with 0.5' curbs (1) 6' sidewalks 10.5' swale with 0.5' curb
Roundabout	60' ROW (per Main Street)	20' Travel Way 40' Central Landscape Area 30' Mountable Truck Aprons 4.5' planter strips with 0.5' curbs 10' sidewalk

#### 12.04.195 Spacing standards.

**Response:** There are no proposed changes from the original street design. The distance from the roundabout north to the primary driveway entrance on Main Street is approximately 550-feet, while the secondary driveway entrance on the west side of the roundabout along Main Street is approximately 250-feet from the roundabout. For future phases, the minimum driveway spacing along Agnes Street is approximately 150-feet. The majority of the driveway entrances are spaced at least 200-feet between entrances.

#### 12.04.199 Pedestrian and bicycle accessways.

**Response:** As shown on the CDP Site Circulation Plan on Sheets C2.0 and C2.1 and the DDP Site Plans, Sheets C2.1 through C2.3, pedestrian circulation 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 with existing and planned

pedestrian facilities along the natural areas that exist within and adjacent the master plan area. The proposed design enables pedestrians to move throughout the site and access all of the amenities of the development safely. The proposed CDP amendment will not significantly impact the approved pedestrian circulation system. Six-foot wide sidewalks will be constructed along all internal and adjacent frontages of both Main Street and Agnes Avenue. The esplanade that runs the length of the eastern shore of the Clackamette Cove will remain unchanged. The applicant has provided connections between the proposed uses, buildings, parking areas and open space through a series of separated pathways. These pathways are approved to be eight (8)-feet wide and are designed to be ADA accessible to the greatest extent possible. Due to topography constraints some pathways may have grades that exceed the requirements of ADA.

#### **12.04.205 Mobility standards.**

**Response:** Refer to the Kittelson and Associates, Inc. TIA provided under Exhibit E with this submittal.

#### **12.04.210 Intersection Angles.**

**Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the city engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.**

**Response:** Due to the existing orientation of Main Street and Agnes intersection where the two roads come together at an acute angle on a bend in Main Street, a roundabout intersection is proposed to optimize safe travel through the intersection. Consistent with the Multi-Modal Connectivity Plan, the proposed streets are designed to be multi-modal, with vehicle and bicycle lanes and sidewalks for pedestrians. As shown on the South Site Plan, Sheet 1.1, of the CDP Plan Set, the Main Street crown section will taper from a two (2) lane 11 foot travel into a 20 foot travel lane. Forcing a decrease in speed prior to the approach, the roundabout maintains the intent of one-hundred feet of tangential distance adjacent to the intersection onto either Main Street or Agnes Avenue. The roundabout has been designed to the standard of the Federal Highway Administration, allowing for adequate large truck turn radius.

#### **12.04.235 Street Design – Grades and Curves**

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

**Response:** As shown on the details provided for Main Street and Agnes Avenue on Sheet 1.0 of the CDP Plan Set, the grades and the center line radii conform to the collector classified street design standard.

#### **12.04.245 Street Design - Pedestrian and Bicycle Safety**

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

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

**Response:** As shown on the DDP Plan Set, Sheet A101, Site Plan, Exhibit B, a pedestrian crossing is proposed between the clubhouse and Building #3. An esplanade stair case from the internal pedestrian circulation route on-site leads down and adjoins to the proposed sidewalk meeting street grade on Main Street. The pedestrian crosswalk will be constructed of different materials than the concrete street section from the bottom of the stairs, across Main Street, to the opposite sidewalk. This pathway leads to the proposed temporary trailhead parking lot. The prominent features of this sidewalk and crossing will alert vehicles of the presence of pedestrians and facilitate safe crossings.

#### **12.04.265 Street Design – Planter Strips.**

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

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

**Response:** As noted in the response to OCMC 12.04.007 above, a modification to this standard is requested to allow a reduction in the planter strip width on the Main Street Crown section to 4.5-feet. This width reduction is requested to allow additional sidewalk width to enhance the pedestrian network through the project area.

## CHAPTER 12.08 - PUBLIC AND STREET TREES

### 12.08.015 Street tree planting and maintenance requirements

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

**Response:** All proposed street trees are shown on the Offsite Planting Plan, shown on Sheets L3.1 and L3.2. There are no proposed changes to the original approval for those trees targeted for removal or for the public or street trees proposed on the planting plans. Per the original approval and as shown on the Offsite Planting Plan, Autumn Flame Red Maples are proposed along the southern portion of Main Street, to be planted 30 feet on-center. PaperBark Maple are proposed along the planting strip bordering the roundabout at the Main Street and Agnes Avenue intersection.

**B. The following clearance distances shall be maintained when planting trees:**

1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.

**Response:** Street trees will be maintained to prevent visual obstructions and obstruct access to public facilities, as shown on the Offsite Planting Plan, Sheets L3.1-3.2, of the DDP Plan Set in Exhibit B.

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

**Response:** Tree canopies will be maintained in order to be ADA compliant for pedestrian clearance.

### 12.08.025 General tree maintenance

Abutting property owners shall be responsible for the maintenance of street trees and planting strips. Topping of trees is permitted only under recommendation of a certified arborist, or other qualified professional, if required by city staff. Trees shall be trimmed appropriately. Maintenance shall include trimming to remove dead branches, dangerous limbs and to maintain a minimum seven-foot clearance above all sidewalks and ten-foot clearance above the street. Planter strips shall be kept clear of weeds, obstructing vegetation and trash.

**Response:** Maintenance of street trees and planting strips is anticipated to be the responsibility of the property owner and/or the hired management company.

### **12.08.030 Public property tree maintenance**

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

**Response:** Although general tree maintenance is anticipated to be the responsibility of the property owner and the hired management company, per Section 12.08.025, the City will have access to all plantings in the public right of ways to ensure public safety and consistent characteristics of public areas.

### **12.08.035 Public tree removal**

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

**Response:** There are no additional trees proposed for removal beyond what was previously proposed and approved with the 2008 decision (CP 08-05) and the 2009 amendment (CP 09-02). As previously approved, it is anticipated that future development will remove 383 trees throughout the master plan site. Details of the previous approval can be found in Exhibit N. Consistent with Condition #13 from the CP 08-05, all trees removed within the garden apartment site will be “within the vegetated corridor or proposed right-of-ways, easements, building pads, public walkways and parking lots”.

### **12.08.040 Heritage Trees and Groves**

**A. Purpose.** Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

**Response:** There were no heritage trees or groves identified in the Tree Condition Assessment prepared by Robert Mazany and Associates on August 21, 2007 and submitted as part of the original CDP approval (CP 08-05). Additionally, according to the information found on the City of Oregon City online Geographic Information System, there are no such trees located on the phase 1 project site or on the Clackamette Cove.

### **12.08.045 Gifts and funding**

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for

revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

**Response:** No gifts are anticipated to the city in conjunction with the proposed phase 1 development of the Garden Apartments.

## **TITLE 13 PUBLIC SERVICES**

### **CHAPTER 13.04 WATER SERVICE SYSTEM**

**Response:** All proposed water service is shown on Sheets C5.0 through C5.2. Water service will connect to the existing 10-inch water line within Main Street at the primary entrance into the garden apartments, north of the roundabout. There is a proposed 8-inch line that will circulate through the garden apartments, with 2 1/2 inch domestic water lines servicing each of the multi-family building pads.

### **CHAPTER 13.08 SEWER REGULATIONS**

#### **13.08.010 Sewer connections—required.**

**Response:** All proposed sanitary service is shown on Sheets C6.0 through C6.2. Sanitary service will connect to the 42-inch sanitary line currently located in Main Street.

### **CHAPTER 13.12 STORMWATER MANAGEMENT**

#### **13.12.050 Applicability and exemptions**

**Pursuant to each of the subsections below, proposed activities may be required to meet the performance standards for stormwater conveyance, stormwater quantity or stormwater quality.**

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

**Response:** Following the City of Oregon City Stormwater and Grading Design Standards, a Storm Plan is included on Sheets C4.0 through C4.2 and a Preliminary Stormwater Report is provided under Exhibit H with this submittal demonstrating compliance with the provisions of this section. As detailed on the plans and the report, stormwater run-off will be collected and treated onsite through proposed HDPE N-12 pipes of varying sizes, catch basins, then treated through Contech StormFilters and a LIDA Swale prior to being released into the Clackamette Cove before entering the Clackamas River, a tributary to the Willamette River.

**B. Stormwater Quantity Control. The stormwater quantity control requirements of this chapter shall apply to the following proposed activities, uses or developments...**

**Response:** As detailed in the Preliminary Stormwater Report provided under Exhibit H with this submittal, stormwater runoff will be discharged to an existing public storm

sewer system that has been found to adequately convey site flows from pervious conveyance studies as determined in the Drain Report – Phase 1 Infrastructure, included as a technical appendix in the Preliminary Drainage Report in Exhibit H. Site drainage conveys to the Clackamas and then Willamette Rivers, which have adequate downstream conveyance capacity. Therefore, detention is not required for this project.

**C. Stormwater Quality Control. The stormwater quality control requirements of this chapter shall apply to the following proposed activities, uses or developments:**

**Response:** A Storm Plan is included on Sheets C4.0 through C4.2 and a Preliminary Stormwater Report is provided under Exhibit H with this submittal demonstrating compliance with the quality provisions of this section. Stormwater runoff will be treated onsite with Contech StormFilters and a LIDA Swale.

**13.12.090 Approval criteria for engineered drainage plans and drainage report**

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

**A. The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;**

**Response:** As shown on the Storm Plan, Sheets C4.0 through C4.2 and the Preliminary Stormwater Report, provided under Exhibit H, the stormwater management system meets the general purpose of ensuring the new development does not have adverse impacts on the existing downstream systems and stormwater infrastructure and it will not increase nonpoint source pollution typically associated with increase impervious materials and stormwater run-off.

**B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020;**

**Response:** Following the City of Oregon City Stormwater and Grading Design Standards, a Storm Plan is included on Sheets C4.0 through C4.2 and a Preliminary Stormwater Report is provided under Exhibit H with this submittal demonstrating compliance with the provisions of this section.

**C. Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:**

- 1. Do not exceed the capacity of receiving drainage conveyance facilities;**
- 2. Do not increase the potential for streambank erosion; and**
- 3. Do not add volume to an off-site closed depression without providing for mitigation.**

**Response:** As detailed in the Preliminary Stormwater Report, Exhibit H, the existing stormwater sewer system is adequate to serve the proposed garden homes apartment. The proposed storm drain lines, catch basins and inlets collect run-off and connect to the existing public storm sewer system, where run-off will be discharged into the Clackamette Cove. Water discharged to the cove exits into the Clackamas River, upstream of the Willamette River. Both rivers have drainage basins larger than 100 square miles and adequate downstream conveyance

capacity as documented in the Drain Report – Phase 1 Infrastructure included as a technical appendix in the Preliminary Drainage Report, Exhibit H.

**D. Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:**

1. **Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and**
2. **Stormwater quality control facilities which:**
  - a. **Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;**
  - b. **Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and**
  - c. **Minimize any increase in nonpoint source pollution.**

**Response:** A Storm Plan is included on Sheets C4.0 through C4.2 and a Preliminary Stormwater Report is provided under Exhibit H with this submittal demonstrating compliance with the quality control provisions of this section. Stormwater runoff will be treated onsite with Contech StormFilters and a LIDA Swale.

**E. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.**

**Response:** As shown on the Storm Plan, Sheets C4.0 through C4.2, Exhibit B, stormwater runoff will be collected through multiple trapped catch basins on-site, in the parking areas. Stormwater runoff will be treated onsite with Contech StormFilters and a LIDA Swale prior to being released to the existing public storm sewer system.

**F. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The post-development peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.**

**Response:** Stormwater is not anticipated to discharge into open channels or streams. Stormwater will drain into the Clackamette Cove and dump into the Clackamas River and Willamette River. Both rivers have 100 square miles of basin area and, is therefore, not subject to the streambank erosion protection standard. The Preliminary Drainage Report, Exhibit H, uses the King County rainfall distribution, which is required by Clackamas County standards and are more conservative than the Type 1A, 2-year 24-hours duration rainfall distribution.

**G. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.**

**Response:** Both the Clackamas River and the Willametter River, which the Clackamette Cove discharges into, have adequate downstream conveyance capacity. Therefore, stormwater detention is not required for this proposal.

## CHAPTER 15.48 GRADING, FILLING AND EXCAVATING

### 15.48.090 Submittal requirements

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

- B. Engineered Grading Plan.** The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

**Response:** Proposed grading activity is in excess of ten cubic yards of earth. A Grading Plan is included under Sheets C3.0 through C3.2 with this submittal under Exhibit B.

- C. Geotechnical Engineering Report.** The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;

**Response:** Geotechnical Reports are included with this submittal under Exhibit G to address geohazards and soil stability for both the garden apartments and north park amphitheater, as well as proposed roadway locations.

## TITLE 17 ZONING

### CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS

#### 17.06.040 Requirements table.

To facilitate public understanding of this title, and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height, and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 92-1024 §3, 1992; prior code §11-3-1)

#### Employment, Downtown and Industrial

Standard	MUD
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Maximum Building Height	75 ft
Minimum Building Height	2 Stories (25 ft.)
Maximum Lot Coverage	Building and Parking Lot—90%
Maximum Front Yard Setback	20 ft.
Maximum Interior Side Yard Setback	0 ft.
Maximum Corner Yard Setback	20 ft.
Minimum/ Maximum Rear Yard Setback	None

**Response:** As noted on the attached plan sheets, the tallest proposed building height from the future finished ground elevations is 47-feet, below the maximum height of 75-feet. This height was determined following the provisions in OCMC Section 17.04.550 which states that height is measured from the average elevation of the finished grade to one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof. The site is well below the 90-percent maximum lot coverage allowance and the maximum front yard setback does not apply, as an adjustment to the setback standards was approved with the original 2008 decision.

## CHAPTER 17.34 "MUD"—MIXED-USE DOWNTOWN DISTRICT

### 17.34.010 Designated.

**Response:** The project is located within the MUD district and the standards of this district apply. Findings of compliance with the applicable standards are included in this narrative.

### 17.34.020 Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040
- B. Hotel and motel, commercial lodging;
- C. Marinas;
- D. Religious institutions;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a

**freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);**

**F. Live/work units.**

**Response:** The proposed modifications to the CDP will replace 224 condominium units with 244 apartment units at Lot 2. Both are considered multi-family residential uses and are permitted outright. The proposal also includes two mixed use residential buildings that include apartments above approximately 5,500 SF of general office space and 1,000 SF for a deli or coffee shop. The proposed 1,000 SF retail area will be significantly below the maximum floorplate permitted as noted above.

**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.**

**Response:** Sheet A101 of the attached DDP design set includes a site plan for the proposed garden apartment project. As noted on this site plan, the total building footprint area is 252,841 SF and the total site area is 499,070 SF, resulting in an FAR for the site of approximately 0.50. It is anticipated that the FAR of the remaining areas of development will continue to conform to the previous approvals and exceed the FAR requirement. Specific FAR for future phases will be addressed in future DDP requests as required.

**C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.**

**Response:** Building elevations for the project are illustrated on plan sheets included in Exhibit B. As noted on the attached plan sheets, the lowest proposed building height from the proposed finished ground elevations is 29-feet, thereby exceeding the 25-foot minimum building height requirement.

**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.**

**Response:** Building elevations for the project are illustrated on plan sheets included in Exhibit B. As noted on the attached plan sheets, the tallest proposed building height from the future finished ground elevations is 47-feet, compliant with the maximum building height of 75-feet.

**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.**

**Response:** The proposed garden apartment site does not abut a residential zone and therefore there are no minimum required setbacks.

**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.**

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated the maximum setback requirement for development within the CDP boundary.

**H. Maximum site coverage including the building and parking lot: Ninety percent.**

**Response:** As shown on the Planting Details on Sheet L5.0, the proposed onsite landscape area for the overall garden apartment development includes 194,016 SF of gross landscape area which is equivalent to 38.9% of the overall site. This equates to 61.9% of building, parking, and drive aisle coverage, well below the 90% maximum site coverage standard.

**I. Minimum landscape requirement (including parking lot): Ten percent.**

**Response:** Approximately 194,016 SF of the total 499,070 SF of the garden apartment site is landscaped for a total of 38.9% landscape coverage, well above the ten percent minimum standard.

## **CHAPTER 17.41 TREE PROTECTION STANDARDS**

### **17.41.020 Tree protection - Applicability**

1. **Applications for development subject to Chapters 16.08 or 16.12 (Subdivision or Minor Partition) or Chapter 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments.**

**Response:** There are no additional trees proposed for removal beyond what was previously proposed and approved with the 2008 decision (CP 08-05) and the 2009 amendment (CP 09-02). As previously approved, it is anticipated that future development will remove 383 trees throughout the master plan site. Details of the previous approval can be found in Exhibit N. Consistent with Condition #13 from the CP 08-05, all trees removed within the garden apartment site will be within proposed building, parking lots and associated and surrounding landscape areas and are, therefore exempt from mitigation, as shown on the Tree Removal Plan of the DDP Plan Set, Sheets L2.0 and L2.1. Trees being removed that are not in the exempt list of Condition #13 will be mitigated for in the areas defined in the Mitigation Plan, Sheet M6.0 – M6.2, within Exhibit B. For details, please see the Natural Resource Overlay District Report drafted by Pacific Habitat Services, dated August 26, 2015.

## CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT

### 17.42.160 Flood management area standards.

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

1. 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 purpose 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.

**Response:** As detailed in the Geotechnical Report conducted by GeoPacific Engineering, Inc. dated May 12<sup>th</sup>, 2015, the proposed development will meet the requirement to balance cut and fill within the floodplain by excavating Lot 1 and North Park and filling the Phase 1 garden apartment site as detailed in Exhibit I.

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.**

**Response:** Details regarding the cut and fill balance can be found in Exhibit I. As shown on the Grading Plan, Sheet C3.4, Exhibit B, all grading will occur at the ordinary high water line at 18 feet, which is outside of the 6 inches minimum. Additionally, all slopes are at least 2%.

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.**

**Response:** As detailed in Exhibit I, the Grading Plan, Sheet C3.4 and the updated Geotechnical letters from Apex and GeoPacific Engineering, Inc., no impacts to constructed wetlands are anticipated.

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.

**Response:** As provided under Exhibit B, there is an overall balance of floodplain fill for all proposed soil transferred from the North Park Amphitheater to the garden apartments site. The soil transfer is required to bring the finished floor elevation of the multi-family units at least one-foot above the floodplain elevation.

## **CHAPTER 17.44 - US—GEOLOGIC HAZARDS**

### **17.44.050 Development – Application requirements and review procedures and approvals.**

**Response:** As provided under Exhibit G, Geotechnical Reports have been prepared to address proposed development activity for the overall site, with specific focus on the site grading at North Park and the Phase 1 Garden Apartment site.

### **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. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.**

- 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 and fill and grading 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.

**Response:** Previously, the site has been significantly disturbed by past mining activity and the proposed project will have minimal impact to natural vegetation or previously undisturbed areas. As provided under Exhibit G, Geotechnical Reports have been prepared to address proposed development activity for the overall site, with specific focus on the site grading at the North Park Amphitheater and the garden apartments site. The Grading Plans provided for the Phase 1 development site,

including North Park, the Tri-City and Lot 1 areas (Sheets C3.0 – C3.6) have been developed by a professional engineer and will be implemented consistent with the recommendations from the Geotechnical Reports.

- B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances.**

**Response:** Erosion control measures, as shown on the Grading Plan, Sheets C3.0 – C3.6, within Exhibit B, including proposed inlet protections, a sediment fence and straw wattle will be installed prior to any grading activity within the defined window as stated above.

- C. Designs shall minimize the number and size of cuts and fills.**

**Response:** The proposed development is a waterfront recreation based project that requires the development and integration of both passive and active recreation uses with residential, commercial and office uses that utilize the site's open space as a core amenity. Because of the site's location within the 100-year floodplain, the project requires the transfer of material from the open space areas of the site to the developable areas in order to allow developed areas to be raised above the 100-year flood elevation, a fundamental requirement to obtain flood insurance available under the National Flood Insurance Program. Much of the material obtained for the garden apartment site is from the North Park, where grading will create an amphitheater-like setting for passive enjoyment and, at certain times, for public events. Consistent with this provision, the Applicant has minimized grading to the amount needed to achieve finished floor elevations 1-foot above the City's 100-year floodplain standard.

- D. Cut and fill slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. 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 and fill 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 or fill 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.**

**Response:** There are no cut and fill slopes greater than seven (7) ft in height proposed in a hazard area that are regulated and defined in this ordinance for streets, driveway accesses or yard areas as part of this development project. Details are provided in the Geologic Hazard Evaluation Letter from Apex, dated June 16<sup>th</sup>, 2015 and provided in Exhibit G.

- 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.**

**Response:** A professional engineer licensed in the State of Oregon designed the structural fill for the proposed Phase 1 development site with the recommendations from a Geotechnical firm, GeoPacific Engineering, Inc. and Apex. The Geotechnical Reports are provided in Exhibit G of this submittal package.

**F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.**

**Response:** The proposed retaining wall along the western boundary of the project limits will be constructed in accordance with the Oregon Structural Specialty Code. Details will be provided with the construction plan set submitted at the time of building permit approval. A supporting geologic Hazard Evaluation letter from Apex, dated June 16<sup>th</sup>, 2015 is provided in Exhibit G.

**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.**

**Response:** As detailed in the CDP Site Plan, Sheets 1.0 and 1.1, and the DDP Plan Set located in Exhibit B, Main Street, Agnes Avenue and the proposed roundabout are designed in compliance with the City of Oregon City design standards for collector roads. As shown on the Grading Plan, Sheets C3.1 – C3.3, the southern part of Main Street slopes towards the roundabout. Catch basins are proposed in the roundabout and along Main Street to collect and convey runoff.

**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 permitted by the underlying zoning district.**

**Response:** There are no minimum or maximum densities established for the MUD zone. Therefore, this provision is not applicable.

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

**Response:** There are no minimum or maximum densities established for the MUD zone. Therefore, this provision is not applicable.

**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. Underground utilities require the geologic hazards permitting and review prescribed herein.**

**Response:** All proposed utilities for the Phase 1 development project will be installed underground in compliance with this standard.

**17.44.090 Stormwater drainage**

**The applicant shall submit a permanent and complete stormwater control plan.**

**Response:** As evident in the Preliminary Drainage Report, conducted by Cardno and dated August 12, 2015, and the Storm Plan, Sheets 4.1 – 4.2, a complete stormwater control plan is provided with this application submittal package.

## CHAPTER 17.47 EROSION AND SEDIMENT CONTROL

- B. Approval Standards.** An erosion and sediment control plan shall be approved only upon making the following findings:
- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;**
  - 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.**

**Response:** An Erosion Control Plan is included with the Plan Set under Exhibit B that identifies inlet protection, sediment control fencing, bio bags, and gravel construction entrances as erosion prevention measures to be installed during construction to prevent and restrict the discharge of sediments. The Erosion Control Plan also includes a detail sheet showing how each prevention measure is to be installed and maintained.

## CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT

### 17.49.100 - General development standards.

The following standards apply to all Uses Allowed under Prescribed Conditions within the NROD with the exception of rights of ways (subject to Section 17.49.150), trails (subject to Section 17.49.170), utility lines (subject to Section 17.49.140), land divisions (subject to Section 17.49.160), and mitigation projects (subject to Section 17.49.180 or 17.49.190):

- A. Native trees may be removed only if they occur within ten feet of any proposed structures or within five feet of new driveways or if deemed not wind-safe by a certified arborist. Trees listed on the Oregon City Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed. A protective covenant shall be required for any native trees that remain;**
- B. The community development director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.**
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;**
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;**
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;**
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the**

maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;

- G. Fences are allowed only within the disturbance area;
- H. Incandescent lights exceeding two hundred watts (or other light types exceeding the brightness of a two hundred watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the one hundred-year floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
- J. Mitigation of impacts to the regulated buffer is required, subject to Section 17.49.180 or 17.49.190.

**Response:** All proposed activity and impacts within the NROD were previously reviewed and approved with the original decision in 2008. At that time the NROD was classified as a Water Quality Resource Area (WQRA) and a 50-foot buffer reduction was approved along Clackamette Cove. That reduced buffer is still in effect and applies within the CDP. The proposed changes include additional grading and soil transfer from the North Park Amphitheater site to the garden apartments. A mitigation plan for the NROD is included with this submittal under Exhibit F, conducted by Pacific Habitat Services, dated August 26, 2015. The mitigation area and all disturbed areas will be restored consistent with the mitigation plan included in Exhibit F, NROD Report. All non-native, nuisance plants will be removed.

## CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

### 17.50.030 Summary of the city's decision-making processes.

- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not heard by the city commission, except upon appeal. 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(s) 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 pursuant to Section 17.50.190. The city commission decision on appeal is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

**Response:** Per 17.50.130(D), any request to modify a condition of permit approval is to be considered either a minor modification or a major modification. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. The original application was subject to a Type III decision and the City has determined that this proposed amendment is subject to a major modification.

### **17.50.050 Preapplication conference.**

**Response:** A pre-application conference was held on February 25, 2015. A copy of the notes from this meeting is provided under Exhibit D within this submittal.

### **17.50.080 Complete application—Required information.**

**Response:** City staff has provided a detailed list of requested materials, which have been compiled and submitted with this application package.

### **17.50.090 Public notices.**

**Response:** The public notice requirement is a City processing requirement and not completed by the applicant.

### **17.50.100 Notice posting requirements.**

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

- A. **City Guidance and the Applicant's Responsibility.** The city shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The city shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one hundred-twenty-day period in a timely manner.
- B. **Number and Location.** The applicant must place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

**Response:** The applicant will coordinate with the City as required to provide proper noticing of this application request.

### **17.50.110 Assignment of decision-makers.**

The following city entity or official shall decide the following types of applications:

- C. **Type III Decisions.** The planning commission or historic review board, as applicable, shall render all Type III decisions. Such decision is appealable to the city commission, on the record. The city commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

**Response:** The proposed CDP amendment and DDP applications are subject to a Type III quasi-judicial decision made by the Planning Commission.

**17.50.130 - Conditions of approval and notice of decision.**

**D. Modification of Conditions.** Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

**Response:** The proposed CDP Amendment and DDP applications are defined as a major modification to the original application. Therefore this submittal is subject to the same level of review as the original application, which was a Type III quasi-judicial decision.

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

**Response:** The following uses and square footage summaries are proposed with the Phase 1 scope of work:

PHASE 1 SUMMARY & PARKING REQUIREMENT

USES	SIZE/UNITS	MIN PARKING REQ	MAX PARKING REQ
Studio	10 units	10	15
1 Bedroom	86 units	107.5	172
2 Bedroom	124 units	186	248
3 Bedroom	24 units	42	60
Ground Floor Commercial – Buildings 3 & 5	6,500 SF	26.7	32.5
<b>Total Parking Required</b>		<b>373</b>	<b>528</b>

As shown on the Architectural Site Plan on Sheet A101, there are a total of 403 proposed parking spaces (205 standard, 86 compact, 60 carport, and 54 garage). The proposed parking spaces fall within the allowed minimum and maximum parking threshold. Standard stalls are dimensioned at 9' x 19', while the proposed compact stalls are 8' x 16'. Stall dimensions are shown on the Civil Site Plan, Sheets C2.1-2.3, as well as the Architectural Site Plan, Sheet A101. All drive aisles are dimensioned at 24-feet or greater.

The minimum bicycle parking requirement for multi-family residential is one stall per ten units. With 244 total units, 25 total bike spaces are required, with 13 stalls required to be covered. Sixty bicycle parking spaces (58 covered) are proposed. Bicycle parking will occur at the multi-family building entries, clubhouse entry, and

mixed-use entry breezeways to accommodate both residents and the retail component of the buildings.

**17.52.015 Planning commission adjustment of parking standards.**

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

**Response:** The applicant is not requesting an adjustment to the parking standards for the Garden Apartment project. However, as noted in the response to OCMC 17.65.070, the applicant is requesting an adjustment to provisions of OCMC 17.52 for the temporary parking lot being provided in Phase 1 to accommodate trail users. As shown on the Site Plan, Sheet A101, Exhibit B, the Garden Apartment project is in compliance with the minimum and maximum parking standards, dimensions and locations.

**17.52.020 Number of automobile spaces required**

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

**Table 17.52.020**

<b>Land Use</b>	<b>Minimum</b>	<b>Maximum</b>
<b>Studio</b>	<b>1 per unit</b>	<b>1.5 per unit</b>
<b>Multi-Family: 1 bed</b>	<b>1.25 per unit</b>	<b>2.00 per unit</b>
<b>Multi-Family: 2 bed</b>	<b>1.5 per unit</b>	<b>2.00 per unit</b>
<b>Multi-Family: 3 bed</b>	<b>1.75 per unit</b>	<b>2.50 per unit</b>
<b>Commercial</b>	<b>4.10 per 1,000 SF</b>	<b>5.00 per 1,000 SF</b>

**Response:** As determined on Table 17.52.020, the minimum number of vehicle parking spaces required are as follows:

<b>Land Use</b>	<b>REQUIRED Min</b>	<b>REQUIRED Max</b>
<b>Studio</b>	<b>10</b>	<b>15</b>
<b>Multi-Family: 1 bed</b>	<b>107.5</b>	<b>172</b>
<b>Multi-Family: 2 bed</b>	<b>183</b>	<b>244</b>

<b>Multi-Family: 3 bed</b>	<b>45.5</b>	<b>65</b>
<b>Commercial</b>	<b>26.7</b>	<b>32.5</b>
<b>TOTAL</b>	<b>373 spaces</b>	<b>528 spaces</b>

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

**Response:** The proposed phase 1 garden apartment project consists of two uses, multi-family residential and commercial. There is a minimum required total of 373 parking spaces required for both uses, as defined in the response for Section 17.52.020.A.

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

**Response:** Parking spaces will be provided for the use of apartment residents and visitors to the commercial retail spaces. It is not anticipated that vehicles or materials will be stored onsite.

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

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

**Response:** The proposed phase 1 garden apartment project consists of two uses, multi-family residential and commercial. There is a minimum required total of 373 parking spaces required for both uses, as defined in the response for Section 17.52.020.A. As summarized on Sheet A101, Site Plan, there are a total of 403 parking spaces provided this which complies with the standard. No reductions for the required minimum parking standards are requested.

- 2. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.**

**Response:** The proposed phase 1 garden apartment project consists of two uses, multi-family residential and commercial. There is a minimum required total of 373 parking spaces required for both uses, as defined in the response for Section 17.52.020.A. As summarized on Sheet A101, Site Plan, there are a total of 403 parking spaces

provided, which complies with the minimum parking requirements. Although, both uses will share the same lot, there is sufficient parking provided, per OCMC code, for both uses.

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

**Response:** The project site is located outside of the Downtown Parking Overlay District, as determined by the Oregon City Geographic Information System.

#### **17.52.030 Standards for automobile parking**

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

**Response:** As detailed on Sheets C2.1-C2.3 of the DDP Plan Set, all access, ingress and egress locations provide unobstructed sight distance clearance onto and off the development site. The south driveway has a width of 26 ft and the northern driveway has a width of 32 ft to allow for two-way entry and exit of the site. Drive aisles are proposed to be 26 ft wide for adequate backing maneuvers onsite and not obstructing traffic in the public right of way.

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

**Response:** The parking area is paved with 3-inch compacted asphaltic concrete with a 10-inch compacted ¾-inch aggregate base course, as recommended in a Geotechnical Report for the Clackamette Cove conducted by Ash Creek Associates, Inc. dated May 26, 2011 and detailed on the Site Plan, Sheets C.2.1 – C.2.3 of the DDP Plan Set.

- D. Dimensional Standards.**

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

**Response:** The proposal includes 205 90-degree parking stalls that are either 9 ft by 19 ft or 9 ft by 17.50 ft with a 1.5 ft overhang. Of the 403 parking spaces provided as part

of this proposal, 86 are compact stalls, which accounts for 21% of the required spaces, below the 35% allowed number of compact stalls.

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

**Response:** The applicant will not be proposing an alternate parking plan. As shown on Sheets C2.1-C2.3 of the DDP Plan Set, the proposed parking and access onto and off the site are in compliance with the standards set in Section 17.52.030.

- E. **Carpool and Vanpool Parking.** New developments with seventy-five or more parking spaces, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

**Response:** Per OCMC 17.65.090, the carpool and vanpool requirements are vested under the code standard in effect at the time the application was initially submitted. Therefore, Section 17.52.040.A of the OCMC, effective in 2009, allows adjustments of at least 2 carpool and vanpool parking spaces for new retail, office, commercial and industrial development with 25 or more parking spaces. Because the proposed Phase 1 development is for a multi-family residential use, this standard is not applicable.

#### **17.52.040 Bicycle parking standards**

- A. **Purpose-Applicability.** To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than single-family dwellings or duplexes.

**Response:** The multi-family residential and commercial uses proposed for Phase 1 development requires bicycle parking spaces. As summarized on Site Plan, Sheet A101, there are 29 bicycle parking spaces required. There is a total of 60 spaces provided for the site.

- B. **Number of Bicycle Spaces Required.** For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the community development director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.020 for determining automobile parking space requirements. Modifications to bicycle

**parking requirements may be made through the site plan and design, conditional use, or master plan review process.**

**Response:** Per Table A, multifamily residential and swimming pool uses require a minimum bicycle parking of 1 per 10 units. Additionally, retail stores required 1 bicycle parking space per 20 spaces. Of that number, 50% is required to be covered. As summarized on Site Plan, Sheet A101, there is a total of 60 spaces provided for the site, of which 58 spaces are covered. These spaces are generally located at the entrance on each wing of the proposed buildings and provide spaces for 2 bicycles.

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

**Response:** Proposed bike racks will be a standard 2 steel bike rack, securely mounted and bolted in-ground.

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

**Response:** Proposed bike racks will be a standard 2 steel bike rack, securely mounted and bolted in-ground.

## **17.52.060 Parking lot landscaping.**

### **A. Development Standards.**

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, all areas in a parking lot not used for parking, maneuvering, or circulation are landscaped with a mix of trees, shrubs, and lawn cover. All interior and perimeter trees are a mix of deciduous and coniferous trees with a 2-inch minimum caliper or 6-foot minimum height sizing.

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

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, all areas in a parking lot not used for parking, maneuvering, or circulation are landscaped with a mix of trees, shrubs, and lawn cover. All interior and perimeter trees are a mix of deciduous and coniferous trees with a 2-inch minimum caliper or 6-foot minimum height sizing.

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

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, all areas in a parking lot not used for parking, maneuvering, or circulation are landscaped with a mix of trees, shrubs, and lawn cover. All interior and perimeter trees are a mix of deciduous and coniferous trees with a 2-inch minimum caliper or 6-foot minimum height sizing.

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

**Response:** As shown on the Onsite Planting Plans on Sheets L4.1 through L4.6 and provided under Exhibit B, all interior and perimeter trees are a mix of deciduous and coniferous trees with a 2-inch minimum caliper or 6-foot minimum height sizing. The proposed trees selected onsite include: Grand Fir, Red Alder, Shore Pine, Autumn flame Red Maple, Jackmonti Birch, Douglas Fir, Western Red Cedar, Oregon White Oak, Flowering Dogwood, Frans Fontaine Hornbean, Snow Goose Cherry, Japanese Stewartia, Parperbark Maple, Hogan Cedar, and the Hillspire Juniper.

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

**Response:** As shown on the Onsite Planting Plans on Sheets L4.1 through L4.6 and provided under Exhibit B, interior and perimeter trees will be planted with a 2-inch minimum caliper or 6-foot minimum height sizing.

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

**Response:** As noted as item 21 on Sheet L5.0, Detail and Notes, all planting areas will be watered with an automatic underground irrigation system unless noted otherwise.

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

**Response:** As detailed on the Onsite Plant Material Schedule, Sheet L5.0, Detail and Notes, all planting materials are native to the Pacific Northwest and are drought tolerant. No species found on the Oregon City Nuisance Plant List were selected.

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.**

**Response:** As shown on Sheets L4.1 through L4.6, planting materials that will visually obstruct vehicles are not proposed in the vision clearance triangles.

- B. **Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the community development director may approve an interruption in the perimeter parking lot landscaping for a single**

**driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.**

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, a 5-foot landscape buffer is provided where the parking lot abuts adjoining properties and the Main Street ROW. A majority of all site parking is within the interior of the site, so perimeter parking lot landscaping is minimal. The perimeter parking lot landscape area includes trees spaced a maximum of 35-feet apart with shrubs and lawn sod planted between the trees.

**1. The perimeter parking lot area shall include:**

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

**Response:** As shown on the Onsite Planting Plans on Sheets L4.1 through L4.6 and provided under Exhibit B, an Oregon White Oak and two (2) Shore Pines are planted on either side of the southern entryway and are distinct from the street trees. The northern entryway is planted with an Oregon White Oak, three (3) Red Alder and five (5) Autumn Flame Red Maples.

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

**Response:** As detailed on the Onsite Plant Material Schedule, Sheet L5.0, Detail and Notes, proposed groundcover is planted at 3 ft on center, with the exception of the Green Mondo Grass, which is planted 1 foot on center, for full ground coverage.

- 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.**

**Response:** Perimeter parking spaces, adjacent to a public right of way are planted with Evergreen Huckleberry, Douglas Spirea, Koreanspice Viburnum and Common Snowberry to create an evergreen hedge to screen the parking from the street. Details can be found on the Onsite Planting Plans on Sheets L4.1 through L4.6 and provided under Exhibit B,

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

- 1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:**
  - a. Trees spaced a maximum of thirty-five feet apart;**

- b. **Ground cover such as wild flowers, spaced a maximum of sixteen-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and**
- c. **An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or**

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, all parking areas are separated from structures by a combination of pedestrian walkways and site landscaping or a simple five-foot wide landscape strip containing trees spaced a maximum of 35-feet apart, with an evergreen hedge and groundcover to fill in the remainder of the landscape strip.

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

**Response:** As shown on the Onsite Planting Plans on Sheets L1.4 through L1.6 and provided under Exhibit B, all parking areas are separated from structures by a combination of pedestrian walkways and site landscaping or a simple five-foot wide landscape strip containing trees spaced a maximum of 35-feet apart, with an evergreen hedge and groundcover to fill in the remainder of the landscape strip.

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

**Response:** As shown on the Onsite Planting Plan, there are 68 trees within the interior parking lot area to meet the 68 tree requirement (403 parking spaces/6 spaces per tree). Shrubs and groundcover are located within the landscape islands as well as the perimeter of the parking area. There are no more eight contiguous parking spaces without an interior landscape strip or island.

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

**Response:** As shown on the Onsite Planting Plan, there are 68 trees within the interior parking lot area to meet the 68 tree requirement (403 parking spaces/6 spaces per tree).

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

**Response:** As shown on the Onsite Planting Plan, shrubs and groundcover are located within the landscape islands as well as the perimeter of the parking area. There are no more eight contiguous parking spaces without an interior landscape strip or island.

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

**Response:** As shown on the Onsite Planting Plan, interior parking lot shrubs in the landscape islands are planted not more than an average of 4 ft on center.

**E. Installation.**

- 1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.**

**Response:** As noted as item 24 on Sheet L5.0, Detail and Notes, all planting will comply to the American Standard for Nursery Stock, otherwise plant material will be rejected. It is anticipated that plantings will be installed to meet standard as well.

- 2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.**

**Response:** As noted as item 21 on Sheet L5.0, Detail and Notes, all planting areas will be watered with an automatic underground irrigation system unless noted otherwise.

- 3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.**

**Response:** It is anticipated that all landscaping will be approved with the application package and installation of all plant material will occur prior to the issuance of a certificate of occupancy.

**17.52.070 Alternative landscaping plan**

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

**Response:** The applicant is not proposing an alternative landscaping plan. The provided landscaping are in compliance with the current applicable OCMC standards and the conditions set by the previous approvals.

**17.52.080 Maintenance**

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

**Response:** It is anticipated that maintenance of the proposed landscaping, parking and general overall site, will be the responsibility of the property owner and hired management company.

**17.52.090 Loading areas.**

**B. Applicability.**

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

**Response:** Due to the minimal commercial uses associated with the overall site, there are no proposed loading areas designated within the site. Service or delivery trucks will make deliveries during off-peak hours when the tenants are generally away from their residences.

## **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

### **17.54.010 Accessory buildings and uses**

**B. Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:**

- 3 Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:**
- a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.**
  - b. The lot must be in excess of twenty thousand square feet.**
  - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.**
  - d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.**

**Response:** The garden apartments will provide four (4) single loaded car garages of approximately 1,512 SF, two (2) double-loaded car garages of approximately 3,024 SF and one (1) accessible single loaded car garage of approximately 1,617 SF. These footprints are less than the proposed apartment buildings and less than the height of the primary apartment buildings and located in the interior of the site, as shown on the Site Plan, Sheet A101, located in Exhibit B. Additionally, the parking garages will be constructed of the same exterior building materials as the primary apartment buildings.

**D. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.**

**Response:** An outdoor pool is proposed for the garden apartments between Building A and Building B. As shown on the Site Plan, Sheet A101, located in Exhibit B, the pool is set back approximately 45 feet from the front yard line of Building A and Building

B. The pool will be behind a proposed a fence as shown on Sheet A110, Main Street Building Elevations.

### **17.54.100 Fences**

#### **A. Generally. Fence, hedge, or wall.**

- 1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front façade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted [in] Section 17.54.100.B.**

**Response:** Safety fences around the pool and the screening fence around the trash compactor are the only fences and walls proposed as part of Phase 1 garden apartments development. Both fences are approximately 6 ft in height and the elevation of the trash enclosure is shown on Sheet A440. Additionally, 42-inch high aluminum guardrail systems at the dwelling unit decks and 42-inch high steel guardrail systems at the commercial space decks.

The proposed rockery wall along Main Street varies from 2 ft to 5 ft and meanders between 30 ft and 40 ft from the public right of way. This wall is provided to engage the streetscape and provide enhanced landscape features along the Main Street frontage. Because this wall exceeds the 42-inch wall height maximum noted under this section, the applicant is requesting an adjustment of this standards as allowed under OCMC 17.65.070.

- 2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.**

**Response:** Proposed hedges along the front yard setbacks will vary from 1 foot to 18 ft in height and will be spaced a least one foot apart. Therefore, is in compliance with the above standard.

- 3. Property owners shall ensure compliance with the traffic sight obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.**

**Response:** As shown on Sheets L4.1 through L4.6, plant materials that will visually obstruct vehicles are not proposed in the vision clearance triangles.

- 4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager.**

**Response:** No electric fences are proposed as part of this development. Therefore, this standard is not applicable.

- #### **B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:**

1. When the retaining wall or artificial berm is thirty inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be set back a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

**Response:** The applicant has discussed the provisions of OCMC 17.54.100.B with city planning staff. While it the opinion of the applicant that the provisions of this section do not limit the height of retaining walls on the site as there are no walls “built on a retaining wall or an artificial berm,” city staff has provided an informal interpretation that this section would apply to all proposed walls on the site and effectively limit the height of on-site walls to 8.5-feet.

As noted on the project grading plan C3.1 and C3.2 in the DDP plan set, the project includes retaining walls on the western perimeter of the garden apartment site that reach up to 17-feet in height. Because the city has provided an interpretation that this code provision effectively limits the height of walls to 8.5-feet, we have included a request for an adjustment as allowed under OCMC 17.65.070 to permit the wall heights as proposed. As in described in the response to OCMC 17.65.070 these walls are provided in part to retain imported fill and ensure that the site development does not encroach into the buffer of the wetland feature located in the northwest corner of the development site. Should the City change its interpretation on this code section over the course of the review of this application, the applicant would withdraw this request.

## **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW.**

### **17.62.050 Standards.**

#### **A. All development shall comply with the following standards:**

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

**Response:** The Onsite Planting Plan indicates a mix of vertical and horizontal elements to achieve 38.9% landscape coverage, which is well above the 10-percent minimum requirement established within the MUD zoning district and the 15-percent minimum defined in this standard.

As provided in the updated Exhibit G, GeoPacific Engineering, Inc., has provided updated documented in a letter dated September 2, 2015. In this letter, GeoPacific states the maximum height of the retaining wall along the western margin of the site to be 17 ft. Retaining walls along the northern and eastern portions of the site to have maximum heights of approximately 4 to 5 feet.

Sidewalks and curbs are provided in accordance with the City's transportation master plan and street design standards, as evident in the narrative responses for Chapter 12.04 Streets, Sidewalks and Public Places.

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

**Response:** All landscaped areas counted towards the required minimum landscaping standards are to be installed with the plantings proposed as part of the Onsite Planting Plan, Sheets L4.1 – L4.2, within Exhibit B. The applicant is not requesting a reduction because the minimum 10% requirement defined in the MUD zoning district and the 15% minimum defined in this standard, are met.

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

**Response:** The required landscaping requirements within the NROD area is detailed in the responses provided for Chapter 17.49 of this narrative, the accompanying NROD assessment and mitigation plans, Sheets M6.0 – M6.2.

- c. **The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the Landscape area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping.**

**Response:** The Onsite Planting Plan, Sheets L4.1-L4.2, designed by a certified landscape architect indicates a mix of vertical and horizontal elements to achieve 38.9% landscape coverage and will fully cover the landscaped areas within the time defined in this standard.

- d. **For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.**

**Response:** The project site is not located within the Downtown Design District per mapping information found on the Oregon City Geographic Information System website.

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

**Response:** As shown on the Landscaping Plans, Sheets L3.0 – L.4.2, landscaping will be visible from the public thoroughfares, when the elevation between the street and site is at grade or within line of sight.

- f. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum, unless otherwise permitted by the dimensional standards of the underlying zone district.

**Response:** The interior parking lot landscaping is not counted toward the 15% minimum landscaping requirement.

## **2. Vehicular Access and Connectivity.**

**Response:** The proposed parking areas are primarily located within the interior of the site, behind the buildings, with driveway access circulating through the site to connect to a primary and secondary access onto Main Street to the southwest and northeast of the garden apartments. The location of the parking areas and drive aisles allows for maximum building frontage along Main Street, while also allowing greater pedestrian elements (sidewalks, stairs, and trail connections) which are removed from conflict with vehicles.

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

**Response:** As shown on the Site Plan, Sheets C2.1 – C2.2, due to the configuration of the buildings, parking areas are located in front and behind buildings.

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

**Response:** The proposal has two driveways with dimensions adequate for two lane vehicle travel. As shown on the Site Plan, Sheets C2.1 – C2.2, the southwest entrance is 26 ft wide and has a 28 ft and 48 ft fire truck radius. The northeast access drive is 32 ft and approximately 210 ft in length, also providing a 28 ft and 48 ft fire truck radius.

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

**Response:** There are no alleys proposed as part of this development. Two access drives on the south and north side are provided to allow access to the off-street parking area.

- d. **Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.**

**Response:** There are no alleys proposed as part of this development. Therefore, this standard is not applicable.

- e. **Where no alley access is available, the development shall be configured to allow only one driveway per frontage. On corner lots,**

**the driveway(s) shall be located off of the side street (unless the side street is an arterial) and away from the street intersection. Shared driveways shall be required as needed to accomplish the requirements of this section. The location and design of pedestrian access from the sidewalk shall be emphasized so as to be clearly visible and distinguishable from the vehicular access to the site. Special landscaping, paving, lighting, and architectural treatments may be required to accomplish this requirement.**

**Response:** The proposed driveway access circulates through the site to connect to a primary and secondary access onto Main Street to the southwest and northeast of the garden apartments. The location of the parking areas and drive aisles allows for maximum building frontage along Main Street, while also allowing greater pedestrian elements (sidewalks, stairs, and trail connections) which are removed from conflict with vehicles.

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

**Response:** Due to unique configuration of the site, as a corner lot with a single street, Main Street fronting the entire site frontage, the southwestern and northeastern driveways, both wider than 24 ft do not align with any adjacent streets. However, a round-about is proposed at Main Street, the primary throughway, and the future Agnes Street connection.

**g. Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Such easements shall be required in addition to applicable street dedications as required in Chapter 12.04.**

**Response:** As shown on the Site Plan, Sheets C2.1 – C2.3, a round-about is proposed at the intersection of Main Street and the future Agnes Street connection. Additionally, a pedestrian connection is proposed from the garden apartments from esplanade stairs across Main Street to the temporary trail access parking and future esplanade along Clackamette Cove. A 44 ft easement is proposed for the northeastern entrance to the lot. The access drive from Main Street onto the site for approximately 200 ft will be constructed to a 32 ft public road section with 5 ft sidewalks on either side. The sidewalk on the west side of the access drive will lead to the future public roadway connection to the west, where a 40 ft easement is proposed..

**h. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker only where dedication of a street is deemed impracticable by the city.**

**Response:** A 44 foot wide and approximately 200 ft long easement is proposed for the northeastern access drive. This easement proposed to allow access to the future public roadway connection to the west, where a 40 ft wide easement is proposed.

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

**Response:** A 44 foot wide and approximately 200 ft long easement is proposed for the northeastern access drive. This easement is in place in order to allow access to

the future public roadway connection to the west, where a 40 ft wide easement is proposed.

- j. **In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.**

**Response:** No dead end stub streets are proposed or created with the proposed development, therefore, this standard is not applicable.

- k. **Parcels larger than three acres shall provide streets as required in Chapter 12.04. The streets shall connect with existing or planned streets adjacent to the site.**

**Response:** The subject parcel is approximately 12 acres. Although the phasing of public road improvements has changed from previous approvals, Main Street and Agnes will remain as approved by the City and no change or modifications to the road sections are proposed. Specifically, the following cross sections are proposed with this phase.

Road Section	Existing	Proposed
Main Street North (Shed Section)	60' ROW: 37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (1) 4.5' planter strip with 0.5' curb (east side, along Cove) (1) 8' sidewalk (east side, along Cove) 12.5' swale with 0.5' curb (on garden apartment side of the road)
Main Street South (Crown Section)	60' ROW: 33-37' paved width (2) 11' travel lanes Shoulders with varying width from 3 to 10-feet	60' ROW: (2) 11' travel lane (2) 6' bike lanes (2) 4.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Crown Section) <i>*Proposed for Phase 2</i>	<i>Unimproved</i>	60' ROW (2) 11' travel lane (2) 6' bike lanes (2) 6.5' planter strips with 0.5' curbs (2) 6' sidewalks
Agnes Avenue (Shed Section)	<i>Unimproved</i>	60' ROW (varies) (2) 11' travel lane (1) 6' bike lanes (1) 6.5' planter strips with 0.5' curbs (1) 6' sidewalks 10.5' swale with 0.5' curb
Roundabout	60' ROW (per Main Street)	20' Travel Way 40' Central Landscape Area 30' Mountable Truck Aprons 4.5' planter strips with 0.5' curbs 10' sidewalk

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

**Response:** There are no parking garages proposed as part of this development. Therefore, this standard is not applicable.

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

**Response:** There are no above grade structured parking spaces proposed as part of this development. Therefore, this standard is not applicable.

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

**Response:** All sides of all buildings are designed to present a finished appearance utilizing the same palette of quality materials and colors throughout. Materials are listed in the response to OCMC 17.62.050, A.21 and are shown on the material board. Exterior elevation drawings on A301A thru A301K indicate location of materials which are keyed to those shown on the material board. The proposed multi-family buildings feature architectural features and massing to create a proper pedestrian-scale building with a warm color palette that works well with the surrounding area.

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

**Response:** Grading is addressed under Chapter 15.48 and in the grading and erosion control plan included in Exhibit B.

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

**Response:** Geologic Hazard impacts are addressed under Chapter 17.44 within this narrative and in the geotechnical reports included in Exhibit G.

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

**Response:** On-site drainage will be designed in accordance with the City's drainage master plan and Chapter 13.12. As detailed in the Preliminary Stormwater Report, Exhibit H, the existing stormwater sewer system is adequate to serve the proposed garden homes apartment. The proposed storm drain lines, catch basins and inlets collect run-off and connects to the existing public storm sewer system, where run-off will be discharged into the Clackamette Cove. The cove exits into the Clackamas River, upstream of the Willamette River. Both rivers have adequate downstream conveyance capacity as documented in the Drain Report – Phase 1 Infrastructure, included in the technical appendix of Exhibit H.

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

**Response:** Parking is addressed under Chapter 17.52 and complies with the code requirement for number of stalls required and stall dimensions.

8. **Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the community development director may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.**

**Response:** Sidewalks and curbs are provided in accordance with the City's transportation master plan and street design standards, as evident in the narrative responses for Chapter 12.04 Streets, Sidewalks and Public Places.

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

**Response:** The proposed on-site pedestrian circulation system meets the standards and specifications outlined above. The system connects all main entrances to the parking area and adjacent properties. The walkways are proposed as hard surfaced, well drained, with widths at least 5-feet. A Site Circulation Plan is provided under the CDP Plan Set, Sheets C2.0 and C2.1.

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

**Response:** As shown on the Site Plan, Sheets C2.1 – C2.3 and Sheet A101, pathways between the multiple building entrances, parking lot and the public sidewalks are provided for pedestrian access. For the clubhouse, Buildings 1, 3, and 5 do not take direct access due to the elevation of the site to the street. However, the Clubhouse and Building 1 pedestrians are directed to the pathway internal to site, southeast to the proposed esplanade stairs that lead down to Main Street. Pedestrians from Building 3 and 5 are directed northwest towards the esplanade stairs.

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

**Response:** As shown on the Sheet A101, a pedestrian accessible path is delineated from the main entrance of each building, connecting all the buildings, the parking area and Main Street, the fronting public street, which provides access to the adjacent areas from esplanade stairs and a pedestrian crossing.

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

**Response:** The proposed buildings, with the exception of the clubhouse have stairways located internal to the building and under a roof, providing access to the dwelling units above the ground floor. Therefore, this standard is not applicable.

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

**Response:** The proposed on-site pedestrian circulation system connects all main entrances located on the site, as shown on Sheet A101 and delineated as accessible path.

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

**Response:** The proposed on-site pedestrian circulation system connects all main entrances to the parking area and adjacent properties. The walkways are proposed as hard surfaced, well drained, with widths at least 5-feet. The pedestrian pathway is delineated on Sheet A101, Site Plan, Exhibit B.

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

**Response:** The walkways are proposed as hard surfaced, well drained, with widths at least 5-feet. Sections of the pathway that border parking spaces are shown as 7 ft wide on the Site Plan, Sheets C2.1 – C2.3. Where the pathway crossing vehicle drive aisles, the pathway is curbed and installed with ADA accessible ramps. The change from asphalt to concrete, alerts the driver of the crossing.

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

**Response:** Adequate means and accesses are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas.

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

**Response:** There are no additional trees proposed for removal beyond what was previously approved with the 2008 decision (CP 08-05) and the 2009 amendment (CP 09-02). As previously approved, it is anticipated that future development will remove 383 trees throughout the master plan site. Details of the previous approval can be found in Exhibit N. Consistent with Condition #13 from the CP 08-05, all trees removed within the garden apartment site will be within proposed building, parking lots and associated and surrounding landscape areas, as shown on the Tree Removal Plan of the DDP Plan Set, Sheets L2.0 and L2.1. Therefore, no “mitigation” tree plantings for the apartment site are proposed.

A Tree Removal Plan for Phase 1 construction is provided on Sheets L2.0, L2.1 and L2.2, within the DDP Plan Set located in Exhibit B. Trees being removed from the NROD area will be mitigated as described in the Mitigation Plans, Sheet M5.0 – M6.2, within Exhibit B. For details, please see the Natural Resource Overlay District Report drafted by Pacific Habitat Services, dated August 26, 2015.

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

**Response:** All applicable NROD code criteria are addressed under Chapter 17.49 within this narrative.

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

**Response:** The proposed development will maintain compliance with the standards outlined above.

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

**Response:** Consistent with the findings of the original CDP approval, public water and sanitary sewer facilities remain adequate to serve the proposed development. All proposed sanitary service is shown on Sheets C6.0 through C6.2. Sanitary service will connect to the 42-inch sanitary main line currently located in Main Street. As shown on the Water and Utility Plan, Sheet C5.1 – C5.2, water is provided through domestic water lines and meters. The proposed lines will connect to an existing 8-inch water stub installed during the Main Street construction at the northwest corner of the project site.

15. **Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation. Compliance with [Chapter] 12.04, Streets, Sidewalks and Public Places shall be sufficient to achieve right-of-way and improvement adequacy.**

**Response:** Proposed right-of-way and improvements provided for Main Street with those already approved with the original CDP approval. Detailed responses are provided in the narrative responses for Chapter 12.04 Streets, Sidewalks and Public Places and shown on the Sheet 1.0 and 2.0 of the CDP Plan Set in Exhibit B.

16. **If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the transportation system plan.**

**Response:** It is not anticipated that the site nor Main Street would warrant a bus stop within the general area of The Cove and no conditions for transit stops have been applied to past requests on the site.

17. **All utility lines shall be placed underground.**

**Response:** All proposed utility lines will be placed underground.

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

**Response:** Eight ADA compliant parking stalls are proposed near the primary building entrances. All associated walkways that connect to the primary entrance are designed at grades to meet ADA access requirements. An accessible walkway connects the onsite walkway system to the sidewalk on Main Street at the southeasterly driveway entrance.

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

**Response:** The MUD district determines residential density based on the mixed uses and applies an FAR equation to the residential portion of the development rather than the density calculation noted above.

**20. Screening of Mechanical Equipment:**

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

**Response:** There is no rooftop HVAC equipment designed for the project. Any ground mounted mechanical equipment such as air conditioner condensers will be screened from view by landscaping.

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

**Response:** Wall mounted mechanical equipment and meters will be painted to match wall. Wall mounted meters will be located on building end walls on all buildings except Buildings #3 and #5 where meters will be located in electrical rooms not facing the right-of-way.

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

**Response:** Ground mounted mechanical equipment will be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view. As designed ground mounted mechanical equipment includes equipment at

the Clubhouse building and the commercial spaces at Building #3 and #5. Other buildings will not have ground mounted above grade mechanical equipment.

**21. Building Materials.**

- a. **Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:**
- b. **Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.**
- c. **Special material standards: The following materials are allowed if they comply with the requirements found below:**

**Response:** No materials prohibited by Section 17.62, 21.b are proposed for the project. The submitted material board and exterior elevation drawings (A301A thru A301K) indicate the materials and their locations on the building exteriors. The primary exterior wall material proposed for all buildings is Hardiplank lap siding with a mixture of 5" (Siding TYPE 2) and 8" (Siding TYPE 1) exposures. Hardishingle shingle siding and cultured stone are used as accent materials in various locations throughout the project. High quality building materials have been selected that are durable and easily maintained as required by Section 17.62, 21.c.4. Hardiplank siding and Boral cultured stone both have 50 year warranties as an indication of their durability.

**17.62.055 Institutional and commercial building standards.**

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

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

**Response:** The Clubhouse Building and mixed use building (Buildings #3 and #5) are governed by the requirements of Section 17.62.055. The design of the Clubhouse and Buildings #3 and #5 have been tailored specifically to the site and its context. Walkways elevated above the floodplain connect both buildings to public way to the south and to a stairway between the buildings that forms a connection to the Clackamette Cove esplanade across Main Street. The design features architectural features and massing to create a proper pedestrian-scale with a warm color palette that works well with the surrounding area.

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

**Response:** The project design has been modified as necessary to meet the provisions of this section.

3. **In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing**

**shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.**

**Response:** The project is a multiple building development consisting of 11 residential apartment buildings, a clubhouse, a maintenance building, and 7 garage buildings designed as a cohesive place within Clackamette Cove.

All buildings retain the same material palette, detailing, roof slope, architectural vocabulary and building massing.

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

**Response:** The project complies with the requirements of the underlying “MUD” Mixed-Use Downtown District. See responses under Section 17.34 of narrative.

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

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated maximum building setback requirements.

#### **D. Relationship of Buildings to Streets and Parking.**

1. **Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:**
  - a. **Tables, benches or other approved seating area.**
  - b. **Cobbled, patterned or paved stone or enhanced concrete.**
  - c. **Pedestrian scale lighting.**
  - d. **Sculpture/public art.**
  - e. **Fountains/Water feature.**
  - f. **At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.**
  - g. **Outdoor café.**
  - h. **Enhanced landscaping or additional landscaping.**
  - i. **Other elements, as approved by the community development director, that can meet the intent of this section.**
2. **The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering**

element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

3. **Entryways.** The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.
4. **Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements. (Ord. 01-1002 §2, 2001)**
5. **Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.**

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated maximum building setback requirements.

The facades of the Clubhouse and Buildings 3 & 5 facing Main Street are the most architecturally significant facades. The elements which differentiate the Main street side include additional articulation of the building mass, Orientation of the non-residential spaces toward the street, larger windows facing the street, enhanced siding and stone veneer finishes on the exterior walls, etc. A tower element anchors the west end of Building 1 at the entrance to the project. Covered pedestrian circulation at Buildings #3 and #5 differentiates the residential uses on the upper floors from the non-residential uses on the ground floor and provides additional articulation of the building massing.

The floodplain requires that the buildings will be elevated above Main Street. To mitigate this, the area between the street and the buildings has been enhanced with rockery walls, and layers of enhanced landscaping and pedestrian scale lighting to create visual interest and view corridors to the buildings. Pedestrian oriented spaces including tables, benches and other seating areas are located between the buildings and Main street providing eyes on the street, and encouraging pedestrians to activate the streetscape.

#### **E. Corner Lots.**

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

1. **Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.**
2. **Chamfer the corner of the building (i.e. cut the corner at a forty-five-degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.**

**Response:** Although considered a corner lot, Main Street is the only public right of way that fronts the subject parcel. A round-about is proposed for the intersection of Main Street and the future completion of Agnes Street. Due to the grad change from the site to the public street, and the configuration of the lot, there are no proposed buildings directly at the intersection of Main Street and Agnes Street. However, buildings 3 and 5 are the nearest to the intersection. Entrances for the commercial area of Buildings 3 and 5 on all facades of the proposed buildings, as shown on Sheet A301B and A301F. Side entrances are approximately 25 ft the corner of the buildings. Additionally, pitched roofs and the location of the buildings at a higher elevation than the public streets, meet the intent of the substandards 1 and 2.

**F. Commercial First Floor Frontage.**

**In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.**

**Response:** Ground floor commercial space is proposed for Building 3 & 5. The proposed floor to floor height is 12'-0" which is appropriate for the office and other uses envisioned for these small non-residential spaces. The exterior façade includes several material transitions, glazing, and building articulation to meet the intent of the provision.

**G. Variation in Massing.**

- 1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.**
- 2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.**
- 3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.**

**Response:** The Clubhouse Building features a change in building massing related to the interior space organization. The "Great Room" is expressed on the Main Street façade by a taller volume and gable end facing the street breaking up the overall building mass.

Buildings 3 and 5 feature changes in building massing related to entrances as well as interior space organization. Building entries are expressed as gable elements and the ends of the buildings step down a story as unit sizes are reduced on the top floor.

**H. Minimum Wall Articulation.**

- 1. Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length**

exceeding thirty feet without including, but not be limited to, at least two of the following:

- i. Change in plane,
  - ii. Change in texture or masonry pattern or color,
  - iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
  - iv. An equivalent element that subdivides the wall into human scale proportions.
2. Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.
  3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.
  4. Building facades must include a repeating pattern that includes any one or more of the following elements:
    - a. Color change;
    - b. Texture change;
    - c. Material module change.
  5. Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.
  6. Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

**Response:**

The clubhouse building Main Street façade utilizes windows, change in plane, and change in building massing to subdivide the wall into human scale proportions. A wall plane projection of 14 feet (13% of the 106' façade) divides the façade. The maximum uninterrupted horizontal wall length is 56 feet. An arcade is provided along 51% of the horizontal length, with widows along 60.4% of the total horizontal length. The structural bay is expressed on the exterior with a change in material at no more than 30' intervals.

Buildings #3 and #5 Main Street façade utilizes windows, change in plane, and change in building massing to subdivide the wall into human scale proportions. A wall plane projection of 10 feet (12% of the 84' façade) divides the façade. The maximum uninterrupted horizontal wall length is 34 feet. An arcade is provided along 100% of the horizontal length, with widows along 61.3% of the total horizontal length. The structural bay is expressed on the exterior with arcade columns at no more than 30' intervals.

**I. Facade Transparency.**

1. **Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.**
2. **Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.**

**Response:** The Clubhouse Building and Buildings 3 & 5 provide at least 60% transparency at the pedestrian level facing Main Street. Side elevations provide at least 30% transparency.

Clubhouse Main Street façade is 106' long with 64' of windows for 60.4% transparency. Right side façade is 60' long with 18' of windows for 60% transparency. Left side is 60' long with 34' of windows for 57% transparency.

Both Building 3 and 5 Main Street façade is 168' long with 103' of windows for 61.3% transparency. Side facades are 21' long with 9.5' of windows for 45% transparency.

Designed glazing is dual glazed, clear, low-e glass with visual light reflectivity less than 15%.

**J. Roof Treatments.**

1. **All facades shall have a recognizable "top" consisting of, but not limited to:**
2. **Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.**
3. **Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).**

**Response:** All buildings have sloped roof with overhangs.

**17.62.057 - Multi-family standards.**

- C. Setbacks. Multi-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the community development director, integrates well with adjoining areas. Setbacks may also be increased in order to protect wildlife habitat and water resources pursuant to Section 17.49.100.F, and trees and tree groves pursuant to and Section 17.41.120A.**

**Response:** The proposed Garden Apartment project is located at the corner of Main Street and Main Street/South Agnes Road and therefore has two street frontages. According to the approved 2008 Concept Development Plan (CDP), the requested adjustments to the code standards included an adjustment to the maximum building setback standard. The approved adjustment states that “no maximum setbacks shall apply to the CDP boundary provided that actual development substantially conforms to the CDP.” As currently shown, the proposed building layouts conform to the CDP. Therefore, the proposed setback for Building 1 is 40-feet from Main Street and Building 3 is setback 39-feet from Main Street. Building 5 fronts the south side of Main Street, east of the roundabout. Building 5 is setback 27-feet from Main Street. It should be noted that the clubhouse building is not addressed in this section because the clubhouse does not contain multi-family units. The proposed setback distances are necessary in order to allow for the amount of floodplain fill required to enable the development of the site.

Consistent with the approved setback adjustment for the site, the applicant is proposing to provide substantial landscaping between the buildings and street frontage. The landscaping between the buildings and Main Street include a variety of medium stature evergreen and deciduous trees, boulder walls, hedges and shrubs and low spreading groundcover and lawn to create tiers that combine with areas of gradual transition down to the Main Street level. The combined landscape elements engage pedestrians and soften the slope transition from building to street level.

- D. Entrances. Every building abutting a street shall have a street facing front facade. The facade shall be oriented to the street and include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting.**

**Response:** The Clubhouse and Buildings 1, 3, and 5 abut Main Street. The street facing façades of these buildings are oriented to Main Street, with pedestrian access to the street between Building 3 and the Clubhouse and at the east end of Building 5. The primary building entrance is the street-side elevation shown on the attached building elevations. The street facing facades feature recessed porticos as well as enhanced landscaping as the site transitions from the building down to Main Street. The stairs provided between Building 3 and the Clubhouse are the central element and a prominent feature that anchors the transition from public to private areas and vice versa. The stairs provide a scored concrete landing along Main Street that ties into the pedestrian crossing across Main Street to

Clackamette Cove and the Clackamas River Trail. Both sides of the stairs feature trees and shrubs to frame the stairs, as well as benches on both sides located on the secondary landing area as shown in the attached Main Street Frontage Landscape Concept.

- E. Percentage of Frontage. On sites with one hundred feet or more of street frontage at least fifty percent of the site frontage width shall be occupied by buildings placed within twenty feet from the property line, unless a greater setback is accepted under the provisions of Section 17.62.057C. For sites with less than one hundred feet of street frontage, at least forty percent of the site frontage width shall be occupied by buildings placed within twenty feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.056D.**

**Response:** The original CDP approval (CP 08-05) authorized an adjustment that eliminated maximum building setback requirements. Due to the required placement of fill on the site to bring finished floor elevations of the proposed structures to above the base flood elevation, the proposed structures will be located approximately 15 feet above the street elevation. As a consequence, it is not possible to locate the proposed structures adjoining Main Street and within 20-feet of the right of way. However, as noted in the response to Section 17.63.057C above, the project proposes a setback that ranges from 27 to 40-feet with enhanced landscaping and pedestrian-scaled features including benches located on the primary stairs from the buildings to the Main Street sidewalks.

**F. Pedestrian Circulation.**

- 1. Pathways between dwelling units entrances and the street are required. Such pathways between the street and buildings fronting on the street shall be in a straight line. Exceptions may be allowed by the director where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.**

**Response:** The proposed on-site pedestrian circulation system meets the standards and specifications outlined above. The system connects all main entrances to the parking area and adjacent properties. The walkways are proposed with a hard surface and with widths at least 5-feet. The proposed pedestrian pathway is shown on Sheet A101. The clubhouse and Buildings 1, 3, and 5 front Main Street. The buildings do not take direct access due to the elevation of the site from the street and the configuration of the lot do not allow for a straight path connection. Therefore, alternative connections are proposed. The clubhouse and Building 1 pedestrians are directed to the pathway internal to site, southeast to the proposed esplanade stairs that lead down to Main Street. Pedestrians from Building 3 and 5 are directed northwest towards the esplanade stairs.

- 2. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.**

**Response:** The proposed on-site pedestrian circulation system meets the standards and specifications outlined above. The system connects all main entrances to the

parking area and adjacent properties. The walkways are proposed with a hard surface and with widths at least 5-feet. The proposed pedestrian pathway is shown on Sheet A101.

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

**Response:** The proposed buildings, with the exception of the clubhouse have stairways located internal to the building and under a roof, providing access to the dwelling units above the ground floor. Therefore, this standard is not applicable.

**G. Architectural and Material Standards. Building articulation and modulation - multifamily residential buildings and residential portions of mixed-use buildings. An alternative to the standards in subsection G. below may be approved by the community development director if the design is consistent with the intent of the standards and a specific architectural or building use exists that prohibits the full implementation of the standard.**

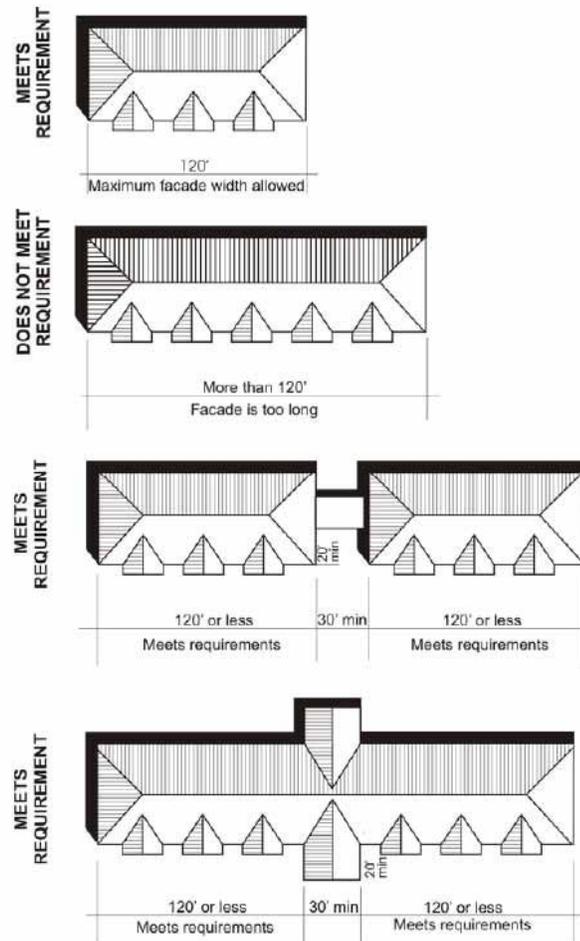
1. **Articulation and modulation of buildings is essential in providing the ability for new buildings to be compatible with the surrounding commercial and residential development. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following modulation and/or articulation features at intervals of no more than thirty feet along all facades facing a street, common open space, and common parking areas:**
  - a. **Repeating distinctive window patterns at intervals less than the required interval. Vertical building modulation. Minimum depth and width of modulation is thirty-six inches and four feet (respectively) if tied to a change in color or building material and/or roofline modulation. Otherwise, minimum depth of modulation is ten feet and minimum width for each modulation is fifteen feet. Balconies may not be used to meet modulation option unless they are recessed or projected from the facade and integrated with the building's architecture as determined by the community development director, balconies that appear to be "tacked on" to the facade will not qualify for this option.**
  - b. **Horizontal modulation (upper level step-backs). The minimum horizontal modulation for buildings higher than two stories shall be five feet. A dormer- set five feet back from the front facade-is an example of an acceptable horizontal modulation.**
  - c. **Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.**



*This multifamily building uses a combination of horizontal and vertical modulation, roofline modulation, distinctive window patterns, and clear articulation of the building's top, middle, and bottom to help reduce its perceived architectural scale and add visual interest.*

**Response:** All multi-family buildings (Buildings 1-11) feature both horizontal and vertical variations in material, projections and recesses, as well as varying rooflines to break up the building massing. Buildings #1, #3, and #5 include facades facing the street and are configured with projections or recesses every 30 lineal feet. The elevations feature prominent porticos and architectural features at the building entrances to meet the articulation and modulation requirement. Articulation of the building's top, middle, and bottom is achieved thru change of wall material separated by a trim band at the ground floor and again at the upper floor. A distinctive roofline featuring gable ends over the building entries completes the articulation.

4. **Maximum facades width. Buildings visible from the street must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Buildings exceeding one hundred twenty feet in width along the street front shall be divided by a thirty-foot wide modulation of the exterior wall, so that the maximum length of a particular facade is one hundred twenty feet. Such modulation must be at least twenty feet or deeper and extend through all floors. Decks and roof overhangs may encroach up to three feet (per side) into the modulation. The director will consider other design methods that are effective at reducing the perceived width of the building. Examples could include a combination of vertical and/or horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or fenestration technique.**



**Response:** The Clubhouse and Buildings 1, 3, and 5 face Main Street. The Clubhouse building facade is less than 120 feet in length. Buildings 1, 3, and 5 are greater than one hundred and twenty feet in length. Therefore, the wall planes for these elevations feature both projections and recesses in excess of 30 feet wide extending in excess of 20 feet to break up the building plane and massing to less 120 feet in length.

In addition, Building 1 features a tower element at one end. Each end is stepped down one story to further modulate the façade.

Buildings 3 and 5 are actually a single building tied by a covered ground level walkway. In to the required modulation each end and the center is stepped down one story to further modulate the façade.

**3. Roofline standards.**

- a. **Single purpose residential buildings in residential districts must provide a pitched roof with minimum 6:12 roof pitch. The maximum width of any continuous roofline shall be thirty-five feet for single purpose residential buildings. Alternative roof designs will be**

considered provided design elements are included to help the building and its roofline fit into the site's context.

- b. **Mixed use buildings and stand-alone residential in commercial districts shall incorporate a roofline modulation. Specifically: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.**
- c. **Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).**

**Response:** As shown on elevations and roof plan drawings, all residential buildings will have pitched roofs with gable ends. A change of roof direction defines building entries with an additional gable end. Roof heights step down one story at the building ends to hipped roof. Lengthened eaves at the center of Buildings 2 through 6 and Buildings 8 through 11 provide additional roofline modulation. The roofline is broken up approximately every 25-feet. Building 1 has a tower element at most visible corner facing Main Street. The opposite end of Building 1 and the ends of Building 3 and 5 have additional gable ends providing added roofline modulation.

**H. Diversity of building types. Multi-building developments of four or more buildings shall be required to provide different architectural designs to provide interest and variety. This is particularly important where multiple buildings front on the same street. Simple changes in building colors or reversal of basic facade designs are not sufficient to comply with this standard. Consider changes in vertical and/or horizontal articulation, fenestration, building materials, architectural style, and/or roof design.**

**Response:** There are a total of 12 buildings within the garden apartments development. A breakdown of the building types is as follows:

Buildings fronting on Main Street:

- Clubhouse: single story, distinct smaller building footprint
- Building #1: Features a corner tower element. Different from all other buildings in the development.
- Building #3 and #5: Actually one building which is joined at the ground level with covered walkways. Unique mixed use on ground level.

Buildings not on Main Street:

- Building #7: Smaller, more compact building footprint with single building entry.
- Building #2 and #8: Taller buildings with added fourth floor

- Building #9 and #11: Building ends are different from other footprints.
- Building #4 and #6: Buildings are three story with symmetrical ends.
- Building #10: Similar to building #4 & #6 but taller building with added fourth floor

Out of a total of 12 buildings there are eight different building types, and two of the buildings are joined into a single larger building.

**I. Diversity of unit types. Multifamily buildings with more than twenty-five units are required to provide a diversity of housing types to allow for a range of households and age groups. Unit types are defined as the following:**

**Studio, one-bedroom, two-bedroom and three-bedroom units or an ADA accessible master bedroom and bathroom (ground floor or elevator access).**

- 1. Developments of twenty-five to fifty units must provide two unit types representing a minimum of ten percent of the total units per unit type.**
- 2. Developments of fifty-one to seventy-five units must provide three unit types representing a minimum of ten percent of the total units per unit type.**
- 3. Developments of seventy-six units and above must provide four unit types representing a minimum of ten percent of the total units per unit type.**

**Response:** There are 244 proposed units offering studio, 1, 2, and 3-bedroom units. As shown on the Architectural Site Plan, Sheet A101 within Exhibit C a minimum of 10% of the total units are provided by

1. 86 1-bedroom units for 35% of overall units
2. 122 2-bedroom units for 50% of the overall units
3. 26 3-bedroom units for 11% of the overall units
4. 78 accessible units for 32% of the overall units

**K. Building Materials.**

**All multifamily buildings shall be enhanced with appropriate details. Each of the types of details listed below is worth one point. Multifamily buildings must achieve the equivalent of five points worth of architectural details.**

- 1. Decorative porch design with distinct design and use of materials.**
- 2. Decorative treatment of windows and doors, such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs, and/or unique window designs.**
- 3. Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.**

4. **Decorative light fixtures with a diffuse visible light source, such as a globe or "acorn" that is non-glaring or a decorative shade or mounting for each building entry on the facade.**
5. **Brick or stonework covering more than fifteen percent of the facade.**
6. **Decorative building materials that add visual interest, including:**
  - a. **Individualized patterns or continuous wood details.**
  - b. **Decorative moldings, brackets, wave trim or lattice work.**
  - c. **Other materials with decorative or textural qualities as approved by the director. The applicant must submit architectural drawings and material samples for approval.**
7. **Decorative roofline design, including multiple gables and/or dormers, decorative parapet or other design that adds distinct visual interest.**
8. **Decorative railings, grill work, or terraced landscape beds integrated along the facade of the building.**
9. **Other details that meet the intent of the guidelines as approved by the director.**

**Response:** Each multifamily building incorporates the following appropriate details meeting the standards of this section as shown on architectural elevations A301A thru A301K:

1. Building entries are distinctively designed with defining roof and column elements, lights, and decorative roof brackets.
2. All windows and doors have decorative molding trim details around them.
3. Decorative wall mounted light fixtures define the sides of each building entry.
4. Decorative building materials adding visual interest include: brackets at roofs, varied siding exposures, shingle accents, continuous wood trim at material transitions.
5. Building rooflines include multiple gables adding distinct visual interest.

**L. Window Design.**

1. **Transparent windows or doors facing the street are required. To meet this requirement, at least fifteen percent of the facade must be transparent. Transparency is measured at the first floor only.**
2. **All windows on all elevations shall recess or project individual windows at least two inches from the facade and incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the community development director where buildings employ other distinctive window or facade treatment that adds visual interest to the building.**

**Response:** The Clubhouse and Buildings 1, 3, and 5 face Main Street. At least 15% of the façade of the first floor is transparent at each. As shown on the building elevations, windows along the first floor of the street facing façade comprise at least 45-percent of the façade area.

**N. Private Open Space**

- 2. Common And Private Open Space Requirements For Multifamily Dwelling Units In The Mixed Use Corridor, Neighborhood Commercial Or Mixed Use Downtown Districts. All residential development in the Mixed Use Corridor, Neighborhood Commercial or Mixed Use Downtown Districts must provide a portion of the project area for private open space or common open space. Fifty square feet of private or common open space is required for each dwelling unit. The open space may be allocated exclusively for private or common use or may be a combination of the two uses.**
- a. Common Open Space: Common open space may be provided in the form of decks, shared patios, roof gardens, recreation rooms, lobbies or other gathering spaces created strictly for the tenants and not associated with storage or circulation. Landscape buffer areas may not be used as common open space unless active and passive uses are integrated into the space and its use will not adversely affect abutting properties.**
  - b. Private Open Space: Private open space may be provided in the forms of decks, screened patios, roof gardens or an alternate private space as approved by the community development director.**

**Response:** The decks on Main Street and the esplanade stairs connecting to Main Street are considered public open space. The balconies and patios, exceeding the 50 SF requirement for each dwelling units are considered private open space. The pool area and the club house deck area, approximately 6,400 SF are considered common open space per 17.62.57.N.2(b).

**17.62.065 Outdoor lighting.**

**Response:** Proposed outdoor lighting locations are shown on the Site Plan included under Exhibit B. See Exhibit J for light fixture information. Lighting for parking is provided by a combination of 18' high pole mounted and building wall mounted fixtures. Fixtures utilize LED technology providing approximately 70% energy savings vs. equivalent metal halide fixtures. Fixture placement is designed to provide the required light levels while minimizing light spill to abutting property. The lighting is adequate for safety and convenience for both vehicle and pedestrian-scale.

**17.62.085 Refuse and recycling standards for commercial, industrial, and multi-family developments.**

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses other than single-family or duplex residences shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Sized appropriately to meet the needs of current and expected tenants, including an expansion area if necessary;**
- B. Designed with sturdy materials, which are compatible to the primary structure(s);**

- C. Fully enclosed and visually screened;
- D. Located in a manner easily and safely accessible by collection vehicles;
- E. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- F. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- G. Maintained by the property owner;
- H. Used only for purposes of storing solid waste and recyclable materials;
- I. Designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and City adopted policies.

**Response:** A trash enclosure is shown on the Site Plan included under Exhibit B. The enclosure is located adjacent to the emergency access route to the Oregon City Shopping Center, also adjacent to the maintenance building. The enclosure is summarized in the Construction Note #3 on the Site Plan Sheet C2.1 and shown in detail on Architectural drawing A440.

Refuse and recycling collection service is provided to the project by Oregon City Garbage Company. Plans were provided to the trash hauler for review and comment. Verbal comments were received indicating that the proposed 24 yard trash compactor plus (2) 6 yard commingle recycling dumpsters plus (4) totes for glass recycling appeared to provide adequate capacity for the project. A larger trash compactor would fit within the enclosure should future expansion be required.

Enclosure walls are constructed of CMU and gates of sturdy steel tubing and marine grade plywood. Colors will be from the same palette as the primary structures.

Enclosure is located adjacent to the Maintenance Building at the southwest corner of the site, offering easy and safe collection vehicle access while being visually screened by landscaping and the Maintenance Building. Collection pickup will not hinder travel lanes, walkways, streets or adjacent properties.

Enclosure is maintained by the owner as part of property management and is for the sole purpose of trash and recycling storage. The ground surface is fully paved and sloped to drain.

Enclosure is designed in accordance with applicable sections of the Oregon City Municipal Code (including Chapter 8.20—Solid Waste Collection and Disposal) and City adopted policies.

## **CHAPTER 17.65 - MASTER PLANS**

### **17.65.050 General Development Plan**

- C. **Approval Criteria for a General Development Plan. The planning commission shall approve an application for general development plan approval only upon finding that the following approval criteria are met.**
  - 1. **The proposed General Development Plan is consistent with the purposes of Section 17.65.**

**Response:** The proposed CDP represents an update to the original 2008 CDP. The proposed CDP is consistent with the applicable code sections and this Section 17.65, as addressed within this narrative.

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

**Response:** As shown in the responses provided for the applicable standards within Chapter 12.04, this proposal for Phase 1 development of The Cove Master Plan is in compliance.

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

**Response:** As shown on the Storm Plan (Sheets C4.1-C4.2), Water and Utility Plan (Sheets 5.1 – C5.2), Fire Access and Water Supply Plan (Sheet C5.3) and Sanitary Plan (Sheets C6.1-C6.2), the Phase 1 development of the garden apartments can be adequately served with the basic utilities.

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

**Response:** As evident in the Natural Resource Overlay District Report, Exhibit F, conducted by Pacific Habitat Services, dated August XX, 2015 and the Geotechnical Reports, Exhibit G, conducted by GeoPacific Engineering Inc. dated May 12<sup>th</sup>, 2015 and supporting letter by Apex dated June 15, 2015, the proposed Phase 1 development project has been designed to be in compliance with the standards defined in the applicable overlay districts.

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

**Response:** As detailed in the Natural Resource Overlay District Report, Exhibit F, conducted by Pacific Habitat Services, dated August XX, 2015 and the mitigation plans, Sheets MX.X, located in Exhibit B, the proposed development meets all applicable mitigation standards.

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

**Response:** The proposed CDP represents an update to the original 2008 CDP. The proposed CDP is consistent with the applicable code sections of the OCMC as addressed within this narrative. The proposed CDP adjustment requests are also consistent with the concept development plan for the area which calls for a mixed use development, consistent with the OC comprehensive plan.

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

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

2. **Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan are contained in Section 17.65.070.**
3. **The detailed development plan conforms with the standards contained in Chapter 17.62, unless adjusted as provided in Section 17.65.070.**

**Response:** As evident in the responses to the applicable standards from the OCMC and the supporting documents submitted with this application package, the proposal for Phase 1 development of the Garden Apartments in The Cove Master Plan is consistent with the above criteria.

### **17.65.070 - Adjustments to development standards.**

**Response:** With the proposed CDP Amendment, the applicant is requesting adjustments to the following code standards, as discussed in detail below.

#### **OCMC 17.62.055(F) - Commercial First Floor Frontage**

An adjustment is proposed to Section 17.62.055(F)—Commercial first floor frontage to allow first floor heights of 12-feet (floor to floor) instead of 14-feet.

#### **OCMC 17.52.030 Standards for Automobile Parking**

The applicant is requesting modifications to OCMC 17.52.030(B-C) for the proposed temporary trailhead parking lot to limit the requirement of permanent improvements (paving and stormwater management) with this temporary feature.

#### **OCMC 17.52.060 Parking lot landscaping**

The applicant is seeking an adjustment from the requirement to install interior and perimeter landscaping around the proposed temporary parking limit the extent of permanent improvements associated with this temporary feature.

### **17.44 – Geologic Hazards**

The applicant is seeking an adjustment from the provisions of OCMC 17.44 as they would be applied to the garden apartment site. In the absence of a geologic hazard on the site, the provisions of 17.44 would not apply to the garden apartment project. The City has provided City geologic hazards mapping that identifies pockets of “geologic hazard” areas within the apartment site. However, as described in detail in a September 10, 2015 letter from Apex Engineering included in Exhibit G of the application, the City’s mapping does not reflect native conditions and is a temporary representation of conditions left in place by the former mining operation. Specifically, the map represents a former process pond and material stockpile areas that were excavated on a cut slope with past mining and reclamation activities. As described in the letter from Apex, these mapped features would be completely eliminated with mass grading of the site thereby eliminating the condition that caused the original City mapping.

Consequently, an adjustment to the geologic hazard provisions of OCMC 17.44 as they pertain to the apartment site is being requested.

#### **17.54.100.A(1) Fences and Walls**

The proposed rockery wall along Main Street varies from 2 ft to 5 ft and meanders between 30 ft and 40 ft from the public right of way. This wall is provided to engage the streetscape and provide enhanced landscape features along the Main Street frontage. Because this wall exceeds the 42-inch wall height maximum noted under this section, the applicant is requesting an adjustment of this standards as allowed under OCMC 17.65.070.

**17.54.100.B Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall**

The applicant has discussed the provisions of OCMC 17.54.100.B with city planning staff. While it the opinion of the applicant that the provisions of this section do not limit the height of retaining walls on the site as there are no walls “built on a retaining wall or an artificial berm,” city staff has provided an informal interpretation that this section would apply to all proposed walls on the site and effectively limit the height of on-site walls to 8.5-feet.

As noted on the project grading plan C3.1 and C3.2 in the DDP plan set, the project includes retaining walls on the western perimeter of the garden apartment site that reach up to 17-feet in height. Because the city has provided an interpretation that this code provision effectively limits the height of walls to 8.5-feet, we have included a request for an adjustment as allowed under OCMC 17.65.070 to permit the wall heights as proposed. These walls are provided in part to retain imported fill and ensure that the site development does not encroach into the buffer of the wetland feature located in the northwest corner of the development site. Should the City change its interpretation on this code section over the course of the review of this application, the applicant would withdraw this request.

**Previously Approved Code Standard Adjustments**

In addition to this adjustment, the following adjustments have been approved with previous CDP reviews and remain valid.

*16.12.290.A Building site--Setbacks and building location*

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

*17.62.055.E.2 Institutional and commercial building standards.*

*Horizontal massing of the Mixed Use building may exceed a height: width ratio of 1:3 due to the provision of variation in massing and materials.*

*17.52.040.A Carpool and vanpool parking.*

*New retail, office commercial and industrial development with twenty-five or more parking spaces shall designate at least two (2) 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.”*

*17.62 & 17.34 Maximum Building Setbacks*

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

17.49.050.H.5.c Water quality resource area standards.

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

17.52.010 Number of spaces required

Land Use	Parking Requirements: The parking requirements are based on spaces per 1,000 SF gross leasable area unless otherwise stated	
	Minimum	Maximum
Medical or Dental Clinic	N/A	3.33

The maximum parking ratio for a medical or dental clinic or office use shall be set at five (5) spaces per 1,000 square feet of gross leasable area.

17.52.090.2.a&b Parking lot landscaping.

The adjustment to these standards was approved to allow landscaping in conformance with the Landscape Plan in Exhibit B.

17.52.090. 4.a&b&c&d Interior Parking Lot Landscaping.

The adjustment to these standards was approved to allow for development of the site as proposed within the plans as attached as Exhibit B.

17.62.055.F Institutional and commercial building standards.

The adjustment to these standards was approved to allow for development of the site as proposed within the plans included with the original Master Plan submittal.

**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;**

**Response:** The purpose of Section 17.62.055(F) is to provide adequate height on the first floor of mixed use structures to function for commercial uses which could include retail, restaurants and/or office uses. Along Main Street and within the garden apartment project, Buildings 3 and 5 contain spaces that would be a maximum of 1,625 square feet in area. It is anticipated that these spaces could be office units or could include a small scale sandwich or coffee shop. Allowing floor to floor heights of 12-feet in this area will still maintain flexibility for future tenancy of these types of uses, without impeding the function or market viability of these spaces.

In response to OCMC 17.52.030 Standards for Automobile Parking and OCMC 17.52.060 Parking Lot Landscaping, the proposed trailhead was intended to be a temporary access for visitors of the site and the residents of the garden apartments

to access the cove until the site can be fully developed. The location of the temporary trailhead will be redeveloped when the Phase 2 is implemented. Therefore, the placement of permanent features would create unnecessary demolition and reconstruction activities.

The applicant is seeking an adjustment from the provisions of OCMC 17.44 as they would be applied to the garden apartment site. Regarding OCMC 17.44 Geologic Hazards, in the absence of a geologic hazard on the site, the provisions of 17.44 would not apply to the garden apartment project. The City has provided City geologic hazards mapping that identifies pockets of “geologic hazard” areas within the apartment site. However, as described in detail in a September 10, 2015 letter from Apex Engineering included in Exhibit G of the application, the City’s mapping does not reflect native conditions and is a temporary representation of conditions left in place by the former mining operation. Specifically, the map represents a former process pond and material stockpile areas that were excavated on a cut slope with past mining and reclamation activities. As described in the letter from Apex, these mapped features would be completely eliminated with mass grading of the site thereby eliminating the condition that caused the original City mapping. Consequently, an adjustment to the geologic hazard provisions of OCMC 17.44 as they pertain to the apartment site would still meet the purpose of the chapter.

#### **17.54.100.A(1) Fences and Walls**

The proposed rockery wall along Main Street varies from 2 ft to 5 ft and meanders between 30 ft and 40 ft from the public right of way. This wall is provided to engage the streetscape and provide enhanced landscape features along the Main Street frontage. This wall exceeds the 42-inch wall height maximum noted under section 17.54.100.A(1), the wall is necessary to stabilize the slope and allow for development.

**Regarding OCMC 17.54.100.B Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall,** the applicant has discussed the provisions of OCMC 17.54.100.B with city planning staff. While it is the opinion of the applicant that the provisions of this section do not limit the height of retaining walls on the site as there are no walls “built on a retaining wall or an artificial berm,” city staff has provided an informal interpretation that this section would apply to all proposed walls on the site and effectively limit the height of on-site walls to 8.5-feet.

As noted on the project grading plan C3.1 and C3.2 in the DDP plan set, the project includes retaining walls on the western perimeter of the garden apartment site that reach up to 17-feet in height. Because the city has provided an interpretation that this code provision effectively limits the height of walls to 8.5-feet, we have included a request for an adjustment as allowed under OCMC 17.65.070 to permit the wall heights as proposed. These walls are provided in part to retain imported fill and ensure that the site development does not encroach into the buffer of the wetland feature located in the northwest corner of the development site. Should the City change its interpretation on this code section over the course of the review of this application, the applicant would withdraw this request.

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;**

**Response:**

In combination with the adjustments already approved for The Cove, the requested adjustments will not create a situation in which the cumulative requests are inconsistent with the purposes of the MUD zone. Provisions in OCMC 17.34.010 state that the MUD district is intended to provide “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.” The Cove project provides for an appropriate mix of land uses with ground floor office and retail uses in Buildings 3 and 5 of the garden apartment site and additional office and retail uses on Lots 1 and 3-7, while considering the environmental constraints and the planned phases of the development.. Limiting the height of the first floor on these sites, allowing leniency in the permanent requirements for the proposed temporary trailhead parking area, and the retaining wall height allowance will not preclude the ability to provide a mix of uses that engage the pedestrian nor preclude consistency with the purpose of the zone to encourage mixed uses, and pedestrian and transit access.

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

**Response:** No City-designated Goal 5 resources are impacted by the proposed adjustment.

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

**Response:** No adverse impacts are anticipated to result from the proposed adjustment of the floor to floor height of the first floor of buildings with ground floor commercial uses. Therefore, no mitigation is proposed.

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

**Response:** The proposed adjustment is not within an environmental zone. Therefore there are no environmental impacts associated with the adjustment.

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

**Response:** The proposed adjustment is consistent with the Oregon City Comprehensive Plan and ancillary documents as the desired mix of uses in the MUD zone will not be affected by the proposed adjustment.

**17.65.80 - Amendments to approved plans.**

- A. When Required. An amendment to an approved General Development Plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in Section 17.65.050 will apply to general development plan amendments, the approval criteria contained in Section 17.65.060 will apply to detailed**

**development plan amendments. The thresholds and procedures for amendments are stated below.**

**Response:** This proposed amendment to the original 2008 CDP and the amended 2009 CDP addresses all applicable development code sections. Also, the detailed development plan amendments outlined under 17.65.060 are addressed above.

### **III. CONCLUSION**

As demonstrated by the responses provided in this narrative and the supporting exhibits, the proposed CDP amendment and DDP, NROD and Geologic Hazard applications conform to the applicable standards and review criteria necessary for City approvals and authorizations. The applicant therefore respectfully requests City approval of the attached land use application package.