CITY OF OREGON CITY
PLANNING COMMISSION
AGENDA

Virtual
Monday, June 14, 2021 at 7:00 PM

This meeting will be held online via Zoom; please contact planning@orcity.org for the meeting link.

CALL TO ORDER

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PUBLIC HEARING

1. GLUA-21-00013/ MAS-21-00001/SP-21-00043/VAR-21-00003 Eden West Apartments Master Plan, Variance, and Minor Site Plan and Design Review for additional unit at 920 John Adams St.

GENERAL BUSINESS

2. Approval of Planning Commission Minutes for October 12, 2020

COMMUNICATIONS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.

CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Planning Commission **Agenda Date:** 06/14/2021

From: Planner Kelly Reid

SUBJECT:

GLUA-21-00013/ MAS-21-00001/SP-21-00043/VAR-21-00003 Eden West Apartments Master Plan, Variance, and Minor Site Plan and Design Review for additional unit at 920 John Adams St.

STAFF RECOMMENDATION:

Staff recommends approval with conditions

EXECUTIVE SUMMARY:

The owner of Eden West Apartments at 920 John Adams Street has requested a Master Plan, Minor Site Plan, and Variance to approve the conversion of an existing laundry room to an additional residential unit in an existing multifamily use in the R-3.5 Medium Density Residential district. The request includes a variance to the unit mix standards and changes to exterior decks and railings.

BACKGROUND:

The owner of Eden West Apartments at 920 John Adams Street has requested a Master Plan, Minor Site Plan, and Variance to approve the conversion of an existing laundry room to an additional residential unit in an existing multifamily use in the R-3.5 Medium Density Residential district. The request includes a variance to the unit mix standards and changes to exterior decks and railings.

The property is fully developed with two mid-century style apartment buildings, constructed in the 1960s. It slopes down from northwest to southeast. There are full width sidewalks along both frontages, without landscape strips. The property was developed in the 1960s with 14 residential units and a small parking lot.

The laundry room area in the building was converted to an apartment unit by a previous owner without City approval or permits. The new property owner is now seeking to obtain approval for the conversion, as well as make other renovations including:

The existing covered exterior decks and railings will be repaired and upgraded. The eastern building was constructed with a partial daylight basement at the south end, where storage and a laundry room were located, and that space is being converted to an apartment. The building footprint and building square footage will remain unchanged.

Staff recommends approval with a few conditions related to landscaping, street trees, and bicycle parking.

OPTIONS:

1. Approve with recommended conditions
2. Approve with revised conditions
3. Continue the hearing for more information
4. Deny and return at a later date for adoption of findings

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III STAFF REPORT AND RECOMMENDATION
June 7, 2021

FILE # & TYPE: GLUA-21-00013/ MAS-21-00001/SP-21-00043/VAR-21-00003: Master Plan, Minor Site Plan, and Variance

OWNER: J. Christopher Zukin

GLUA 20-00013
Application Submitted: 3/22/2021
Application Complete: 5/7/2021
120-Day Decision Deadline: 9/4/2021

APPLICANT: Matthew Lowe
Jordan Ramis PC

REQUEST: Master Plan, Minor Site Plan, and Variance to convert an existing laundry room to an additional residential unit in an existing multifamily use in the R-3.5 Medium Density Residential district. Also includes a variance to the unit mix standards and changes to exterior decks and railings.

LOCATION: 920 John Adams St
Oregon City, OR 97045,
Clackamas County APN 2-2E-31AA-09100

REVIEWER: Kelly Reid, Planner, (503) 496-1540, kreid@orcity.org

RECOMMENDATION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or

in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

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Conditions of Approval

Planning File GLUA 21-00013

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

The following conditions of approval shall be met to the satisfaction of the City during the process of design to the issuance of public improvement or building permits and construction associated with the proposed land use application.

1. The applicant shall meet all spacing requirements in Chapter 12.08 for any new street trees, and shall obtain a right of way permit from the City Public Works department to ensure adequate planting space and proper cutting of the sidewalk concrete. Trees shall be planted with a root barrier. Tree species shall be selected from the Oregon City street tree list, the list of another local jurisdiction, or recommended by an arborist. Due to the fact that street trees are not required through this request but rather proposed voluntarily, the City will allow for the number of street trees provided to be reduced if spacing standards do not allow all three proposed trees. (P, DS)

2. If any nuisance vegetation is present on site, the applicant shall remove it prior to final permit approval. (P)

3. The applicant shall mount the bicycle rack parallel to the sidewalk so that bicycles parked there do not encroach into the right of way. (P)

4. The fee in lieu of $1687 for Latourette Park shall be paid to the Parks Department and shall be due prior to final approval and closure of building permits for this project. (P)

BACKGROUND:

1. Existing Conditions

The property is fully developed with two mid-century style apartment buildings, constructed in the 1960s, as per Building Permit No. 2691 issued on April 11, 1961. It slopes down from northwest to southeast. There are full width sidewalks along both frontages, without landscape strips. The property was developed in the 1960s with 14 residential units and a small parking lot.

Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

Figure 3: Existing Street View

Figure 4. Zoning Map (R-3.5 zone in brown)

2. Project Description

The laundry room area in the building was converted to an apartment unit by a previous owner without City approval or permits. The new property owner is now seeking to obtain approval for the conversion, as well as make other renovations including:

The existing covered exterior decks and railings will be repaired and upgraded. The eastern building was constructed with a partial daylight basement at the south end, where storage, a laundry room and a bathroom were located. A portion of that space is being converted to an apartment, and a laundry room remains. The building footprint and building square footage will remain unchanged.

Figure 3: Proposed Site Plan

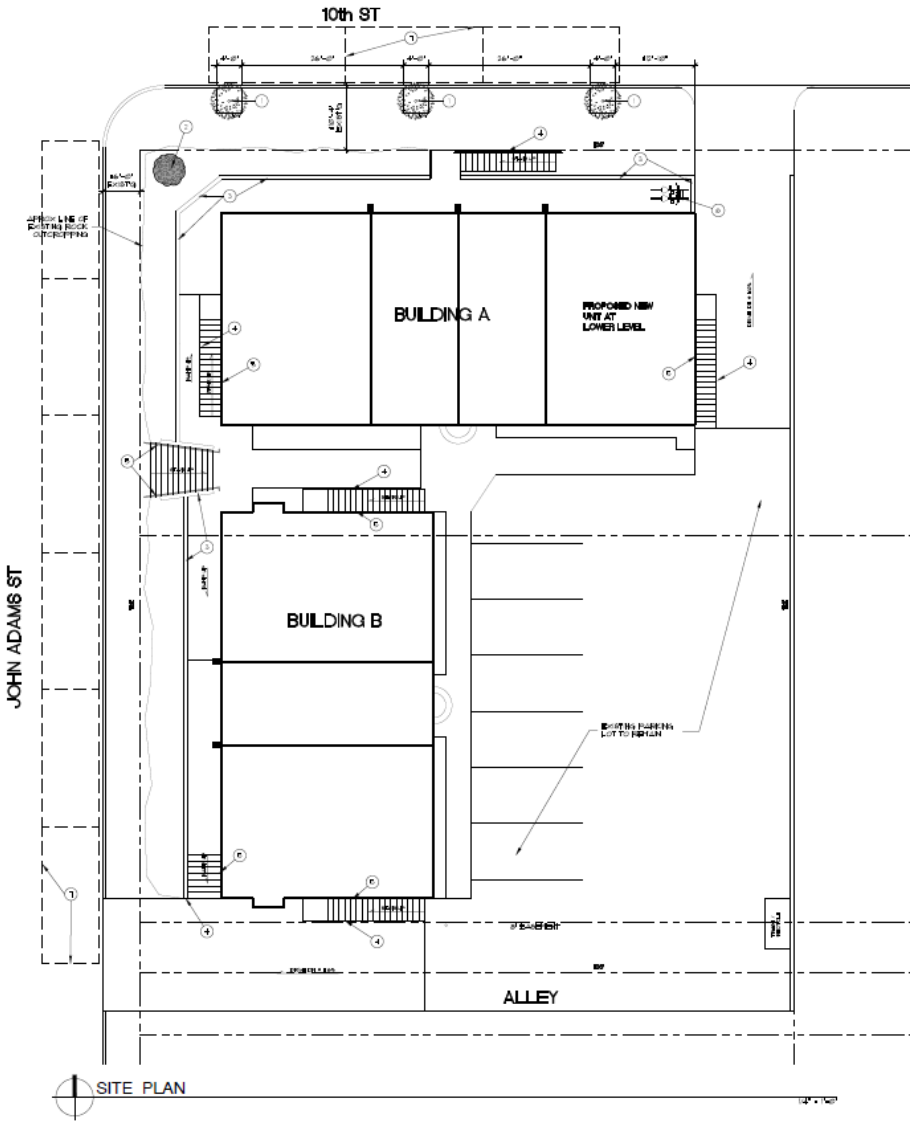
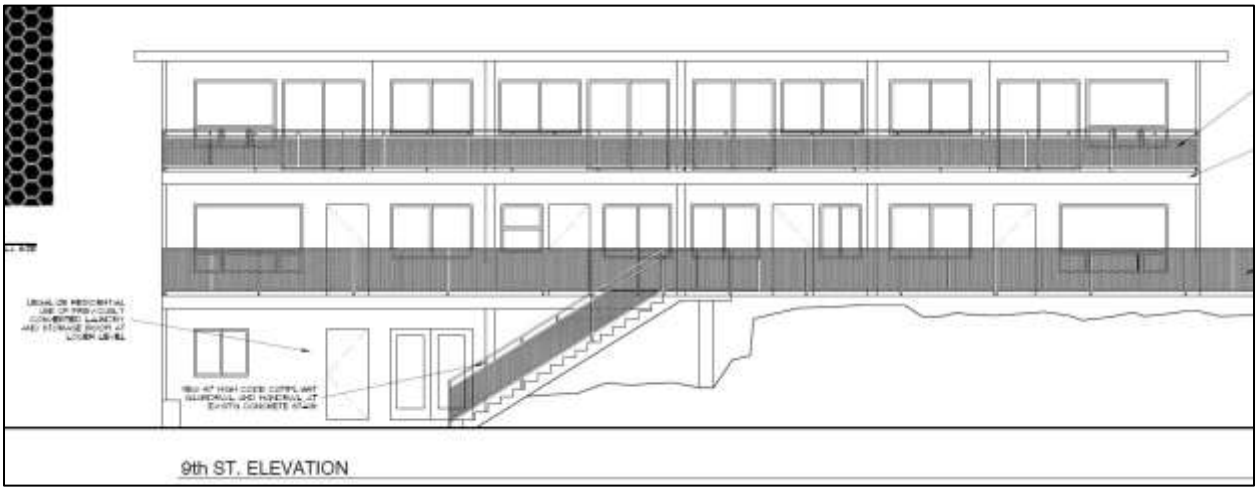


Figure 4: Building Elevations (Proposed Expansion)



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

4. **Public Comment**
   No public comments have been submitted.

I. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land-use approval. The City Code Book is available on-line at www.orcity.org.

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

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.030 Summary of the City's Decision-Making Processes.

Finding: Complies. The applicant has applied for a TYPE III Land use review for a Master Plan, Variance, and Minor Site Plan.

17.50.050 Preapplication Conference

A Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

Finding: Complies. A preapplication meeting was held on September 30, 2020.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

1. Applicants applying for Annexations, Zone Change, Comprehensive Plan Amendments, Conditional Use, Planning Commission Variances, Subdivision, or Site Plan and Design Review (excluding Minor Site Plan and Design Review), General Development Master Plans or Detailed Development Plans applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

2. The applicant shall send, by certified mail, return receipt requested letter to the chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. Other communication methods may be used if approved by the Neighborhood Association.

3. A meeting shall be scheduled within 30 days of the notice. A meeting may be scheduled later than 30 days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter requesting a neighborhood association meeting shall be required for a complete application. The meeting held by the applicant shall be held within the boundaries of the neighborhood association or in a City facility.

4. *If the Neighborhood Association is not currently recognized by the city, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
5. *To show compliance with this section, the applicant shall submit a sign-in sheet of meeting attendees, a summary of issues discussed, and letter from the Neighborhood Association or Citizen Involvement Committee indicating that a neighborhood meeting was held. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, a sign in sheet of attendees and a summary of issues discussed.*

Finding: Complies. The applicant met with the McLoughlin Neighborhood Association on January 7, 2021. The applicant submitted the following response:

"The emails with the association chair are attached. This was a regularly scheduled association meeting. Several issues were discussed, including the renovation of the decks and railings, other renovations recently completed, site topography and the applicant's desire to have an apartment that does not require stairs for access, accessible sidewalks, continued tenant access to laundry facilities, availability of off-street and on-street parking, landscaping and the proposed fee in lieu for Latourette Park improvements, the overall cost of city fees and SDCs, and street trees.

The meeting was held on Zoom, and there was not a traditional sign-in sheet. We have requested the meeting minutes in order to confirm the attendees.

The association's primary interest was street trees. The sidewalk on the 10th Street frontage is ample and street trees are proposed. The sidewalk on John Adams is too narrow to accommodate street trees."

17.50.090 Public notices.
All public notices issued by the city with regard to a land use matter, announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the city shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The city shall also publish the notice in a newspaper of general circulation within the city at least twenty days prior to the hearing. Pursuant to Section 17.50.080(H), the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with Section 17.50.100. Notice of the application hearing shall include the following information:

1. *The time, date and location of the public hearing;*
2. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
3. *A description of the applicant's proposal, along with a list of citations of the approval criteria that the city will use to evaluate the proposal;*
4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
5. *A statement that any issue which is intended to provide a basis for an appeal to the city commission must be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue;*

6. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*
7. *A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at City Hall during normal business hours; and*
8. *The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

Finding: Complies. The application was noticed on May 25, 2020. A project page, with the applicant's submittal was created and link to the notice.

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.

Finding: Complies. The applicant placed 2 signs along their 10th Street and John Adams Street frontages.

CHAPTER 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.030 - Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Multifamily residential.

Finding: Compiles as Proposed. The property is zoned R-3.5. Multifamily residential is permitted as part of a Master Plan.

17.10.040 - Dimensional standards.

Finding: Not applicable. No new structures or building area is proposed. The existing apartment buildings are lawfully established structures and are not required to be altered to comply with these standards.

17.10.050 - Density standards.

A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	***R-3.5***
Minimum net density	*10 du/acre*
Maximum net density • *Single-family detached* • *Single-family attached* • *3-4 plexes*	 *12.4 du/acre* *17.4 du/acre* *21.8 du/acre*

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.

2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.

3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.

Finding: Compiles as Proposed. This chapter contains no maximum density for multifamily uses within the R-3.5 zone. The proposed density is 47 dwelling units per acre, with 15 units on a site of 0.32 acres. The existing apartment buildings are lawfully established structures and this application proposes an internal conversion of a bathroom and storage room in the building; no additional building square footage is proposed.

CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Applies: Site Plan and design review is required for multifamily development. The applicant has proposed exterior changes to the building including railings, landscaping, and bicycle parking.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:

a. Any activity which is included with or initiates actions that require Type II-IV review.

b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).

c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.

d. Any proposal in which modifications are proposed under OCMC 17.62.015.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).

b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.

c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

d. Mobile food units in OCMC 17.54.115.

e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.

Applies. The site changes proposed qualify for minor site plan review, which is a Type II procedure, but since the application is coupled with a variance and Master Plan request, the entire application is reviewed at a Type III level.

17.62.050 - General Standards

All development shall comply with the following standards:

A. Landscaping.

1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

Finding: Complies as Proposed. The applicant does not propose to remove any existing native vegetation. If any nuisance vegetation is present on site, the applicant shall remove it prior to final permit approval.

2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

Finding: Complies as Proposed. This site was first developed in the 1960s and is nonconforming. The total landscaped area on site is not proposed to change. The applicant has proposed to install a new shrub in an existing landscape area that lacks plants.

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

Finding: Not applicable. This property is not within the Natural Resource Overlay District, so this provision does not apply.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation

if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. 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.

Finding: Complies as Proposed. The applicant has proposed three street trees and one shrub. As this is less than 500 square feet of new landscaping, a plan stamped by a landscape architect is not required. The shrub is proposed to be a rhododendron, which is not on the city's nuisance plant list. See Chapter 12.08 for a discussion of street trees.

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

Finding: Complies as Proposed. The applicant proposes a new shrub at the NW corner of the property; it will be highly visible.

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

Finding: Not applicable. There is no landscaping proposed in the existing parking lot, so this provision does not apply.

B. Vehicular Access and Connectivity.

1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.

Finding: Complies as Proposed. No changes to the parking location are proposed. The existing parking lot is behind the apartment buildings.

2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.

Finding: Not applicable. This property is a lawfully established nonconforming development. The adjacent properties have right-of-way frontage and access, so a new easement is not necessary.

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.

Finding: Not applicable. This parcel is less than three acres, so this provision does not apply.

4. Parking garage entries shall not be more than half of the streetscape.

Finding: Not applicable. There is no parking garage, so this provision does not apply.

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

1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.

Finding: Not applicable. This property is a lawfully established nonconforming development. There are no changes proposed to the on-site pedestrian circulation, except for safety upgrades to the exterior staircases.

2. *The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*

Finding: Complies as Proposed. The new apartment fronts directly on the sidewalk which complies with this provision.

3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

Finding: Complies as Proposed. This property and the adjacent properties are well served by the existing sidewalks, which connect the entrances.

4. *Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*

Finding: Complies as Proposed. This property is a lawfully established nonconforming development, and the existing exterior stairs may lawfully be upgraded to satisfy current code standards for safety railings. Expansion of the existing walkways is not proposed.

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

Finding: Not applicable. This property is a lawfully established nonconforming development. There are no changes proposed to the on-site pedestrian circulation, except for safety upgrades, so this provision does not apply.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards.

Finding: Complies as Proposed. This property is a lawfully established nonconforming development. It is therefore compliant with applicable regulations.

E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the

developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as Proposed. This property is already served by adequate water and sewer, as confirmed by Josh Wheeler, the Assistant City Engineer. No upgrades are necessary or proposed. SDCs will be paid for the additional apartment through the building permit process.

F. 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 City's Transportation System Plan.

Finding: Not applicable. This is a multifamily development, so this provision does not apply.

G. Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.

1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. 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 from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. 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. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.

2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters 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 and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent 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. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

3. 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 from the public right of way.

4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.

Finding: Not applicable. These features are not proposed, so this provision does not apply.

H. Building Materials.

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

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

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

iii. Corrugated fiberglass.

iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).

v. Crushed colored rock/crushed tumbled glass.

vi. Non-corrugated and highly reflective sheet metal.

vii. Tarps, except for the protection of outside storage.

Finding: Complies as Proposed. No prohibited materials are proposed.

2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:

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

ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.

iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

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

v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.

vi. Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.

vii. Chain link fencing is permitted in the following circumstances:

1. Within City-owned parks and recreational facilities

2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.

Finding: Not applicable. These materials are not proposed, so this provision does not apply. The applicant has proposed the use of metal railings and aluminum mesh panels along the balconies/decks.

17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.

B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures.

Finding: Not applicable. No exterior changes to the architectural design are proposed. The only exterior changes to the building include the handrail and guardrail replacements discussed in 17.62.050.

17.62.057 - Multifamily Usable Open Space Requirements

B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.

1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The site does not meet the open space standards for the existing units. For the 15th unit, 100 square feet of open space is required. Because there is no space on the constrained site to provide 100 square feet of space without changing the existing parking lot or building, the applicant has proposed to use nearby Latourette Park to meet this standard. See findings in 17.65.C.8 for further discussion.

2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.

Applicant's Response: This property is in a residential zone, so this provision does not apply.

3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.

Finding: Not applicable. The applicant has not proposed to use open space to meet landscaping requirements.

C. Usable Open Space Types.

1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces.

Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:

a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.

b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.

1. Landscaping areas.
2. Community gardening areas.
3. Large trees expected to reach over eighteen inches dbh at maturity.
4. Seating.
5. Pedestrian-scaled lighting.
6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.

7. *Paved courtyard or plaza.*
8. *Gazebos or other decorative shelters.*
9. *Play structures for children.*
10. *Sports courts.*
11. *An alternative amenity as approved by the Community Development Director.*

c. *Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.*

d. *Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.*

Finding: Not applicable. No common open space is proposed.

2. *Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.*
   a. *Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.*

Finding: Not applicable. The applicant does not propose to meet the open space requirement for the 15th unit through the use of private open space.

3. *Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:*
   a. *Accessible to all dwelling units.*
   b. *Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.). Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).*

Finding: Not applicable. The applicant does not propose to meet the open space requirement for the 15th unit through the use of indoor recreational space.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.

A. *Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.*

B. *When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.*

C. *When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.*

D. *Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.*

Finding: Complies as Proposed. This is a voluntary Master Plan application.

17.65.040 - Procedure.

A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.

Finding: Complies as Proposed. The preapplication meeting was held.

B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

Finding: Complies as Proposed. This application proposes a detailed development plan in the form of a minor site plan for this project.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Finding: Complies as Proposed. This is a concurrent review, so this provision does not apply.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Finding: Complies as Proposed. This is a concurrent review, and a Type 3 procedure.

E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: Complies as Proposed. All reviews are consolidated in this application.

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Finding: Not Applicable. The applicant has not proposed a duration, the project will be completed once the construction associated with the current request is complete. No additional changes or future phases of development are proposed.

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

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

a. Current uses of and development on the site;

b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;

c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches × eleven inches in size, and black and white reproducible;

d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;

e. Previous land use approvals within the General Development Plan boundary and related conditions of approval, if applicable;

f. Existing utilization of the site;

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

1. Physical characteristics;

2. Ownership patterns;

3. Building inventory;

4. Vehicle/bicycle parking;

5. Landscaping/usable open space;

6. FAR/lot coverage;

7. Natural resources that appear on the city's adopted Goal 5 inventory;

8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;

9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and

10. Geologic hazards pursuant to OCMC 17.44.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;

2. Transit routes, facilities and availability;

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

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

i. Infrastructure facilities and capacity, including the following items:

1. Water;

2. Sanitary sewer;

3. Stormwater management; and

4. Easements.

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy shall be eight and on-half inches × eleven inches in size, and black and white reproducible.

1. Date, north point, and scale of drawing.

2. Identification of the drawing as an existing conditions site plan.

3. Proposed development boundary.

4. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.

5. *Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.*

6. *A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches × eleven inches in size, and black and white reproducible.*

c. *Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches × eleven in size, and black and white reproducible.*

Finding: Complies as Proposed. The City has waived a number of the application submittal requirements due to the nature of this project and in order to prevent unreasonable expense in proportion to what is proposed. The building is existing and the applicant is simply seeking to legalize the creation of an additional unit within the building. Detailed site conditions, analysis, and traffic studies have been waived due to relevance or lack of impact the single dwelling unit would have on the system. A traffic study was determined to be unnecessary because the applicant has not proposed changes to site circulation, access, or parking. The applicant has submitted the required materials that are relevant to this request, including a narrative, site plan, and elevation drawings.

B. Proposed Development Submittal Requirements.

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

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

b. *The proposed development boundary. May also reference submitted maps or diagrams.*

c. *A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.*

d. *An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.*

e. *A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.*

f. *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*

1. *Transportation impacts as prescribed in subsection g. below;*
2. *Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;*
3. *Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.*
4. *Neighborhood livability impacts;*
5. *Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.*

g. *A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire*

development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:

1. Address the impacts of the development of the site consistent with all phases of the general development plan; or

2. Address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

1. The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

2. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

3. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

j. For residential and mixed-use projects:

a. Proposed minimum lot area, width, frontage and yard requirements.

b. Proposed project density in number of units per acre.

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

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

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

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Finding: Complies as Proposed. The City has waived a number of the application requirements due to the nature of this project and in order to prevent unreasonable expense. The building is existing and the applicant is simply seeking to legalize the creation of an additional unit within the building. Detailed site conditions, analysis, and traffic studies have been waived. The applicant has submitted the required materials that are relevant to this request, including a narrative, site plan, and elevation drawings.

The applicant provided the following responses to f.3 and f.4 in the above code section:

"Subsection f.3 requires consideration of public facilities impacts. This application changes the original apartment building design. The original design had a laundry room, full bathroom, and storage area on this level. That is being upgraded so the laundry remains, the bathroom is moved into an apartment instead of being generally available for people using the laundry and storage areas. The net effect on water and sewer is that one kitchen is being added. The existing water service is one large meter for the entire property, and there is one sewer lateral for this building. Those services have adequate capacity for this new apartment. The city-wide systems also have adequate capacity, as demonstrated in the Public Works Master Plans and Mr. Wheeler.

Figure 8-1 of the Water Master Plan illustrates recommended capital improvements, none of which are located in this neighborhood. Table 8-3 is the list of Unfunded Replacement Projects, and again none serve this site. Figure 2-3 of the Sanitary Sewer Master Plan shows the site is already served by gravity sewer, and Figure 2-6 shows the pipes in this neighborhood were installed in the 1980s, and thus have a long future service life.

Subsection f.4 requires consideration of neighborhood livability impacts. This neighborhood is a mixture of single family houses and multifamily properties. The application adds one dwelling unit to the existing fourteen, and therefore will have only a minor impact in any event. That impact will be positive because it provides a sidewalk level apartment for the first time on this property. This neighborhood is primarily sloped terrain, and most multifamily properties include many stairs to overcome that terrain. This application improves livability of the neighborhood by providing one sidewalk grade apartment."

Staff concurs that there are no negative neighborhood livability impacts. The impacts of an additional multifamily unit are negligible on traffic and parking; there is no additional structure proposed, and the proposal to add street trees and bicycle parking will provide positive amenities within the neighborhood.

C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of OCMC 17.65.

Finding: Complies as Proposed. The plan is consistent with the purpose statement because it utilizes a flexible and creative process to increase the provision of and diversity of housing in the neighborhood. As stated in the Purpose of this Chapter, "The master plan or planned unit development process is intended

to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner."

2. *Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.*

Finding: Complies as Proposed. Chapter 12 and Chapter 16.12 are not applicable because there is no new square footage and no infrastructure improvements required for this project. Chapter 17.62 is included in this staff report.

3. *Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

Finding: Complies as Proposed. The applicant states: "All these public services already serve the site, and are capable of serving one additional apartment. This was confirmed by email from Josh Wheeler, which concluded: "There are no issues with the public water or sewer in that neighborhood, so no capacity issues in the public utilities."" See Exhibit 4 for the aforementioned email.

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

Finding: Complies as Proposed. The site is within the McLoughlin Conservation District, but it is not a designated historic structure. It is over 50 years old and could be potentially eligible as a historic structure. The site was last inventoried by the City in 2002 through a re-survey of the district. The applicant is not proposing any actions that trigger local historic review on the property. The structure is being preserved with no change to the footprint or height. The changes to the exterior of the structure include removal of the decorative concrete railing on the decks and replacement with an aluminum mesh material. This work could be permitted on its own through a Type I review process, but is included here because it is part of the overall package, which is a Type III review. In other words, the railing replacement is independent of the issue of the 15th residential unit in the building. The city's code exempts exterior alterations to non-designated sites within the conservation district from any historic overlay standards or guidelines.

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.*

Finding: Complies as Proposed. This application is for needed housing, and there are no identified impacts from one additional apartment.

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

Finding: Complies as Proposed. The applicant states:

"Policy 10.1.4 of the comprehensive plan encourages "diversity in housing types within neighborhoods". As noted above, the existing apartments require stairs, and this project will improve housing diversity by providing an apartment with direct sidewalk access."
Additional applicable goals and policies of the Comprehensive Plan are included below, along with the applicant's response. Staff generally concurs with the responses provided.

Goal 2.1: Efficient Use of Land: Ensure that property planned for residential, commercial, office, and industrial use is used efficiently and that land will be developed following the principles of "Sustainable Development."

Applicant's Response: This application ensures the efficient use of land because it allows one more apartment to be developed without increasing the land area of the site. This redesign of existing space follows the principles of sustainable development because it consumes no land resources, and fewer building materials than new construction. This also reduces the energy required to construct the apartment. Being at sidewalk level, this apartment is also more sustainable than others that require stairs because it allows residents to age in place.

Goal 2.4: Neighborhood Livability
Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Applicant's Response: This proposal protects and maintains this neighborhood as the basic unit of community life by providing a new apartment that does not require stairs for access. This allows residents to age in place, and thereby remain in this neighborhood during advancing years when the site and neighborhood topography might otherwise compel them to relocate to a different neighborhood. Such relocations are inherently disruptive to the stability of community life.

Policy 2.4.2
Strive to establish facilities and land uses in every neighborhood that help give the neighborhoods vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Applicant's Response: This proposal brings new vibrancy to this established neighborhood by placing an apartment at sidewalk level. Most of the sidewalk frontage is a large rock retaining wall that was installed to level the grade of the site. The new apartment places residential uses and activity on the sidewalk level. This will increase pedestrian activity on a segment of the block where it has traditionally been limited due to the topography.

Policy 5.3.8 Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Applicant's Response: The two apartment buildings that comprise this site are located within the McLoughlin Historic District, although they are not historic resources themselves. The nearby designated historic resources are single family residences. The urban environment in this historic district is becoming more dense over time, which benefits the district by creating additional activity on

the primary retail area along 7th Street and generating reinvestment, including the renovations at the subject property. Conversion of the storage area to another apartment supports the preservation of the district because it contributes to the reinvestment trend and will support the commercial and civic activities in the historic district.

GOAL 10.1: Providing Diverse Housing Opportunities For Oregon City Residents.
Provide for the planning, development and preservation of a variety of housing types and lot sizes to provide for needed affordable housing.

Applicant's Response: The application supports this policy because it adds a new housing type to this existing property; that is, a sidewalk level apartment. Constructed on a sloped site, most of the street frontage features a rock retaining wall. This apartment is at the southeast corner of the site where the terrain slopes down to the sidewalk. This is the only location on the site that could provide a sidewalk level apartment, which is a rare opportunity for this area of the city. This increases the variety of housing types, and thus satisfies this policy.

Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Applicant's Response: At the time of construction in the 1960's, this residential neighborhood allowed a variety of housing types, and is currently a mix of single family houses ranging up to other small apartment developments like this property. The current R 3.5 zoning allows a smaller range of housing types as of right, and then allows greater variety for multifamily development through the master plan process.

This multifamily project was developed on a sloped site, and the small area of daylight basement was used for a storage room, bathroom and laundry. The laundry room is still included, and the bathroom and storage area area being converted to a ground level apartment. This will be the first apartment on the site with a sidewalk level entrance, which is rare in this area of the City. By providing a rare type of housing, the application supports this policy.

Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.

Applicant's Response: This application provides the first apartment at this property with a sidewalk level entrance. This encourages diversity in housing types because all the other apartments on this site and most other apartments in this area of the City are on sloped terrain that requires stairs. It also is a one bedroom apartment; whereas the majority of the others are two bedrooms. These are modestly sized and modestly priced apartments and help to ensure an adequate supply of affordable housing in the City, in support of this policy.

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Finding: Complies as Proposed. The plan is consistent because it provides for multifamily residential use in this residential district, pursuant to the Master Plan process. There are no applicable overlay zones or concept plans.

8. *For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.*
    a. *Required open space shall be located either on-site or off-site within one-quarter mile of the development.*

Finding: Complies as Proposed. The site does not contain any open space areas. Instead, the applicant proposes to use off-site open space of Latourette Park, which is within ¼ mile of the site. The applicant proposes to contribute to the cost of the nearby Latourette Park renovation to account for the additional unit. The project cost of the renovation is $590,000, and the park is 34,980 square feet. This equals a cost of $16.87 per square foot. For the 100 square foot obligation, the applicant will contribute $1687 toward the park renovation as a fee in lieu of providing on-site open space. The fee shall be due prior to final approval and closure of building permits for the project.

    b. *Minimum required open space shall be 100 square feet per residential unit in the development.*

Finding: Complies as Proposed. The fee-in-lieu will provide the equivalent of 100 square feet.

    c. *The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.*
    d. *The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.*

e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: Not applicable. A new open space area is not proposed, so this provision does not apply.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, 3-4 plex, and multifamily.

Applicant's Response: A variance to this provision is requested. See Chapter 17.60.

17.65.060 - Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h1. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.
The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

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

3. For portions of the project that would otherwise be subject to Site Plan and Design Review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040:

4. For residential portions of the project not otherwise subject to Site Plan and Design Review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.

5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

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 or planned unit development are contained in OCMC 17.65.070.

3. *The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapter 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.*

Finding: Complies as Proposed. The City has waived a number of the application submittal requirements due to the nature of this project and in order to prevent unreasonable expense. The building is existing and the applicant is simply seeking to legalize the creation of an additional unit within the building. Detailed site conditions, analysis, and traffic studies have been waived. The applicant has submitted the required materials that are relevant to this request, including a narrative, site plan, and elevation drawings.

17.65.070 - Adjustments to development standards.

A. *Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the Variance process pursuant to OCMC Chapter 17.60.*

Finding: Not applicable. No adjustments to standards have been requested.

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 OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.*

Finding: Not applicable: This application is for a new plan, so this provision does not apply.

17.65.090 - Regulations that apply.

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

Applies. The applicant requests review under the land use regulations in effect on the date of submittal.

CHAPTER 17.52 - OFF-STREET PARKING AND LOADING

17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single- and two-family residential dwellings.

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 1,000 square feet gross leasable area unless otherwise stated.

Table 17.52.020 *LAND USE*	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Multi-Family Residential	*1.00 per unit*	*2.5 per unit*

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.*
2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*
3. *Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*
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 trucks used in conducting the business or use.*
5. *A Change in Use within an existing building located in the MUD Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the District are required to meet the minimum parking requirements in Table 17.52.020.*

B. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:

1. *Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by10%*
2. *Transportation Demand Management. The Community Development Director may reduce the required number of parking stalls up to 10% when a parking-traffic study prepared by a traffic engineer demonstrates:*
   a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
   b. A Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

Finding: Complies as Proposed. The building contains 14 units, and the applicant proposes to add a 15th unit. One parking space per unit is required. The project qualifies for a 10% reduction in required parking due to the proximity to transit, because TriMet Line 33 runs along 9th Street in close proximity to the

site. With 15 apartments, a total of 15 spaces is required, less 10%, which is 13.5 spaces. In accordance with this section, that is rounded up to 14 spaces. Seven existing spaces are provided on site, and eight are provided on-street, for a total of 15. There are five spaces on John Adams Street, and three spaces on 10th Street, for a total of 8 on-street spaces. The spaces are unmarked on the street; but the measurements allowing for 22 feet of curb length per space have been demonstrated on the site plan. Although the applicant showed 6 spaces on John Adams Street on the site plan, staff eliminated one due to the overlap with the alleyway.

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.

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.

C. Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

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 35% of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

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

PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		*B Stall Width*	*C Stall to Curb*	*D Aisle Width*	*E Curb Length*	*F Overhang*
0 degrees		*8.5*	*9.0*	*12*	*20*	*0*
30 degrees	*Standard* *Compact*	*9'* *8'*	*17.3'* *14.9'*	*11'* *11'*	*18'* *16'*	
45 degrees	*Standard* *Compact*	*8.5* *8.5*	*19.8'* *17.0'*	*13'* *13'*	*12.7'* *11.3'*	*1.4*

60 degrees	*Standard Compact*	*9' 8'*	*21' 17.9'*	*18' 16'*	*10.4' 9.2'*	*1.7*
90 degrees	*Standard Compact*	*9' 8'*	*19.0' 16.0'*	*24' 22'*	*9' 8'*	*1.5*

All dimensions are to the nearest tenth of a foot.

Finding: **Not Applicable.** No changes to parking are proposed. All 15 spaces are existing.

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.

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.

*TABLE A Required Bicycle Parking Spaces**	
USE	*BICYCLE PARKING*
Residential	*Minimum*
Multiple family (five or more units)	*1 per ten units (50% covered)*

C. Location of Bicycle Parking

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible location. The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the public right-of-way. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

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

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

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

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

4. Accessibility.

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

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

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely

anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue inconvenience.

Finding: **Complies as Conditioned.** The proposed development is subject to the bicycle parking standards in OCMC 17.52.040. With 15 units, two bicycle parking spaces are required. While residents may store bicycles inside their units, there is no on-site dedicated bicycle parking. The applicant has proposed one bicycle rack that holds two bicycles under the deck, adjacent to the new 15th unit. The rack is proposed to be mounted to the concrete and will be covered from the elements, and meets the required location and accessibility standards. The applicant shall mount the bicycle rack parallel to the sidewalk so that bicycles parked there do not encroach into the right of way. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.52.060 Parking Lot Landscaping.

Finding: Not applicable. The existing off-street parking lot is not proposed to change, and the request does not trigger any nonconforming upgrades. Thus, none of the parking lot landscaping standards apply.

CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

17.58.030 Lawful Nonconforming Use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.

B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

C. Destruction of a Non-Residential Use. When a structure containing a lawful nonconforming non-residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more then 60 percent of its assessed value.

D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.

E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.

F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

Finding: Complies. The existing use is multifamily. The applicant originally submitted a legal nonconforming use application to find out if a 15th unit was legally created, but the application was withdrawn after it was clear that neither the applicant nor the City had any evidence that a 15th unit was permitted in the past. The available historic records indicate Building Permit No. 2691 was issued on April 11, 1961. The original architectural drawings illustrate a floor plan with a storage room with lockers, a full

bathroom, and a laundry room in the daylight basement area. Current code only allows multifamily uses through a Master Plan. The addition of a 15th unit is considered expansion of the use, which is why the applicant has requested a Master Plan. See Chater 17.65 for more information.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

Finding: Not applicable. The site is nonconforming with respect to landscaping, bicycle parking, open space, and other standards. Nonconforming upgrades are required when the site improvements include physical square footage addition or additional parking spaces, and the project is greater than $75,000. The applicant is expanding the use, by adding a 15th unit, but is not expanding the physical space, because the new unit utilizes only existing building square footage and existing parking. Thus, no nonconforming upgrades are required.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

Applies. A variance has been requested to the following provision within Chapter 17.65:

"For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, 3-4 plex, and multifamily."

The standard requires a mix of units such that no single residential uses exceeds 75 percent of the total units. This project consists entirely of multifamily units (there are no single family, duplex, or townhome units). The additional unit is also a multifamily unit, meaning all the units will be multifamily and there will be no mix of residential types. The variance request is to allow the project to remain 100% multifamily. The standard was written for new planned unit developments and is meant to ensure housing variety in new developments. Under the circumstances of this project, the standard is impossible to achieve without completely overhauling the existing 70-year old development. Staff recommends approval of this variance, based on the findings below.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

Applies. The Planning Commission is hearing this request.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five percent;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Finding: Not applicable. The request is not a minor variance.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Proposed. The applicant has requested a variance to the following standard:

"For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, 3-4 plex, and multifamily."

There is no change proposed to the building footprint, height or exterior, and therefore the project will not reduce light or air. Access is not impacted; no changes to driveways are proposed. The impact on parking and traffic is negligible from an additional one-bedroom unit. The neighborhood street grid provides for various routes throughout the neighborhood. The mix of uses nearby make the neighborhood a practical and desirable place for additional residential units.

B. That the request is the minimum variance that would alleviate the hardship;

Finding: Complies as Proposed. The standard requires a mix of units such that no single residential use exceeds 75 percent of the total units. This project consists entirely of multifamily units (there are no single family, duplex, or townhome units). The additional unit is also a multifamily unit, meaning all the units will be multifamily and there will be no mix of residential types. The available historic records indicate Building Permit No. 2691 was issued on April 11, 1961, and the original architectural plans show 14 apartments, which remain in the original configuration. Compliance would require extensive structural and interior remodeling. The variance is the minimum necessary to allow this property to continue providing the existing unit mix.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Finding: Complies as Proposed. The standard was written for new planned unit developments and is meant to ensure housing variety in new developments. Under the circumstances of this project, the standard is impossible to achieve without completely overhauling the existing 70-year old development. The spirit of the standard is met by considering the mix of housing types in the immediate vicinity of the site, where small apartments are mixed with duplexes and single family homes. The proposal maintains the diversity of housing types in the neighborhood.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as Proposed. There are no adverse impacts from the proposed variance. The addition of another multifamily unit will improve the housing choices at this property by creating an apartment with sidewalk access, and will maintain the diversity of housing types in the neighborhood.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Finding: Complies as Proposed. The only alternative is a major structural and interior remodel that would displace residents, be very costly, and would not appreciably improve the housing options at this property.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Finding: Complies as Proposed. The applicant responded, **"**Policy 10.1.4 of the comprehensive plan encourages "diversity in housing types within neighborhoods". As noted above, the existing apartments require stairs, and this project will improve housing diversity by providing an apartment with direct sidewalk access. And the intent of the Master Plan unit mix provision is also to provide a variety of housing types." Comprehensive Plan Goals and policies applicable to this development are found in Chapter 17.65 of this staff report.

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.
A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage. The community development director may approve an alternative street tree plan if site or other constraints prevent meeting the placement of one street tree per thirty-five feet of property frontage.
B. The following clearance distances shall be maintained when planting trees:
1. Fifteen feet from streetlights;
2. Five feet from fire hydrants;
3. Twenty feet from intersections;
4. A minimum of five feet (at mature height) below power lines.
C. All trees shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications.
D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

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

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.

12.08.035 - Public tree removal.
Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035.
All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.
Table 12.08.035

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

Finding: Compiles as Conditioned. The applicant submitted the following response:

"This property is on the southwest corner of 10th Street and John Adams Street. Both frontages are constructed with sidewalks, which extend from the curb to the base of the rock retaining walls. As noted in the preapplication memo: "[t]he site is a nonconforming site, but no upgrades are triggered unless new square footage or new parking space off-street."
The McLoughlin Neighborhood Association requested street trees. On the John Adams frontage, the sidewalk is too narrow to allow a street tree without obstructing the sidewalk. However, the sidewalk is wider on the 10th Street frontage, where street trees will be added. In addition, behind the sidewalk at the intersection, there is a small raised planting bed, and a shrub will be planted there."

The applicant has proposed to plant three street trees along the 10th Street frontage, which is currently built with a 10-foot wide sidewalk. The applicant shall meet all spacing requirements in Chapter 12.08 for any new street trees, and shall obtain a right of way permit from the City Public Works department to ensure adequate planting space and proper cutting of the sidewalk concrete. Trees shall be planted with a root barrier. Tree species shall be selected from the Oregon City street tree list, the list of another local jurisdiction, or recommended by an arborist. Due to the fact that street trees are not required through this request but rather proposed voluntarily, the City will allow for the number of street trees provided to be reduced if spacing standards do not allow all three proposed trees.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

12.08.040 - Heritage Trees and Groves.
Finding: Not applicable. No heritage trees are proposed or existing on this site.

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends that the proposed development located at 920 John Adams St. Oregon City OR 97045, Oregon City, Oregon 97045, with the Clackamas County Tax Lot identified on the front page of this Staff Report can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report.

EXHIBITS:

1. Vicinity Map (onfile)
2. Applicant's Submittal (on file)
3. Public Comments (onfile)
4. Email from Josh Wheeler, Assistant City Engineer

Oregon City GIS Map

Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes

Overview Map

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

N

0 200 Feet

1: 2,400

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org

Map created 5/20/2021

OREGON CITY
Community Development – Planning
698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Detailed Development Review	❑ Annexation
❑ Lot Line Adjustment	❑ Geotechnical Hazards	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Minor Partition (<4 lots)	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Site Plan & Design Review	❑ Conditional Use
❑ Site Plan and Design Review	❑ Non-Conforming Use Review	❑ Comprehensive Plan Amendment (Text/Map)
❑ Extension of Approval	❑ Site Plan and Design Review	❑ Detailed Development Plan
	❑ Subdivision (4+ lots)	❑ Historic Review
	❑ Minor Variance	❑ Municipal Code Amendment
	❑ Natural Resource (NROD) Review	❑ Variance
		❑ Zone Change

GLUA-21-00013/ MAS-21-00001/SP-21-00043/VAR-21-00003

File Number(s): _____

Proposed Land Use or Activity: Addition of a 15th apartment and upgrades to exterior decks and railings.

Project Name: Eden West Apartments Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 920 John Adams Street, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 22E31AA09100

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: Matthew Lowe for Frontier Village LLC Date: _____

Mailing Address: Two Centerpoint Dr. 6th Floor, Lake Oswego, OR 97035

Phone: (503) 598-7070 Fax: (503) 598-7373 Email: Matthew.Lowe@jordanramis.com

Property Owner(s):

Property Owner(s) Signature: _____ Member: Frontier Village LLC

Property Owner(s) Name Printed: J. Christopher Zukin Date: 3.10.2021

Mailing Address: 1201 Bargeway Road, The Dalles, OR 97058

Phone: (541) 296-9684 Fax: (541) 296-1855 Email: CZukin@meadowoutdoor.com

Representative(s):

Representative(s) Signature: _____

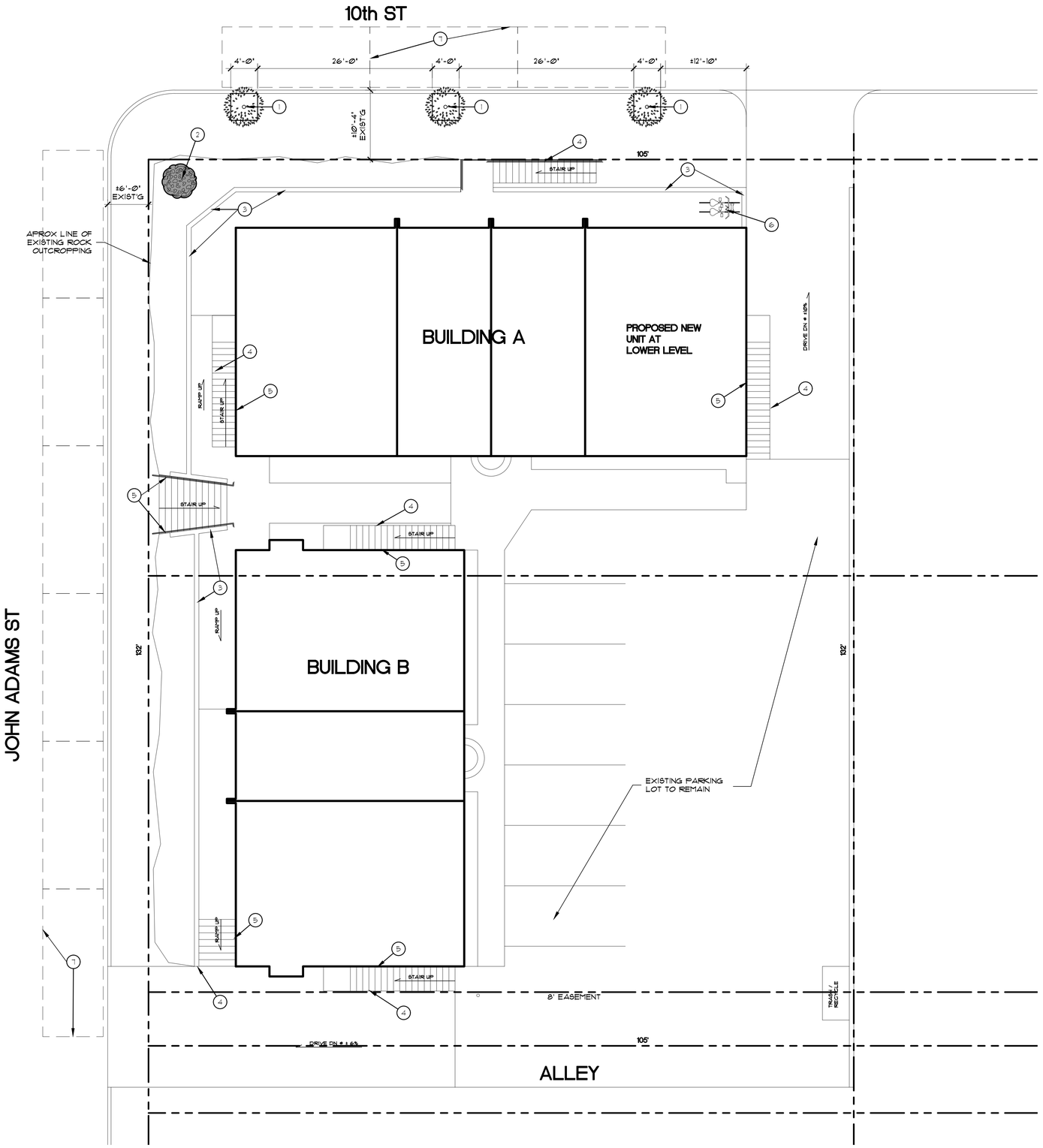
Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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

www.orcity.org/planning

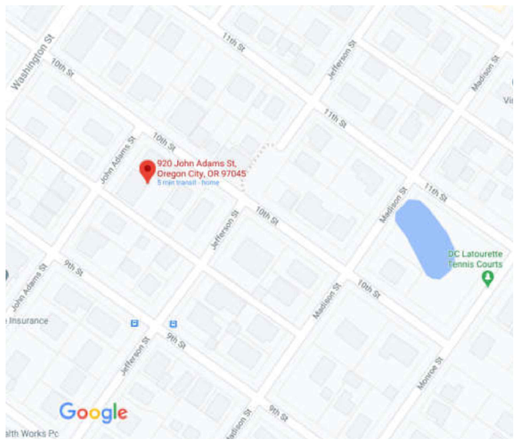


SITE PLAN

1/4" = 1'-0"

SITE PLAN KEYNOTES

1. SAW CUT AND REMOVE 4'x4' CONCRETE SECTION BEHIND CURB AND REPLACE 30" OF SOIL WITH NEW TOPSOIL AND PLANT NEW 1¾" ϕ FLOWERING DOGWOOD TREE (CORNUS x VENUS).
2. INSTALL NEW 2 GAL SOLIDARITY RHODODENDRON (RHODODENDRON YAKUSHIMANUM) IN EXISTING ROCKERY WALL POCKET
3. DEMOLISH EXISTING ORNAMENTAL CMU WALL TO TOP OF CONCRETE AND INSTALL NEW POWDER COATED STL RAILING PER DETAILS.
4. DEMOLISH EXISTING STEEL GUARDRAIL AND INSTALL NEW POWDER COATED 42" HIGH STEEL GUARDRAIL WITH 34"-36" HANDRAIL PER DETAILS AT EXIST'G STAIR TO REMAIN.
5. INSTALL NEW 34" - 36" HIGH POWDER COATED STEEL HANDRAIL AT EXISTING WALL W/ BRACKETS AT 6' O.C. MAX. EXTEND 12" AT TOP AND BOTTOM OF STAIR.
6. 'CYCLOOPS' OR EQUAL 2 SPACE BIKE RACK LOCATED UNDER MAIN LEVEL TERRACE.
7. 9'x22' ON-STREET PARKING SPACE, (9) TOTAL ADJACENT TO PROERTY.



VICINITY MAP

NO SCALE

ISELIN ARCHITECTS P.C.
1307 Seventh Street
Oregon City, OR 97045
503-656-1942
www.iselinarchitects.com

•NOT FOR• PRELIMINARY CONSTRUCTION

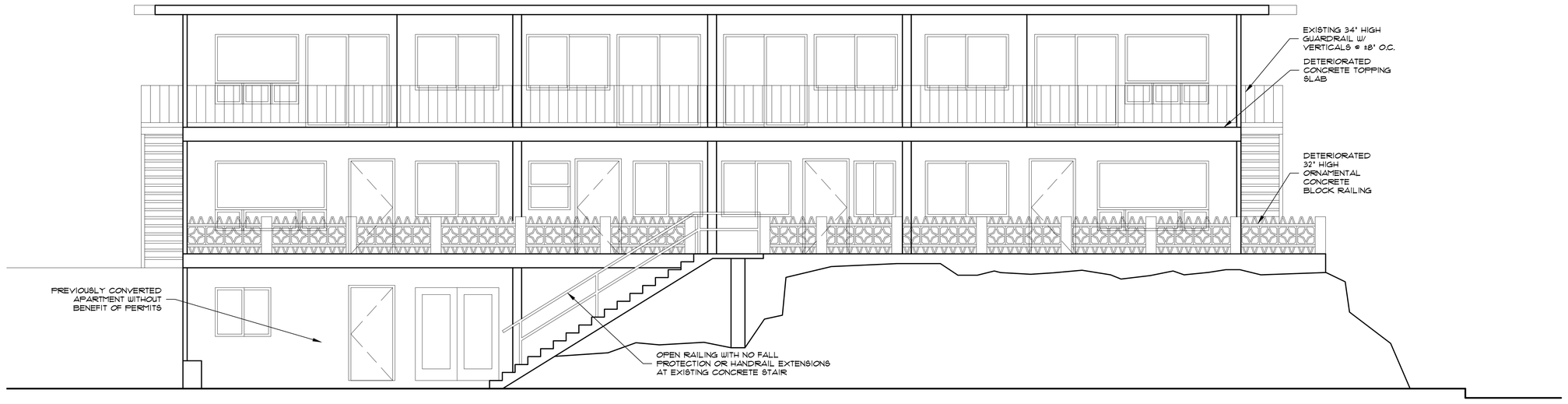
FRONTIER APARTMENTS
EXTERIOR IMPROVEMENTS
920 JOHN ADAMS
OREGON CITY, OR, 97045

PROJ. NO. :	2031
FILE :	A-SIT
DATE :	1/28/2021

SHEET #

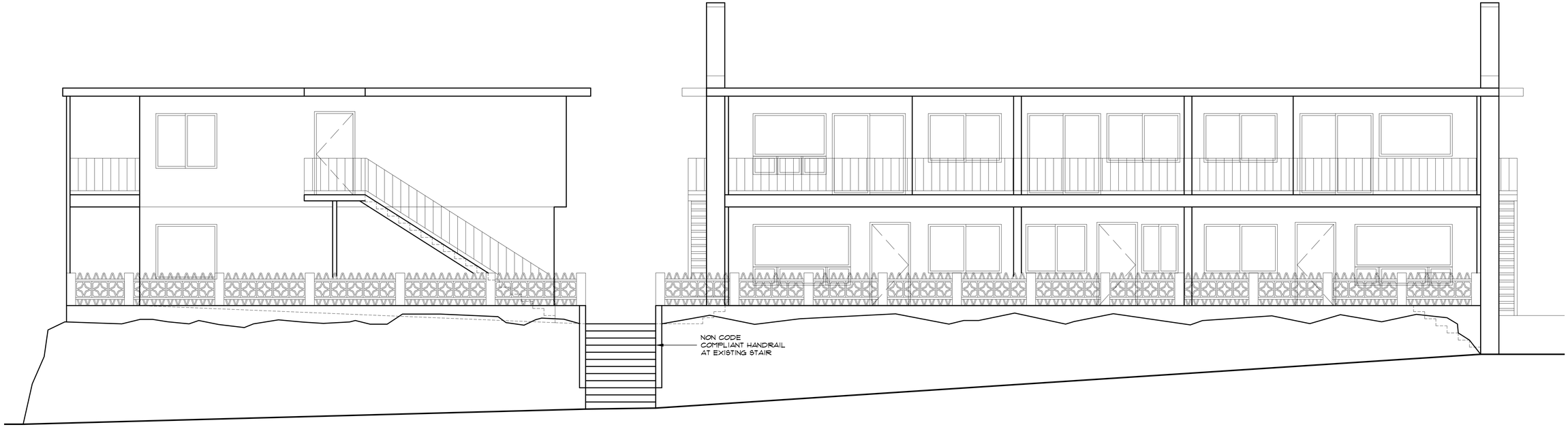
A1

PRELIM SITE PLAN



EXISTING 9th ST. ELEVATION

1/4" = 1'-0"



EXISTING JOHN ADAMS ST. ELEVATION

1/4" = 1'-0"

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920 JOHN ADAMS
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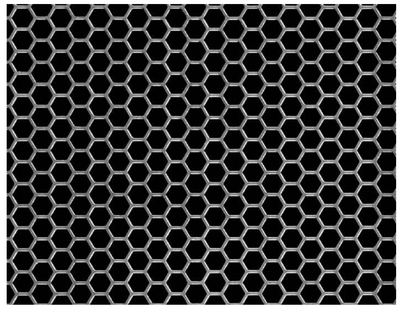
PROJ. NO. :	2031
FILE :	X-XX
DATE :	1/5/2021

SHEET #

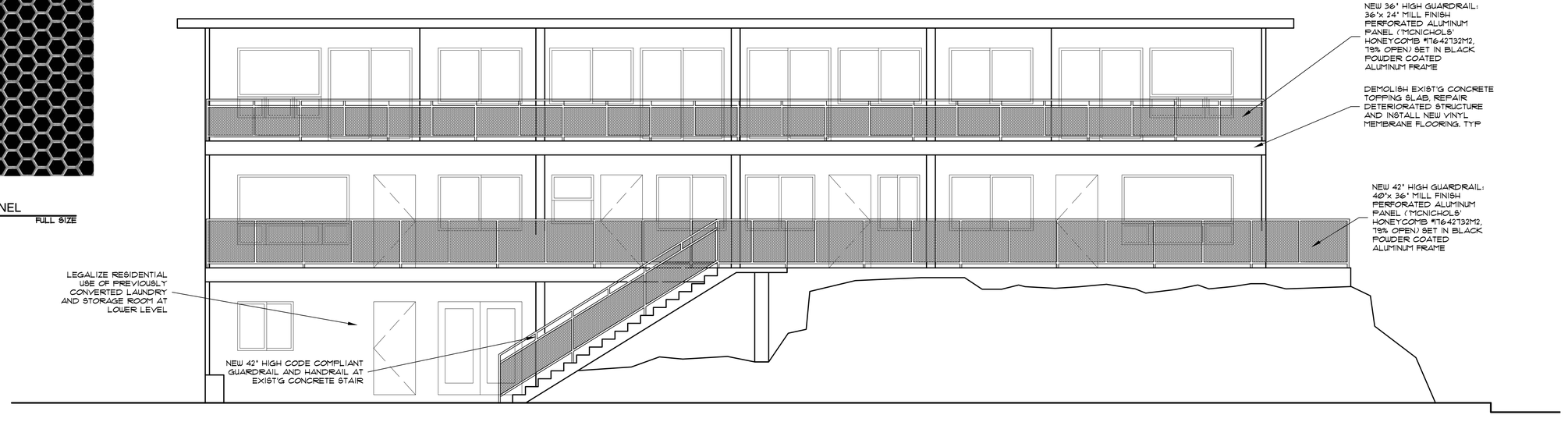
A2.1

AS BUILT ELEVATIONS



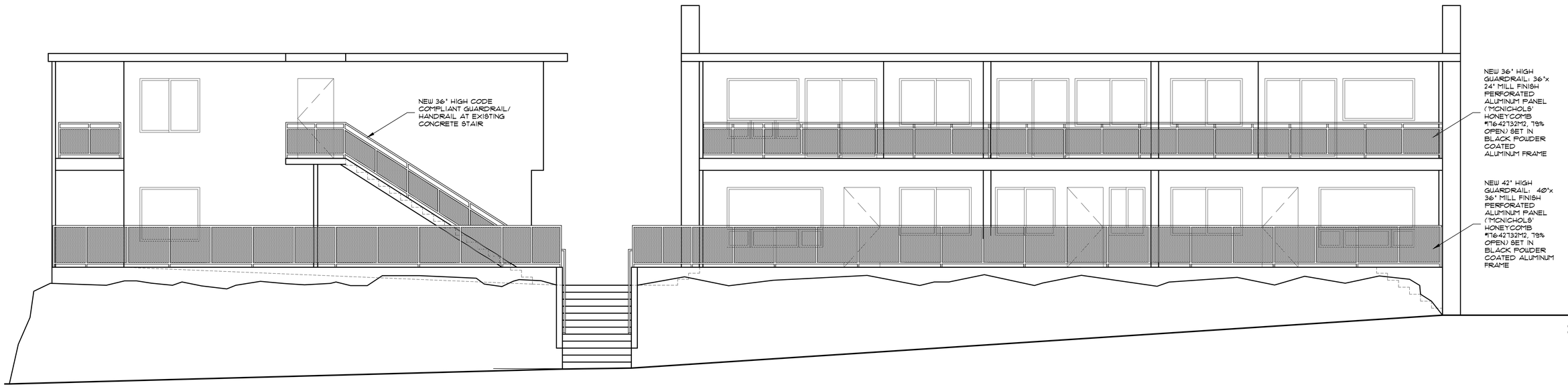
1 A2.1 GUARDRAIL PERFORATED PANEL

FULL SIZE



9th ST. ELEVATION

1/4" = 1'-0"



JOHN ADAMS ST. ELEVATION

1/4" = 1'-0"

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920 JOHN ADAMS
OREGON CITY, OR, 97045

PROJ. NO. :	2031
FILE :	X-XX
DATE :	1/28/2021

SHEET #

A2.1

PRELIM ELEVATIONS

TYPE III – MASTER PLAN, VARIANCE and SITE PLAN AND DESIGN REVIEW
Applicant's Revised Submittal
April 15, 2021

APPLICANT: Matthew D. Lowe
Jordan Ramis, PC
2 Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035

OWNER: Frontier Village Apartments, LLC
1201 Bargeway Road
The Dalles, OR 97058

REQUEST: Master Plan, Variance and Minor Type II Site Plan for exterior upgrades including new decks and railing, and conversion of the laundry and storage area to an apartment in an existing apartment building.

LOCATION: 920 John Adams
Map T2SR2E S31AA, Tax Lot 9100

I. BACKGROUND:

1. Existing Conditions

The property is fully developed with two mid-century style apartment buildings, constructed in the 1960s. It slopes down from northwest to southeast. There are full width sidewalks along both frontages, without landscape strips.

2. Project Description

The existing covered exterior decks and railings will be repaired and upgraded. The eastern building was constructed with a partial daylight basement at the south end, where storage and a laundry room were located, and that space is being converted to an apartment. The building footprint and building square footage will remain unchanged.

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

Chapter 12.08 - Public And Street Trees
Chapter 17.10 Medium Density Residential Districts
Chapter 17.50 Administration And Procedures
Chapter 17.52 Off-Street Parking And Loading
Chapter 17.60 Variances
Chapter 17.62 Site Plan And Design Review
Chapter 17.65 Master Plans

REQUIRED CODE RESPONSES:

CHAPTER 12.08 PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

Applicant's Response: This property is on the southwest corner of 10th Street and John Adams Street. Both frontages are constructed with sidewalks, which extend from the curb to the base of the rock retaining walls. As noted in the preapplication memo: "[t]he site is a nonconforming site, but no upgrades are triggered unless new square footage or new parking space off-street."
The McLoughlin Neighborhood Association requested street trees. On the John Adams frontage, the sidewalk is too narrow to allow a street tree without obstructing the sidewalk. However, the sidewalk is wider on the 10th Street frontage, where street trees will be added. In addition, behind the sidewalk at the intersection, there is a small raised planting bed, and a shrub will be planted there.

CHAPTER 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.030 - Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Multifamily residential.

Applicant's Response: The property is zoned R-3.5. Multifamily residential is allowed using a master plan.

17.10.040 - Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	***R-5***	***R-3.5***
Minimum lot size[1] *Single-family detached* *Duplex* *Single-family attached* *3-4 plex*	 *5,000 sq. ft.* *6,000 sq. ft.* *3,500 sq. ft.* *2,500 sq. ft. per unit*	 *3,500 sq. ft.* *4,000 sq. ft.* *2,500 sq. ft.* *2,000 sq. ft. per unit*
Applicant's Response:		*924 SF per unit*
Maximum height	*35 ft.*	*35 ft.*
Applicant's Response:		*28 feet*

Maximum building lot coverage *Single-family detached and all duplexes* *With ADU* *Single-family attached and 3-4 plex*	 *50%* *60%* *70%*	 *55%* *65%* *80%*
Applicant's Response:		*50%*
Minimum lot width *All, except* *Single-family attached*	 *35 ft., except* *25 ft.*	 *25 ft., except* *20 ft.*
Applicant's Response:		*132 ft.*
Minimum lot depth	*70 ft.*	*70 ft.*
Applicant's Response:		*105 ft.*
Minimum front yard setback	*10 ft., except* *5 ft. - Porch.*	*5 ft., except* *0 ft. - Porch*
Applicant's Response:		*10th 6 ft.* *J Adams 10 ft.*
Minimum interior side yard setback *All, except* *Single-family attached*	*5 ft., except* *0 ft. (attached) /5 ft. (side)*	*5 ft., except* *0 ft. (attached) /5 ft. (side)*
Applicant's Response:		*Not Applicable*
Minimum corner side yard setback	*7 ft.*	*7 ft.*
Applicant's Response:		*19 feet*
Minimum rear yard setback	*20 ft., except* *15 ft. - porch* *10 ft. - ADU*	*20 ft., except* *15 ft. - porch* *5 ft. - ADU*
Applicant's Response:		*19 feet*
Garage setbacks	*20 ft. from ROW, except* *5 ft. from alley*	*20 ft. from ROW, except* *5 ft. from alley*
Applicant's Response:		*Not applicable because there are no garages.*

Applicant's Response: The dimensions for these development standards are inserted above. The existing apartment buildings are lawfully established structures and are not required to be altered to comply with these standards.

17.10.045 - Exceptions to setbacks.

A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

Applicant's Response: At some point after the original construction, fire egress stairs were added to the north and east sides of the eastern building, which project into the setback. The decks for the west building also project into the setback. These are existing nonconforming structures for which further land use review is not required.

17.10.050 - Density standards.

A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	***R-5***	***R-3.5***
Minimum net density	*7.0 du/acre*	*10 du/acre*
Applicant's Response:		*47 du/acre*
Maximum net density • *Single-family detached* • *Single-family attached* • *3-4 plexes*	 *8.7 du/acre* *12.4 du/acre* *17.4 du/acre*	 *12.4 du/acre* *17.4 du/acre* *21.8 du/acre*
Applicant's Response:		*47 du/acre*

B. Exceptions.

1. *Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.*
2. *Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.*
3. *Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.*

Applicant's Response: The proposed density is inserted above. The existing apartment buildings are lawfully established structures and this application proposes an internal conversion because no additional building square footage is proposed.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.050 – Pre-application conference.

A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose

of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.

1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
2. *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
3. *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

Applicant's Response: The preapplication meeting was held on September 30, 2020.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Applicant's Response: The McLoughlin Neighborhood Association meeting occurred on January 7, 2021. The emails with the association chair are attached. This was a regularly scheduled association meeting. Several issues were discussed, including the renovation of the decks and railings, other renovations recently completed, site topography and the applicant's desire to have an apartment that does not require stairs for access, accessible sidewalks, continued tenant access to laundry facilities, availability of off-street and on-street parking, landscaping and the proposed fee in lieu for Latourette Park improvements, the overall cost of city fees and SDCs, and street trees.

The meeting was held on Zoom, and there was not a traditional sign-in sheet. We have requested the meeting minutes in order to confirm the attendees.

The association's primary interest was street trees. The sidewalk on the 10th Street frontage is ample and street trees are proposed. The sidewalk on John Adams is too narrow to accommodate street trees.

17.50.100 - Notice posting requirements.

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

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

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

Applicant's Response: Notice will be posted when the hearing is scheduled.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permitee to construct certain public improvements…

17.50.141 – Public improvements – Warranty

Applicant's Response: The application includes planting of street trees, which is the only public improvement. A suitable warranty to ensure survival of the planted trees will be provided.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings and duplexes.

Applicant's Response: As noted in the preapplication memo: "[t]he site is a nonconforming site, but no upgrades are triggered unless new square footage or new parking space off-street." The existing parking lot will remain in use.

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 requires one space per apartment.

Applicant's Response: As noted in the preapp memo, "the project qualifies for a 10% reduction in the minimum number of spaces due to proximity to transit." 14 spaces are required.

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.*

Applicant's Response: This section does not apply because there is only one use.

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

Applicant's Response: This section does not apply because multifamily parking requirements are listed.

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

Applicant's Response: With 15 apartments, a total of 15 spaces is required, less 10%, which is 13.5 spaces. In accordance with this section, that is rounded up to 14 spaces. 7 spaces are provided on site, and nine are provided on-street, for a total of 16.

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

1. *Parking may be located on the same site as the associated use which it is supporting.*

Applicant's Response: Parking is located on the same site, including street parking.

4. *On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:*
   a. Dimensions. The following constitutes one on-street parking space:
      1. Parallel parking: twenty-two feet of uninterrupted and available curb;

Applicant's Response: This corner parcel has ample street frontage on both John Adams and 10th Streets. There are six spaces on John Adams Street, and three spaces on 10th Street, for a total of 9 on-street spaces.

5. *The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.*

Applicant's Response: As noted in the preapp memo, this applies, and therefore only 14 spaces are required.

17.52.040 - Bicycle parking standards.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community

Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

*TABLE A Required Bicycle Parking Spaces**

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

USE	*MINIMUM BICYCLE PARKING*	*MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered*
Multi-family (five or more units)	*1 per 10 units (minimum of 2)*	*50% (minimum of 1)*
Correctional institution	*1 per 15 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Nursing home or care facility	*1 per 30 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Hospital	*1 per 20 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Park-and-ride lot	*1 per 5 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Transit center	*1 per 5 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Parks and open space	*1 per 10 auto spaces (minimum of 2)*	*0%*
Public parking lots	*1 per 10 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Automobile parking structures	*1 per 10 auto spaces (minimum of 4)*	*80% (minimum of 2)*
Religious institutions, movie theater, auditorium or meeting room	*1 per 10 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Libraries, museums	*1 per 5 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Preschool, nursery, kindergarten	*2 per classroom (minimum of 2)*	*50% (minimum of 1)*
Elementary	*4 per classroom (minimum of 2)*	*50% (minimum of 1)*

Junior high and High school	*2 per classroom (minimum of 2)*	*50% (minimum of 2)*
College, business/commercial schools	*2 per classroom (minimum of 2)*	*50% (minimum of 1)*
Swimming pools, gymnasiums, ball courts	*1 per 10 auto spaces (minimum of 2)*	*30% (minimum of 1)*
Retail stores and shopping centers	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 2)*
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	*1 per 40 auto spaces (minimum of 2)*	*0%*
Bank, office	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Medical and dental clinic	*1 per 20 auto spaces (minimum of 2)*	*50% (minimum of 1)*
Eating and drinking establishment	*1 per 20 auto spaces (minimum of 2)*	*0%*
Gasoline service station	*1 per 10 auto spaces (minimum of 2)*	*0%*

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

Applicant's Response: The preapplication meeting memo indicates one new space is required. It is shown on the site plan on the private sidewalk adjacent to 10th Street.

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.

Applicant's Response: The new bicycle parking space is on the private sidewalk adjacent to 10th Street.

2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

Applicant's Response: The bicycle parking space is visible because it is adjacent to the public sidewalk.

3. All bicycle racks shall be designed so that:

a. The bicycle frame is supported horizontally at two or more places.

Applicant's Response: The Cycloops bicycle rack is designed to support the frame at two places.

b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.

Applicant's Response: A standard U-type lock will fit on the bicycle rack.

c. The user is not required to lift the bicycle onto the bicycle rack.

Applicant's Response: The rack is at grade and lifting is not required.

d. Each bicycle parking space is accessible without moving another bicycle.

Applicant's Response: There is just one rack, so moving another bicycle is not required.

e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.

Applicant's Response: The proposed rack meets these dimensional standards.

f. Provides an area of six feet by two feet per bicycle.

Applicant's Response: The rack is on an open sidewalk area that exceeds six feet by two feet.

g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.

Applicant's Response: The rack will be secured to the concrete sidewalk.

17.52.060 - Parking lot landscaping.

A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

Applicant's Response: The existing parking lot is not being altered, so this provision does not apply.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES

17.58.020 - Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

Applicant's Response: The parcel was lawfully established when the underlying lots were consolidated in the early 1960s to support development of the apartment buildings. It is 132 feet x 105 feet and complies with the minimum standards for the R3.5 zone.

17.58.030 - Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.

Applicant's Response: The property has been continuously operated as apartments since constructed in the early 1960s.

B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.

Applicant's Response: The lawful apartment use has not been converted to another use.

C. Destruction of a Non-residential Use. When a structure containing a lawful nonconforming non-residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more then sixty percent of its assessed value.

Applicant's Response: The use is residential, so this provision does not apply.

D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.

Applicant's Response: There has been no destruction, so this provision does not apply.

E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.

Applicant's Response: There has been no intentional damage or destruction, so this provision does not apply.

F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

Applicant's Response: Multifamily use is expressly allowed in the R3.5 zone subject to Master Plan approval. That procedure allows the proposed 15th unit.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

1. Proposed alterations to meet approved fire and life safety agreements;

2. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;

3. Alterations required to meet Seismic Design Requirements; and

4. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.

Applicant's Response: The property is being extensively renovated and there is no destruction. The expansion is being approved as a Master Plan in accordance with the R3.5 zone. The exterior alterations include new guardrails on the decks and staircases that will meet modern fire and life safety requirements.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;

2. Minimum perimeter parking lot landscaping;

3. *Minimum interior parking lot landscaping;*
4. *Minimum site landscaping requirements;*
5. *Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52—Off-Street Parking and Loading;*
6. *Screening; and*
7. *Paving of surface parking and exterior storage and display areas.*

Applicant's Response: The property is fully built out, and there is not adequate space to satisfy these standards, which would require partial demolition of existing housing.

c. *Area of required improvements.*
   1. *Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.*
   2. *Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:*
      i. *The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the Community Development Director. The portions of the lease shall include the following:*
         A. The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and
         B. A legal description of the boundaries of the lease.
      ii. *The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and*
      iii. *Screening shall not be required along the boundaries of ground leases that are interior to the site.*

Applicant's Response: The property is fully built out, and there is not adequate space to satisfy these standards, which would require partial demolition of existing housing.

d. *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*
   1. *Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.*
   2. *Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the*

standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:

i. Before a building permit is issued, the applicant shall submit the following to the Community Development Director:

A. A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.

B. A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58 — 1.

ii. The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).

iii. By the end of the compliance period, the applicant or owner shall request that the site by certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

iv. If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.

Table 17.58—1: Compliance Periods for Option 2

Square footage of site	*Compliance Period*
Less than 150,000 sq. ft.	*2 years*
150,000 sq. ft. or more, up to 300,000 sq. ft.	*3 years*
300,000 sq. ft. or more, up to 500,000 sq. ft.	*4 years*
More than 500,000 sq. ft.	*5 years*

Applicant's Response: The applicant proposes to install the street trees within one year of land use approval for the Master Plan.

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:

A. The nonconforming use, lot, structure or site was established lawfully; and

Applicant's Response: The original building permit documentation confirms the existing lot and apartment buildings were lawfully established in the 1960s.

B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

Applicant's Response: The apartment buildings and parking lot have not been substantially altered within the past 20 years.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060A. and B. without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060A. and B. without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060A. and B. above, the use, lot, structure or site shall be determined to be illegal.

Applicant's Response: The original building permit documentation is provided and is sufficient evidence to demonstrate the city approved the project as constructed.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.

A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.

Applicant's Response: The variance application for unit mix is included within the consolidated application.

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.

Applicant's Response: The applicant looks forward to the hearing.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.

E. For the purposes of this section, minor variances shall be defined as follows:

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five percent;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

Applicant's Response: The variance is for the unit mix standards.

17.60.030 - Variance—Grounds.

A variance may be granted only in the event that all of the following conditions exist:

A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Applicant's Response: There is no change to the building footprint, height or exterior, and therefore the project will not reduce light, air, safe access or other desirable or necessary qualities.

B. That the request is the minimum variance that would alleviate the hardship;

Applicant's Response: The existing unit mix was approved by the city in the 1960s, and operates successfully. Compliance would require extensive structural and interior remodeling that is unwarranted. The variance is the minimum necessary to allow this property to continue providing the unit mix that has worked well to date.

C. Granting the variance will equal or exceed the purpose of the regulation to be modified.

Applicant's Response: The purpose of the Master Plan is found in section 17.65.010, which includes recognition of "valuable housing options". At Eden West, the existing apartments require stairs for access, and this application will provide an apartment that is at sidewalk grade, which is a valuable housing option in this part of Oregon City.

D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: There are no adverse impacts from the unit mix variance, because those standards were developed for larger projects. The application will improve the unit mix at this property by creating an apartment with sidewalk access, which is not an adverse impact.

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and

Applicant's Response: As noted above, the only alternative is a major structural and interior remodel that would displace residents, be very costly, and would not appreciably improve the housing options at this property.

F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

Applicant's Response: Policy 10.1.4 of the comprehensive plan encourages "diversity in housing types within neighborhoods". As noted above, the existing apartments require stairs, and this project will improve housing diversity by providing an apartment with direct sidewalk access. And the intent of the Master Plan unit mix provision is also to provide a variety of housing types.

CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:

a. Landscaping in OCMC 17.62.050.A;
b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;
c. On-site pedestrian circulation in OCMC 17.62.050.C;
d. Utility Undergrounding Requirements in OCMC 16.12.095.G;
e. Building location in OCMC 17.62.055.D;
f. Building Details in OCMC 17.62.050.B.9.055.I;
g. Windows in OCMC 17.62.050.B.10.055.J
h. Parking Lot Landscaping in OCMC 17.52.060.

Applicant's Response: Modifications are proposed to landscaping and parking lot landscaping requirements, because this property was developed before those standards were created.

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and

Applicant's Response: The property is a lawfully established nonconforming development. The staff proposes a fee-in-lieu of landscaping requirements, which the applicant supports.

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Applicant's Response: The property is a lawfully established nonconforming development. The fee-in-lieu of landscaping requirements will be consistent with the intent of the landscaping standards because

it supports upgrades to Latourette Park, which is landscaping that benefits all neighborhood residents and visitors.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:
Table 17.62.030

Existing Use	*Proposed Use*
Residential	*Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional*
Single-family or duplex	*3 or more dwellings*

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

The general standards of section 17.62.050 do not apply to 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.

Applicant's Response: The applicant agrees this review is required for this multifamily use.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:

a. Any activity which is included with or initiates actions that require Type II-IV review.

b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).

c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.

d. Any proposal in which modifications are proposed under OCMC 17.62.015.

Applicant's Response: This application includes a Type 3 Master plan, so the Type 3 procedure applies.

B. Type II Minor Site Plan and Design Review.

1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:

a. *Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
b. *Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.*
c. *A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
d. *Mobile food units in OCMC 17.54.115.*
e. *Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.*

Applicant's Response: This application includes a Type 3 Master plan, so the Type 3 procedure applies.

17.62.050 - General Standards
All development shall comply with the following standards:
A. Landscaping.
1. Existing native vegetation is encouraged to 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.

Applicant's Response: The application does not propose to remove any existing native vegetation.

2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

Applicant's Response: This property is a lawfully established nonconforming development. The applicant agrees with the city's proposal for a fee-in-lieu of landscaping.

3. Pursuant to OCMC 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.

Applicant's Response: This property is not within the Natural Resource Overlay District, so this provision does not apply.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged.

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.

Applicant's Response: This property is a lawfully established nonconforming development, and no substantial landscaping is proposed on the site. Therefore, there is no need for the services of a landscape architect, which would unreasonably increase the cost of this needed housing.

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

Applicant's Response: The applicant proposes new street trees on 10th Street which will be visible from the public right-of-way.

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

Applicant's Response: There is no landscaping proposed in the existing parking lot, so this provision does not apply.

B. *Vehicular Access and Connectivity.*
   1. *Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.*

Applicant's Response: The existing parking lot is behind the apartment buildings.

2. *Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.*

Applicant's Response: This property is a lawfully established nonconforming development. The adjacent properties have right-of-way frontage and access, so a new easement is not necessary.

3. *Parcels larger than three acres shall provide streets as required in OCMC 16.12.*

Applicant's Response: This parcel is less than three acres, so this provision does not apply.

4. *Parking garage entries shall not be more than half of the streetscape.*

Applicant's Response: There is no parking garage, so this provision does not apply.

C. *A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:*
   1. *Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, 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.*

Applicant's Response: This property is a lawfully established nonconforming development. There are no changes proposed to the on-site pedestrian circulation, except for safety upgrades to the exterior staircases.

2. *The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*

Applicant's Response: The new apartment fronts directly on the sidewalk which complies with this provision.

3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

Applicant's Response: This property and the adjacent properties are well served by the existing sidewalks, which connect the entrances.

4. *Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*

Applicant's Response: This property is a lawfully established nonconforming development, and the existing exterior stairs may lawfully be upgraded to satisfy current code standards for safety railings.

5. *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.*

Applicant's Response: This property is a lawfully established nonconforming development. There are no changes proposed to the on-site pedestrian circulation, except for safety upgrades, so this provision does not apply.

D. *All development shall maintain continuous compliance with applicable federal, state, and City standards .*

Applicant's Response: This property is a lawfully established nonconforming development. It is therefore compliant with applicable regulations.

E. *Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. 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.

Applicant's Response: This property is already served by adequate water and sewer, as confirmed by Josh Wheeler, the Assistant City Engineer. No upgrades are necessary or proposed. SDCs will be paid for the additional apartment.

F. 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 City's Transportation System Plan.

Applicant's Response: This is a multifamily development, so this provision does not apply.

G. Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.

1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. 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 from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. 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. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.

Applicant's Response: Exterior mechanical equipment is not proposed, so this provision does not apply.

2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters 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 and groups of

multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent 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. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

Applicant's Response: Exterior mechanical equipment and utility meters are not proposed, so this provision does not apply.

3. *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 from the public right of way.*

Applicant's Response: Exterior mechanical equipment is not proposed, so this provision does not apply.

4. *This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.*

Applicant's Response: These features are not proposed, so this provision does not apply.

H. Building Materials.

1. *Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.*
   - *i. Vinyl or plywood siding (including T-111 or similar plywood).*
   - *ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
   - *iii. Corrugated fiberglass.*
   - *iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).*
   - *v. Crushed colored rock/crushed tumbled glass.*
   - *vi. Non-corrugated and highly reflective sheet metal.*
   - *vii. Tarps, except for the protection of outside storage.*

Applicant's Response: These materials are not proposed, so this provision does not apply.

2. *Special Material Standards. The following materials are allowed if they comply with the requirements found below:*
   - *i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation*

material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.

ii. *Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.*

iii. *Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*

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

v. *Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*

vi. *Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.*

vii. *Chain link fencing is permitted in the following circumstances:*

1. *Within City-owned parks and recreational facilities*
2. *On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.*

Applicant's Response: These materials are not proposed, so this provision does not apply.

17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.

B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

C. Conflicts. 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.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

D. Siting of Structures. 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. 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. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

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:

1. *Tables, benches or other approved seating area.*
2. *Cobbled, patterned or paved stone or enhanced concrete.*
3. *Pedestrian scale lighting.*
4. *Sculpture/public art.*
5. *Fountains/Water feature.*
6. *At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
7. *Outdoor café.*
8. *Enhanced landscaping or additional landscaping.*
9. *Other elements, as approved by the Community Development Director, that can meet the intent of this section.*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. 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.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:

1. *Display windows;*

Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low walls, trellis work; or Similar elements. 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.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

G. 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.*

3. Standards 1 and 2 above do not apply to vertically attached 3-4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.

Applicant's Response: This property is a lawfully established multifamily development, so this provision does not apply.

H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:

1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or

2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.

Applicant's Response: There are no facades that are 120 feet long, so this provision does not apply.

I. Building Design Elements.

1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:

a. Change in building material or texture;
b. Window or door;
c. Balcony; or
d. Pillar or post

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:

a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
b. Decorative cornice and/or roof line (e.g., for flat roofs);
c. Roof gable;
d. Recessed entry;
e. Covered canopy entry;
f. Cupola or tower;
g. Dormer;
h. Balcony;
i. Pillars or posts;
j. Repeating pattern of building materials;
k. A change in plane of at least two feet in width and six inches in depth;
l. Bay or oriel window; or
m. An alternative feature providing visual relief and detail as approved by the Community Development Director

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

J. Windows.

1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J Minimum Windows

Use	*Ground Floor: Front and Street Facing Facades*	*Upper floor(s): Front and Street Facing Facades*	*Ground Floor: Side(s) Facades*	*Upper Floor(s): Side(s) Facades*
Non-Multi-Family (or Portions of Buildings Thereof)	*60%*	*10%*	*30%*	*10%*
Multi-Family (or Portions of Buildings Thereof)	*15%*	*15%*	*10%*	*10%*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

2.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.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

3. Side 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.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. This provision does not apply.

M. Special development standards along transit streets.

1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.

3. Development Standards.

a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.

i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.

ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.

b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.

4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:

a. Heavy equipment sales;

b. Motor vehicle service stations, including convenience stores associated therewith; or

c. Solid waste transfer stations.

Applicant's Response: This property is not on a transit street. This provision does not apply.

17.62.056 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

A. Patio/seating area;

B. Pedestrian plaza with benches;

C. Transportation center;

D. Window shopping walkway;

E. Outdoor playground area;

F. Kiosk area, water feature;

G. Clock tower; or

H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

Applicant's Response: This is not a retail use, so this provision does not apply.

17.62.057 - Multifamily Usable Open Space Requirements

B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.

1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal, which will contribute to the cost of the nearby Latourette Park renovation. The project cost of the renovation is $590,000, and the park is 34,980 square feet. This equals a cost of $16.87 per square foot. For the 100 square foot obligation, the applicant will contribute $1687 toward the park renovation as a fee in lieu of providing on-site open space.

2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.

Applicant's Response: This property is in a residential zone, so this provision does not apply.

3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

C. Usable Open Space Types.

1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:

a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.

1. *Landscaping areas.*
2. *Community gardening areas.*
3. *Large trees expected to reach over eighteen inches dbh at maturity.*
4. *Seating.*
5. *Pedestrian-scaled lighting.*
6. *Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.*
7. *Paved courtyard or plaza.*
8. *Gazebos or other decorative shelters.*
9. *Play structures for children.*
10. *Sports courts.*
11. *An alternative amenity as approved by the Community Development Director.*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal as an alternative amenity.

c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed.

d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed.

2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.

a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed.

3. *Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:*
   a. *Accessible to all dwelling units.*
   b. *Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.

A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.

C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.

D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

Applicant's Response: This is a voluntary Master Plan application.

17.65.040 - Procedure.

A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.

Applicant's Response: The preapplication meeting was held.

B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless

both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

Applicant's Response: This application proposes one site plan for both purposes for this small scale project.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Applicant's Response: This is a concurrent review, so this provision does not apply.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Applicant's Response: This is a concurrent review, and a Type 3 procedure.

E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Applicant's Response: All reviews are consolidated in this application.

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Applicant's Response: This is a short-term project so this provision does not apply.

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

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

a. Current uses of and development on the site;

b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;

c. A vicinity map showing the location of the General Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches × eleven inches in size, and black and white reproducible;

d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;

e. Previous land use approvals within the General Development Plan boundary and related conditions of approval, if applicable;

f. Existing utilization of the site;

g. Site description, including the following items. May also reference submitted maps, diagrams or photographs.

1. Physical characteristics;
2. Ownership patterns;
3. Building inventory;
4. Vehicle/bicycle parking;
5. Landscaping/usable open space;
6. FAR/lot coverage;
7. Natural resources that appear on the city's adopted Goal 5 inventory;
8. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
9. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
10. Geologic hazards pursuant to OCMC 17.44.

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

1. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
2. Transit routes, facilities and availability;
3. Alternative modes utilization, including shuttle buses and carpool programs; and
4. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

i. Infrastructure facilities and capacity, including the following items:

1. Water;
2. Sanitary sewer;
3. Stormwater management; and
4. Easements.

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch=one hundred feet) that shows the following items. At least one copy shall be eight and on-half inches × eleven inches in size, and black and white reproducible.

1. Date, north point, and scale of drawing.
2. Identification of the drawing as an existing conditions site plan.
3. Proposed development boundary.
4. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
5. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

6. A site plan or plans, to scale, for the General Development Plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b. Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches × eleven inches in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches × eleven in size, and black and white reproducible.

Applicant's Response: As discussed at the preapp, this is a very small project that is placed into an unusually complex procedure. In order to prevent unreasonable expense, the application package is being scaled accordingly. Please review the submitted materials and let us know if additional information is required.

B. Proposed Development Submittal Requirements.

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

a. The proposed duration of the general development plan.

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

c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:

1. Transportation impacts as prescribed in subsection g. below;

2. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

3. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

4. Neighborhood livability impacts;

5. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:

1. *Address the impacts of the development of the site consistent with all phases of the general development plan; or*
2. *Address the impacts of specific phases if the City Engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.*

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

1. *The General Development Plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.*
2. *The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected AM or PM peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.*
3. *The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.*

j. For residential and mixed-use projects:

a. *Proposed minimum lot area, width, frontage and yard requirements.*
b. *Proposed project density in number of units per acre.*

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

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

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

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Applicant's Response: As discussed at the preapp, this is a very small project that is placed into an unusually complex procedure.

Subsection f.iii requires consideration of public facilities impacts. This application changes the original apartment building design. The original design had a laundry room, full bathroom, and storage area on this level. That is being upgraded so the laundry remains, the bathroom is moved into an apartment in stead of being generally available for people using the laundry and storage areas. The net effect on water and sewer is that one kitchen is being added. The existing water service is one large meter for the entire property, and there is one sewer lateral for this building. Those services have adequate capacity for this new apartment. The city-wide systems also have adequate capacity, as demonstrated in the Public Works Master Plans and Mr. Wheeler.

Figure 8-1 of the Water Master Plan illustrates recommended capital improvements, none of which are located in this neighborhood. Table 8-3 is the list of Unfunded Replacement Projects, and again none serve this site. Figure 2-3 of the Sanitary Sewer Master Plan shows the site is already served by gravity sewer, and Figure 2-6 shows the pipes in this neighborhood were installed in the 1980s, and thus have a long future service life.

Subsection f.iv requires consideration of neighborhood livability impacts. This neighborhood is a mixture of single family houses and multifamily properties. The application adds one dwelling unit to the existing fourteen, and therefore will have only a minor impact in any event. That impact will be positive because it provides a sidewalk level apartment for the first time on this property. This neighborhood is primarily sloped terrain, and most multifamily properties include many stairs to overcome that terrain. This application improves livability of the neighborhood by providing one sidewalk grade apartment.

C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of OCMC 17.65.

Applicant's Response: The plan is consistent with the purpose statement because it increases the diversity of housing at this multifamily property.

2. Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.

Applicant's Response: Chapter 12 regards public streets and does not apply. Chapter 16.12 regards land divisions and does not apply. Chapter 17.62 was addressed above.

3. *Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

Applicant's Response: All these public services already serve the site, and are capable of serving one additional apartment. This was confirmed by email from Josh Wheeler, which concluded: "There are no issues with the public water or sewer in that neighborhood, so no capacity issues in the public utilities." Please include that email in the record.

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.*

Applicant's Response: There are no Goal 5 resources on the site, so this provision does not apply.

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.*

Applicant's Response: This application is for needed housing, and there are no identified impacts from one additional apartment.

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

Applicant's Response: Policy 10.1.4 of the comprehensive plan encourages "diversity in housing types within neighborhoods". As noted above, the existing apartments require stairs, and this project will improve housing diversity by providing an apartment with direct sidewalk access.

Goal 2.1: Efficient Use of Land: Ensure that property planned for residential, commercial, office, and industrial use is used efficiently and that land will be developed following the principles of "Sustainable Development."

Applicant's Response: This application ensures the efficient use of land because it allows one more apartment to be developed without increasing the land area of the site. This redesign of existing space follows the principles of sustainable development because it consumes no land resources, and fewer building materials than new construction. This also reduces the energy required to construct the apartment. Being at sidewalk level, this apartment is also more sustainable than others that require stairs because it allows residents to age in place

Goal 2.4: Neighborhood Livability
Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the

goals and policies of the other sections of the Comprehensive Plan.

Applicant's Response: This proposal protects and maintains this neighborhood as the basic unit of community life by providing a new apartment that does not require stairs for access. This allows residents to age in place, and thereby remain in this neighborhood during advancing years when the site and neighborhood topography might otherwise compel them to relocate to a different neighborhood. Such relocations are inherently disruptive to the stability of community life

Policy 2.4.2
Strive to establish facilities and land uses in every neighborhood that help give the neighborhoods vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Applicant's Response: This proposal brings new vibrancy to this established neighborhood by placing an apartment at sidewalk level. Most of the sidewalk frontage is a large rock retaining wall that was installed to level the grade of the site. The new apartment places residential uses and activity on the sidewalk level. This will increase pedestrian activity on a segment of the block where it has traditionally been limited due to the topography.

Policy 5.3.8 Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects.

Applicant's Response: The two apartment buildings that comprise this site are located within the McLaughlin Historic District, although they are not historic resources themselves. The nearby designated historic resources are single family residences. The urban environment in this historic district is becoming more dense over time, which benefits the district by creating additional activity on the primary retail area along 7th Street and generating reinvestment, including the renovations at the subject property. Conversion of the storage area to another apartment supports the preservation of the district because it contributes to the reinvestment trend and will support the commercial and civic activities in the historic district.

GOAL 10.1: Providing Diverse Housing Opportunities For Oregon City Residents.
Provide for the planning, development and preservation of a variety of housing types and lot sizes to provide for needed affordable housing.

Applicant's Response: The application supports this policy because it adds a new housing type to this existing property; that is, a sidewalk level apartment. Constructed on a sloped site, most of the street frontage features a rock retaining wall. This apartment is at the southeast corner of the site where the terrain slopes down to the sidewalk. This is the only location on the site that could provide a sidewalk level apartment, which is a rare opportunity for this area of the city. This increases the variety of housing types, and thus satisfies this policy.

Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Applicant's Response: At the time of construction in the 1960's, this residential neighborhood allowed a variety of housing types, and is currently a mix of single family houses ranging up to other small apartment developments like this property. The current R 3.5 zoning allows a smaller range of housing types as of right, and then allows greater variety for multifamily development through the master plan process.

This multifamily project was developed on a sloped site, and the small area of daylight basement was used for a storage room and laundry. The laundry room is still included, and the storage area is being converted to a ground level apartment. This will be the first apartment on the site with a sidewalk level entrance, which is rare in this area of the City. By providing a rare type of housing, the application supports this policy.

Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.

Applicant's Response: This application provides the first apartment at this property with a sidewalk level entrance. This encourages diversity in housing types because all the other apartments on this site and most other apartments in this area of the City are on sloped terrain that requires stairs. It also is a one bedroom apartment; whereas the majority of the others are two bedrooms. These are modestly sized and modestly priced apartments and help to ensure an adequate supply of affordable housing in the City, in support of this policy.

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Applicant's Response: The plan is consistent because it provides for residential use in this residential district, pursuant to the Master Plan process. There are no applicable overlay zones or concept plans.

8. *For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.*
    a. *Required open space shall be located either on-site or off-site within one-quarter mile of the development.*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal as an alternative off-site option.

    b. *Minimum required open space shall be 100 square feet per residential unit in the development.*

Applicant's Response: This property is a lawfully established development, and no changes to the building exterior footprint is proposed. The applicant agrees with the city's fee-in-lieu proposal as an alternative off-site option.

c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.

Applicant's Response: A new open space area is not proposed, so this provision does not apply.

d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

Applicant's Response: A new open space area is not proposed, so this provision does not apply.

e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.

Applicant's Response: A new open space area is not proposed, so this provision does not apply.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Applicant's Response: A new open space area is not proposed, so this provision does not apply.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds 75 percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single family detached, single family attached, duplex, 3-4 plex, and multifamily.

Applicant's Response: A variance to this provision was addressed above.

17.65.060 - Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h1. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways,

pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. *The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.*
3. *For portions of the project that would otherwise be subject to Site Plan and Design Review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040:*
4. *For residential portions of the project not otherwise subject to Site Plan and Design Review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.*
5. *Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.*

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 or planned unit development are contained in OCMC 17.65.070.*
3. *The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapter 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.*

Applicant's Response: As discussed at the preapp, this is a very small project that is placed into an unusually complex procedure. In order to prevent unreasonable expense, the application package is being scaled accordingly. Please review the submitted materials and let us know if additional information is required.

17.65.070 - Adjustments to development standards.

A. *Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the Variance process pursuant to OCMC Chapter 17.60.*

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

Applicant's Response: Adjustments are described above.

C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:

1. *Dimensional standards of the underlying zone of up to 20 percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.*
2. *Site plan and design standards.*
3. *Residential design standards.*
4. *Increase in allowed maximum residential density of up to 10 percent.*
5. *Standards for land division approval.*
6. *Additional uses allowed with residential projects, or residential component of projects:*
   a. *Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to 10 percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.*
   b. *Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;*
   c. *Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;*
   d. *Common public and private open space including trails.*
   e. *Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.*

Applicant's Response: Adjustments are described above.

D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

1. *To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above; ;*
2. *To any regulation that contains the word "prohibited";*
3. *As an exception to a threshold review, such as a Type III review process; and*
4. *Minimum density for residential sites may not be reduced.*

Applicant's Response: None of these items are proposed, so this provision does not apply.

E. 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;*

Applicant's Response: As noted above, the adjustments are for parking lot landscaping and landscaping generally. These are being addressed, at the city's suggestion, with the fee-in-lieu, which is a reasonable method for addressing this lawfully established nonconforming development that provides needed housing.

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;*

Applicant's Response: The project is consistent with the purpose of the R3.5 zone because multifamily use is permitted pursuant to the proposed master plan.

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

Applicant's Response: There are no Goal 5 resources on the site or nearby.

4. *Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;*

Applicant's Response: There are no changes proposed to the building footprint or envelope, and therefore there are no significant adverse impacts on adjacent properties.

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

Applicant's Response: This property is not in an environmental zone.

6. *The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable .*

Applicant's Response: Policy 10.1.4 of the comprehensive plan encourages "diversity in housing types within neighborhoods". As noted above, the existing apartments require stairs, and this project will improve housing diversity by providing an apartment with direct sidewalk access. There is no applicable concept plan.

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 OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.*

Applicant's Response: This application is for a new plan, so this provision does not apply.

B. *Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:*
   1. *A proposed expansion of the approved boundary;*
   2. *A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;*
   3. *Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);*

4. *New uses not covered in the plan that will increase vehicle trips to the site greater than 10 percent of the original amount approved;*
5. *Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;*
6. *A increases/decrease greater than ten percent in the amount of approved or required parking; and*
7. *Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.*

C. *Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in Subsection B or D are processed through a Type II procedure.*

D. *Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:*
   1. *Accessory uses and structures that meet applicable development regulations;*
   2. *Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and*
   3. *Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.*

Applicant's Response: The applicant agrees this is a Type 3 procedure.

17.65.090 - Regulations that apply.

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

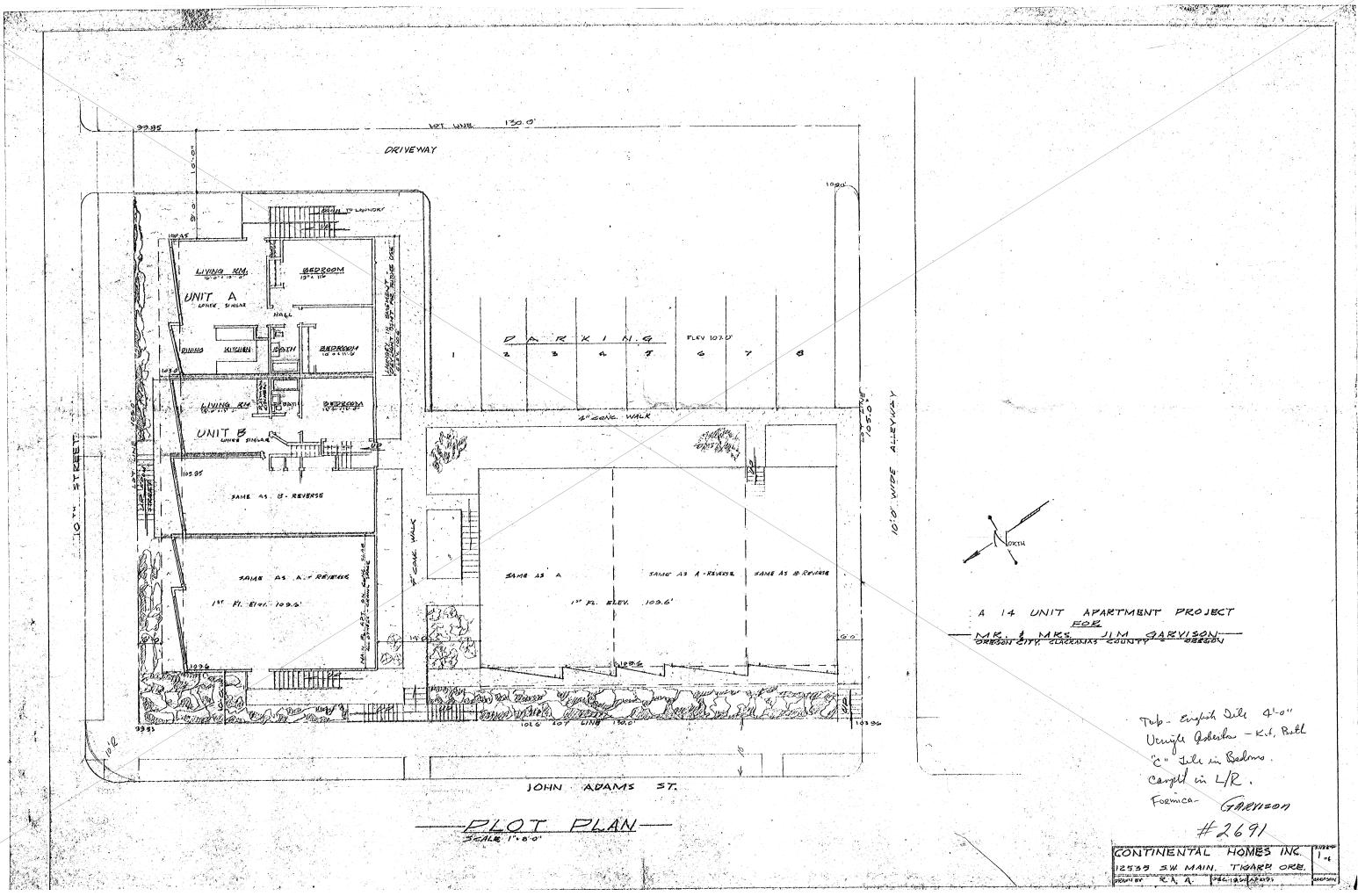
Applicant's Response: The applicant requests review under the land use regulations in effect on the date of submittal.

512	8-28-57	2189	REPAIR
1410	5-19-58	2319	REPLACE ROOF
315	7-11-58	2255	REPAIR
512	7-29-58	2265	REROOF
1600	9-2-58	2284	RES
903	5-7-59	2359	REPAIR
710	6-10-59	2389	BUILT STEPS
119	12-22-59	2470	ALTER - ARMORY
706	3-31-61	2686	ALTER
920	4-11-61	2691	ERECT - APT.
1102	5-16-61	2704	REPAIR
424	6-5-61	2714	ALTER

BUILDING PERMIT INDEX

JOHN ADAMS
Street Name

	DATE	BUILDING PERMIT NO.	DESCRIPTION OF WORK



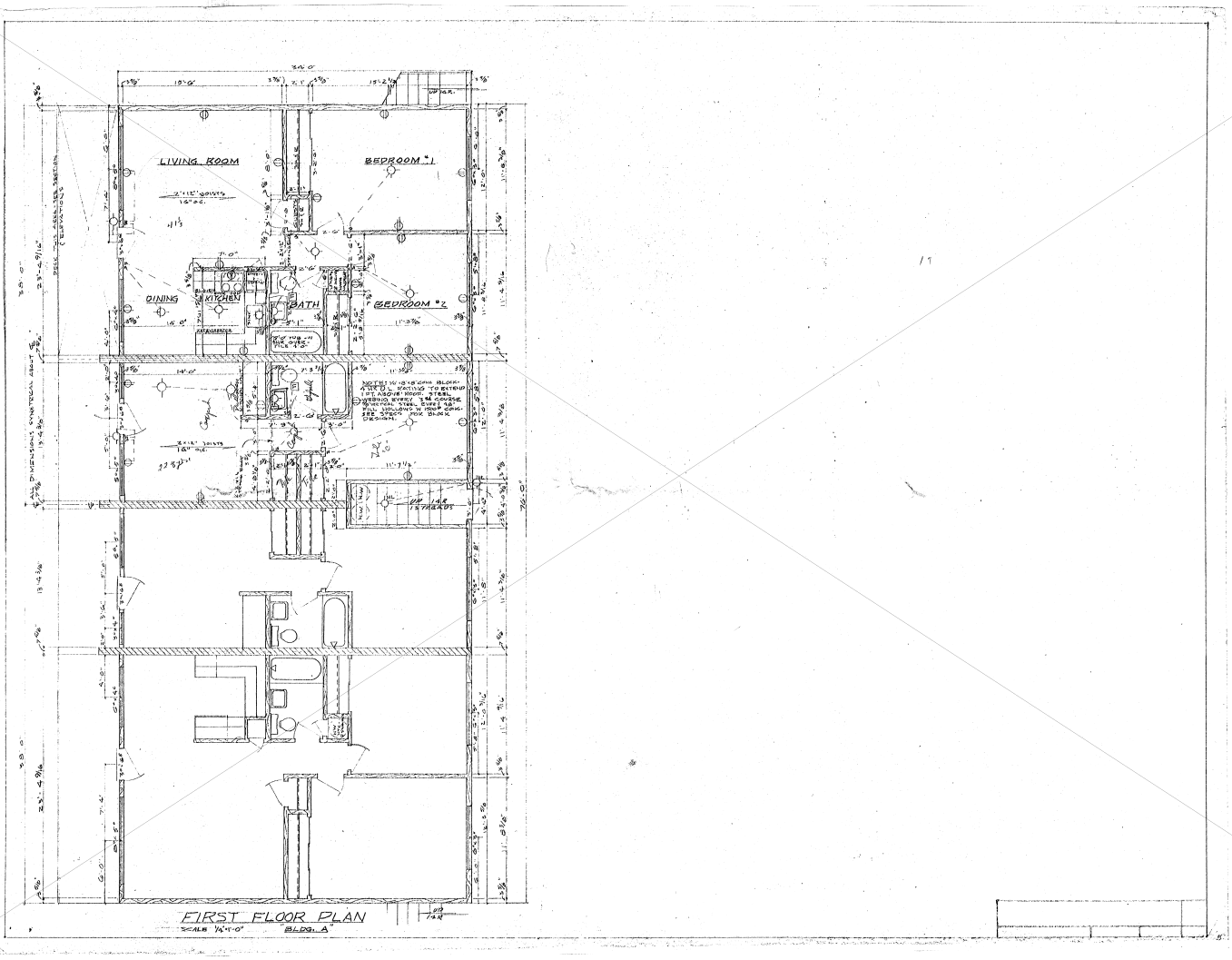
PLOT PLAN
SCALE 1"=8'-0"

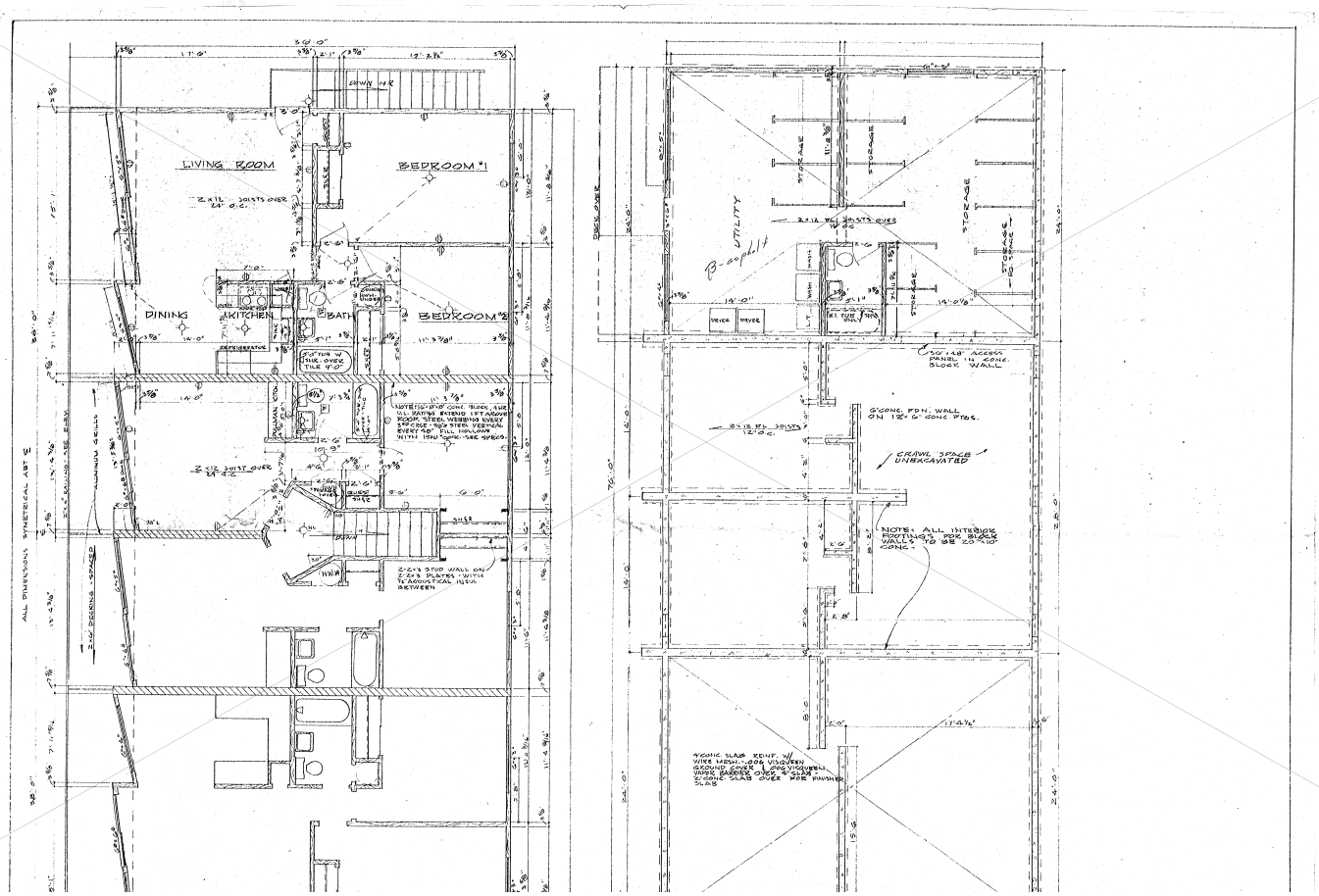
A 14 UNIT APARTMENT PROJECT
FOR
MR. & MRS. JIM GARVISON
OREGON CITY, CLACKAMAS COUNTY, OREGON

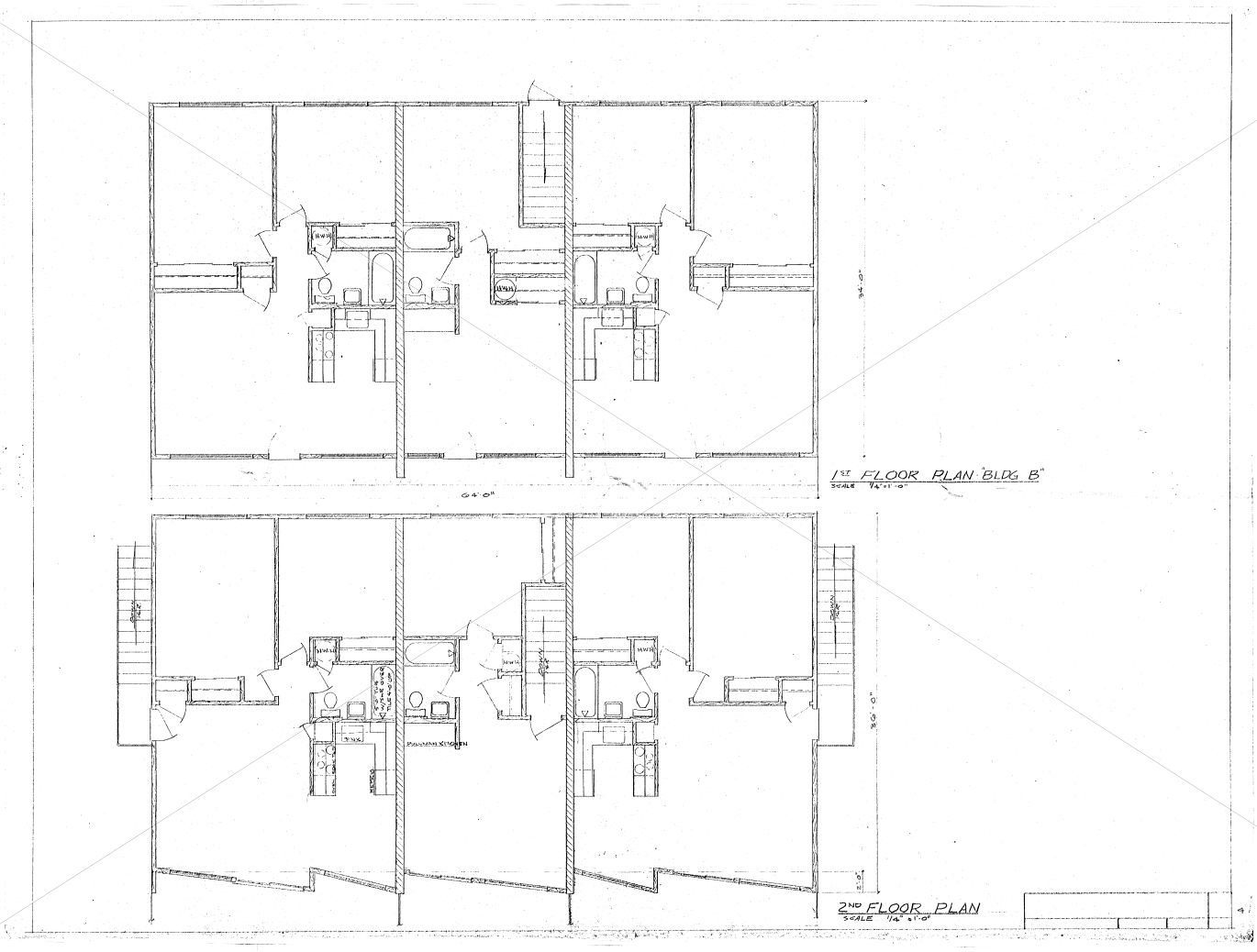
Tub - English Dale 4'-0"
Upright Roberts - K.T. Bath
"C" Tile in Bedroom.
Carpet in L/R.
Formica - Garrison

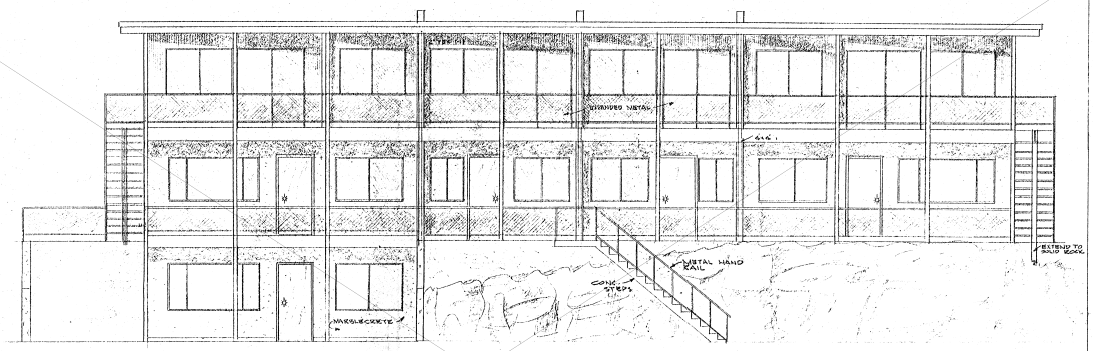
#2691

CONTINENTAL HOMES INC.			1-4
12539 S.W. MAIN, TIGARD ORE.			
DRAWN BY R.A.A.	9-24-69	DRAWING	DESCRIPTION

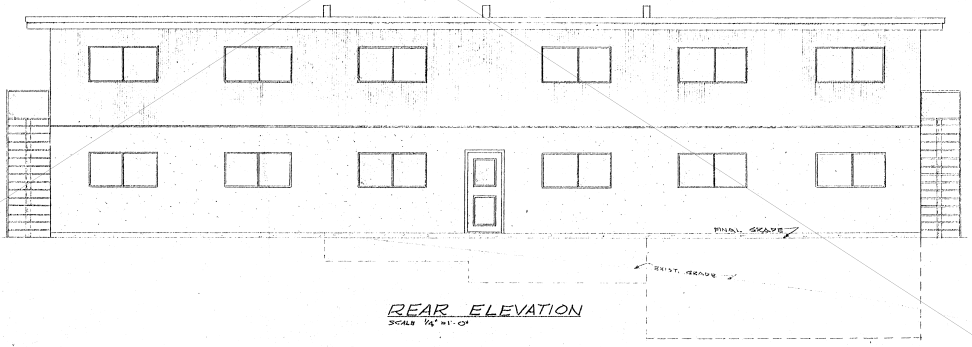

LIVING ROOM
BEDROOM #1
DINING
KITCHEN
BATH
BEDROOM #2
FIRST FLOOR PLAN
SCALE 1/4"-1'-0"
BLDG. A


LIVING ROOM
BEDROOM #1
DINING
KITCHEN
BATH
BEDROOM #2
UTILITY
STORAGE
CRAWL SPACE UNEXCAVATED
NOTE: ALL INTERIOR FOOTINGS, PIER BLOCK WALLS TO BE 20"x10" CONC.

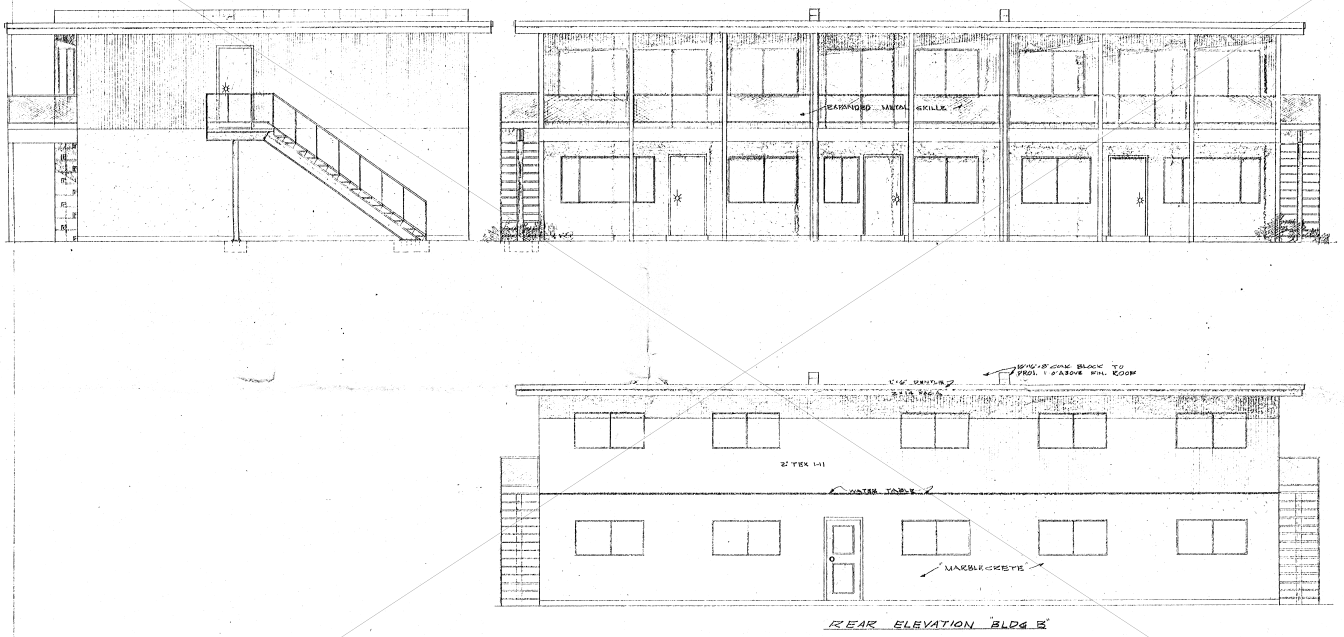

64'-0"
34'-0"
1ST FLOOR PLAN 'BLDG B"
SCALE 1/4"=1'-0"
64'-0"
36'-0"
2ND FLOOR PLAN
SCALE 1/4"=1'-0"



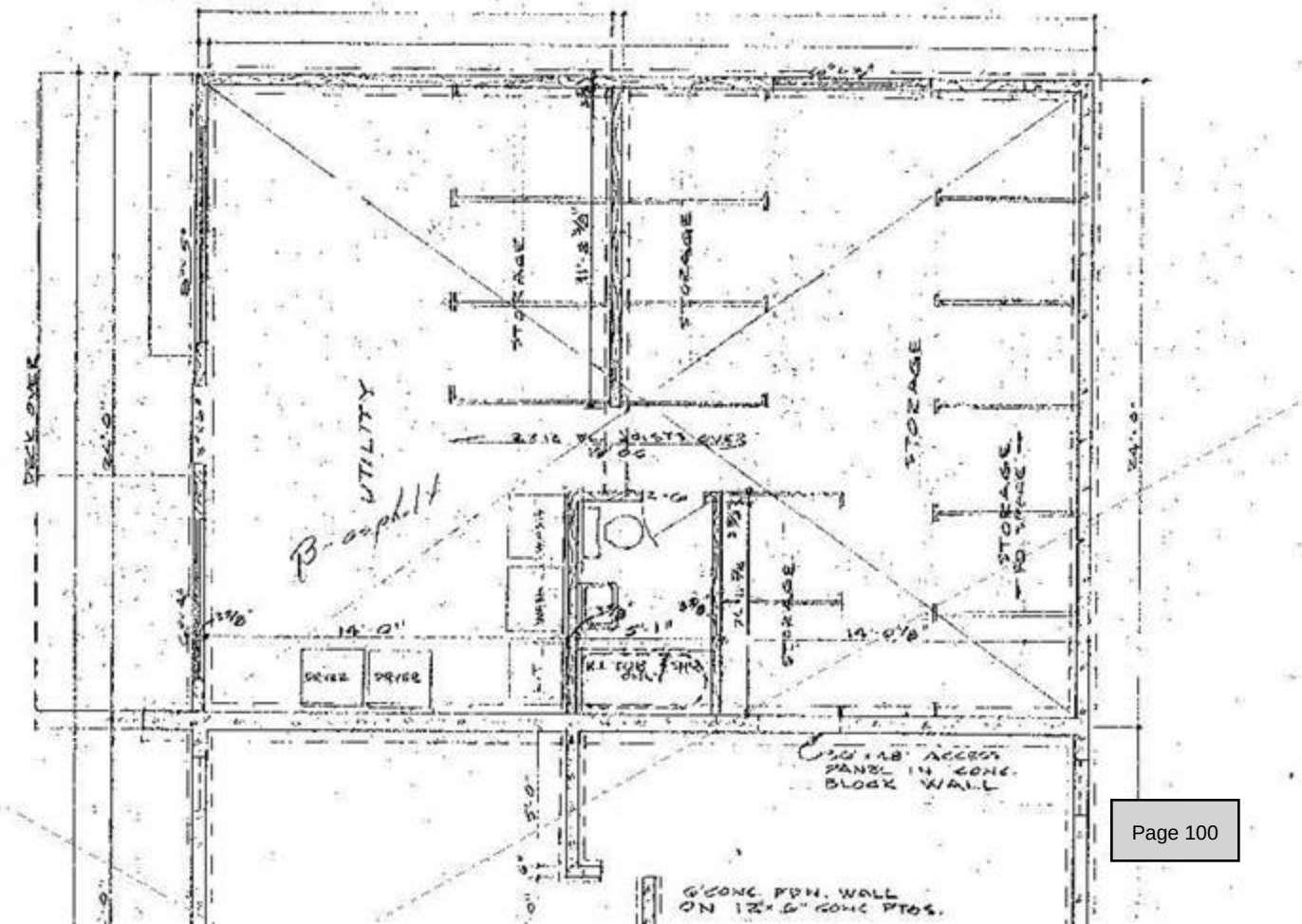
FRONT ELEVATION BLDG. A
SCALE 1/4"=1'-0"



REAR ELEVATION
SCALE 1/4"=1'-0"



REAR ELEVATION BLDG B


STORAGE
STORAGE
STORAGE
STORAGE
UTILITY
B-asphalt
14'-0"
14'-0 1/8"
5'-1"
24'-0"
24'-0"
DECK OVER
2'-0"
6" CONC. PTN. WALL
ON 12"-6" CONC PTGS.

M c L O U G H L I N

N E I G H B O R H O O D
A S S O C I A T I O N

General Meeting Minutes
January 7th, 2021
Virtual Meeting

1. **Welcome/Introductions**: Chairperson Cameron McCredie opened the meeting. In attendance were Cameron, Josh Habre, Jesse Buss, Denyse McGriff, Denise Beasley, Wendy Marshall, Chris Zukin, Joseph Schaefer, Renee King, Brian Casady, Matthew Lowe, Damon Mabee, Jay Pearce, Todd Iselin, Carrie Crook, Nicholas Ray, Curt Reesor, Vicki Yates, George O'Hara, Ted Willard and Justin Young.

2. **New Business:**

   a. 920 John Adams modification: Chris Zukin GM at JR Zukin Corp representing a group in the real estate business. They buy and hold real estate doing upgrades and are interested in improving the property- Eden West Apartments- at 920 John Adams. They have replaced the windows, repainted the buildings and are in the process of refurbishing units as they come available to do so. The goal is to bring the building up to safety standards, up to code, to replace the patios that are cracking concrete and to convert the existing laundry room into a fully (ADA) accessible living space (although there is no plan to make it ADA exclusively). There will still be laundry facility on site. This project has become more complicated than anticipated due to zoning regulations. There is no plan to add some greenery or street trees however due to the design of the property no option exists. They plan to donate a "fee in lieu" to Latourette Park- the closest park nearby. It was suggested that due to the scale of the building, that trees be planted on the property to make it more compatible within the conservation district and soften the building rather than the "fee in lieu".

From: Joseph Schaefer
To: Josh Wheeler
Cc: Kelly Reid
Subject: RE: 920 John Adams Additional Apartment
Date: Tuesday, April 13, 2021 3:56:13 PM
Attachments: image001.jpg

Thanks Josh

JOSEPH SCHAEFER | Land Use Planner
Jordan Ramis PC | Attorneys at Law
Direct: 503 598-5584 Main: 503 598-7070
Cell: 503 819-4764

Portland OR | Vancouver WA | Bend OR
www.jordanramis.com

From: Josh Wheeler <jwheeler@orcity.org>
Sent: Tuesday, April 13, 2021 3:55 PM
To: Joseph Schaefer <joseph.schaefer@jordanramis.com>
Cc: Kelly Reid <kreid@orcity.org>
Subject: RE: 920 John Adams Additional Apartment

From a land use standpoint, this is not an issue for the Engineering Group.

When you seek a permit, the appropriate System Development Charge (SDC) will be assessed.

There are no issues with the public water or sewer in that neighborhood, so no capacity issues in the public utilities.

Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orcity.org
971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Joseph Schaefer <joseph.schaefer@jordanramis.com>
Sent: Tuesday, April 13, 2021 2:30 PM
To: Josh Wheeler <jwheeler@orcity.org>
Cc: Kelly Reid <kreid@orcity.org>

Subject: 920 John Adams Additional Apartment

Josh:

Kelly Reid suggested contacting you about our application to add one apartment at this address, which already has 14 apartments. The land use application number is GLUA-21-00013.

The project is conversion of a former storage area and portion of a laundry room to a one bedroom apartment. Kelly indicated that your first response was no comment, however she is looking for an indication that the city's water and sanitary sewer facilities serving the property are adequate. (Stormwater is not an issue because no impervious surface is being added.) Can you please reply to us with confirmation that the water and sanitary sewer service are adequate to serve an additional one bedroom apartment?

Thanks

JOSEPH SCHAEFER | Land Use Planner
Jordan Ramis PC | Attorneys at Law
Direct: 503 598-5584 Main: 503 598-7070
Cell: 503 819-4764

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City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Draft

Planning Commission

Commission Chambers

Monday, October 12, 2020 **7:00 PM**

1. Convene Regular Meeting and Roll Call

Chair Mitchell called the meeting to order at 7:00 PM.

Present: 5 - Chair Mike Mitchell, Commissioner Christopher Staggs, Commissioner Dirk Schlagenhaufer, Commissioner Gregory Stoll, and Commissioner Vern Johnson

Absent: 2 - Commissioner Tom Geil and Commissioner Patti Gage

Staffers: 2 - Community Development Director Laura Terway and City Attorney Carrie Richter

2. Public Comment – *None*

3. Public Hearing

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments. Request for a continuance to October 26, 2020: Proposed code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities.

Laura Terway, Community Development Director, said staff was requesting a continuance of the hearing to October 26, 2020 to give staff more time to answer the questions about the code amendments.

A motion was made by Commissioner Schlagenhaufer, seconded by Commissioner Stoll, to continue the hearing to October 26, 2020. The motion carried by the following vote:

Aye: 5 - Chair Mike Mitchel, Commissioner Dirk Schlagenhaufer, Commissioner Vern Johnson, Commissioner Gregory Stoll, and Commissioner Christopher Staggs

4. General Business

Update on Senate Bill 1573 and Associated Court Decisions

Carrie Richter, City Attorney, gave an update on the Court of Appeals decision on the challenge to the constitutionality of Senate Bill 1573, prohibiting voter approved annexations. They had ruled that Senate Bill 1573 was constitutional as it related to particular charter provisions. The City could amend its charter to remove the "unless mandated by law" provision and then argue that it had home rule authority for voter approved annexations. The City had to comply with Senate Bill 1573 regarding annexations unless they changed the charter. If they refused to approve an annexation, an applicant could go to court to have the court issue an order that the City not send it to the voters. She gave an example of a recent annexation that did not go to the voters.

There was discussion regarding the annexation criteria and possible outcomes if the charter was changed.

Provide Policy Advice and/or Project Requests to the City Commission for the Next Biennium Budget

Ms. Terway said the next biennium budget would run from July 1, 2021 to June 30, 2023. She asked if the Commission wanted to provide policy advice and/or project requests for the next biennium. She explained what was included in the letter for the current biennium.

There was consensus to put this on a future agenda for discussion.

5. Communications

Ms. Terway said they would be announcing the consultant for the second half of the Comprehensive Plan update soon. There were two new planning interns to work on Historic Review Board code changes and the Transportation Demand Management Plan. The Community Development office hours had changed. They had received 750 responses to the OC 2040 survey so far and they were sending paper surveys out as well.

6. Adjournment

Chair Mitchell adjourned the meeting at 7:45 PM.