CITY OF OREGON CITY
PLANNING COMMISSION
AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, May 22, 2023 at 7:00 PM

REGULAR MEETING OF THE PLANNING COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email ocplanning@orcity.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orcity.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CALL TO ORDER & ROLL CALL

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-23-00006 (General Land Use Application), SP-23-00016 (Site Plan and Design Review), VAR-23-00001 (Variance), and PARK-23-00001 (Parking Adjustment).

MEETING MINUTES

2. Planning Commission Minutes Approval

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:** 05/22/2023

From: Molly Gaughran, Assistant Planner

SUBJECT:

GLUA-23-00006 (General Land Use Application), SP-23-00016 (Site Plan and Design Review), VAR-23-00001 (Variance), and PARK-23-00001 (Parking Adjustment) for new construction located at 1689 Molalla Avenue.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission review this staff report and attachments and motion to approve files GLUA-23-00006: SP-23-00016, VAR-23-00001 and PARK-23-00001 with Conditions for a new branch bank building at 1689 Molalla Avenue.

BACKGROUND:

Please see attached Type III Planning Commission Staff Report with recommended findings.

Site Plan and Design Review

The applicant has proposed to fully redevelop the property at 1689 Molalla Avenue, including replacing the existing building with a new building approximately 3,445 square feet in size, new landscaping and a reconfigured parking lot containing 24 off-street parking spaces.

With the exception of the Parking Adjustment and Variance requests summarized below, the application appears to fully comply with the applicable Site Plan and Design Review standards as detailed in the attached staff report.

Parking Adjustment

The Oregon City Municipal Code includes parking maximums which would allow for a maximum of 16 parking stalls for the subject property. The site is already developed with a 17-stall parking lot, exceeding the maximum allowed by the code, however, the applicant has identified that the existing parking lot would not meet the parking needed by staff and clients of the bank. The applicant has requested approval of a Planning Commission Parking Adjustment in order to construct a 24-stall parking lot.

The applicant has submitted details on the parking needed based on typical needs of staff and clients at Chase Bank locations, demonstrating that typical locations of the proposed use require

more parking than the 16 maximum parking stalls allowed by the code. Additionally, staff notes that the proposed site plan indicates a net decrease in the impervious surface area located on the property due in part to a smaller building footprint, additional landscaping, and a reconfiguration of the existing drive-through. Therefore, staff is recommending approval of the parking adjustment request.

Variance for Building Entrance Design

The applicant has proposed a building design that requires a variance to OCMC section 17.62.055. E, Building Orientation, in order to approve. This section of OCMC requires buildings along the street to face the most architecturally significant façade toward the street and to have a functional primary entrance on the street. The general purpose of the building orientation standards is to assure that buildings are pedestrian-oriented and safely accessible from the public sidewalk.

The applicant has provided elevations of the building facades and details addressing the grounds for a variance. The proposed design includes two functional entryways, one facing Molalla Avenue, and one facing the parking lot, that appear to equal or exceed the purpose of the building orientation regulations. As shown on the provided building elevations, both facades include significant architectural features and double-door entrances.

The applicant has provided information regarding why alternative solutions are not preferable or practical, including constraints caused by drive-through services being provided, as well as a slight elevation grade change between the public sidewalk and the building entrance.

The variance request does not conflict with the City's Comprehensive Plan, OC2040, nor with the intent of the ordinance. Therefore, staff is recommending approval of the request for a variance from building orientation standards.

OPTIONS:

1. Approve GLUA-23-00006: SP-23-00016, VAR-23-00001 and PARK-23-00001 with Conditions as recommended by Staff.
2. No not approve GLUA-23-00006: SP-23-00016, VAR-23-00001 and PARK-23-0000 with Conditions as recommended by Staff.
3. Provide alternative findings and or conditions of approval and provide direction to Staff.

BUDGET IMPACT: N/A

OREGON CITY

Community Development – Planning

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

TYPE III PLANNING COMMISSION
STAFF RECOMMENDATION
May 22, 2023

FILE NUMBER: GLUA-23-00006:
SP-23-00016 – Site Plan and Design Review
VAR-23-00001 – Variance
PARK-23-00001 – Parking Adjustment

Submitted: 02/24/2023
Incomplete: 03/21/2023
Complete: 04/03/2023
120 Day Deadline: 08/15/2023
NOD:

PUBLIC HEARING: Planning Commission
May 23, 2023 (Continued from May 8, 2023)

APPLICANT: PM Design Group, Attn: Ariane Sanders
3860 Broadway St., Ste 110
American Canyon, CA 94503

REPRESENTATIVE: Commercial Realty Advisors NW – Attn: Alex MacLean
733 SW 2nd Ave., Ste 200
Portland, OR 97204

OWNER: LRG 1689 Molalla LLC - Attn: Josh Amoroso
2099 Mt. Diablo Blvd., Suite 206
Walnut Creek, CA 94596

REQUEST: The applicant is proposing to remove the existing building and construct a new branch building with an attached drive-up ATM, to include upgrades to the parking lot and landscaping. The applicant requests a Planning Commission adjustment to parking standards to allow for 24 parking stalls and a variance to allow the proposed building entrance design.

LOCATION: 1689 Molalla Avenue, Oregon City, OR 97045
Clackamas County Map 3-2E-05D, Tax Lot 01205

ZONE: General Commercial (C)

REVIEWER: Molly Gaughran, Assistant Planner
Sang Pau, Development Services Project Manager

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.

Recommended Conditions of Approval
Planning Files: GLUA-23-00006, SP-23-00016, VAR-23-00001, PARK-23-00001

(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.

<u>The applicant shall fulfill the following conditions prior to the issuance of a public improvement and/or Building permit associated with the proposed application.</u>

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The development shall provide a 10-foot-wide sidewalk with 5’x5’ tree wells along Molalla Avenue in conformance with all City standards. (DS)
4. The applicant shall provide decorative streetlights along the frontage of Molalla Avenue in conformance with all City standards, specifications, codes, and policies. (DS)
5. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
6. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
7. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)

8. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
9. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
10. For the removal of any on-site trees, the applicant shall submit mitigation calculations and a mitigation plan utilizing any of the mitigation options in OCMC Chapter 17.41. (P)
11. For on-site trees designated to be protected in place, the applicant shall submit a plan identifying tree protection measures during construction in accordance with OCMC Section 17.41.130. (P)
12. The applicant shall submit a revised bicycle parking plan demonstrating that at least one covered bicycle parking space is provided and that the bicycle rack complies with the bicycle parking design standards in OCMC Section 17.52.040.C.3. (P).
13. A revised landscape plan shall be submitted that identifies the tree caliper size as at least two inches and indicates that the trees will be planted according to American Nurseryman Standards. The revised landscaping plan shall identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area, and that mulch, rock mulch, and similar materials will be limited to underneath the canopy of shrubs and within two feet of base of trees at the time of construction. The plan shall also include sufficient detail to demonstrate compliance with the two-foot distance requirements between the shrubs and the right-of-way. (P)
14. The applicant shall provide a revised landscape or irrigation plan demonstrating compliance with irrigation requirements in OCMC Section 17.52.060.B.6. (P)
15. The applicant shall provide a revised pedestrian circulation system shall include walkways that meet the minimum width requirements. If a new walkway is proposed to cross a drive aisle as a result of the conditions of approval, the walkway shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area (P)
16. The applicant shall provide a roof plan that demonstrates compliance with screening requirements for roof-top mechanical equipment. (P)
17. The applicant shall submit a revised site plan identifying at least one additional element from the amenity list in OCMC Section 17.62.055.D to be located within thirty feet of street-facing property line. (P)
18. The applicant shall submit a revised photometric plan which demonstrates compliance with the standards for glare on other properties as measured at the property line, provides pedestrian scale lighting for the walkway connecting the building to Molalla Avenue, demonstrates that lighting poles on the site do not exceed twenty-five feet in height, includes details regarding the upward emission of decorative/sconce lighting, and notes that light not necessary for security purposes will be reduced, activated by motion sensor detectors, or turned off during non-operating hours. (P)

<u>The following conditions of approval shall be met to the satisfaction of the City during construction.</u>

19. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (DS)
20. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
21. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D. as stated and written in the pre-construction meeting notes. (DS)
22. The development shall utilize the new water service line within Molalla Avenue. Additional SDC fees for water shall be applicable if the development utilizes a larger meter than what had been utilized by the pre-existing building. (DS)

<u>The following conditions of approval shall be met to the satisfaction of the City prior to final occupancy or as noted.</u>

23. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. Zero setback sites may reduce the size of the PUE. (DS)
24. The development shall provide proof of any existing vehicular access easement which allows the development use of the existing shared driveway on an adjacent property. If there are no access easements, the development shall obtain and record an access easement for use of the existing shared driveway. (DS)
25. The developer’s project engineer shall inspect construction of public improvements and/or stormwater management facilities. (DS)
26. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)
27. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s) prior to occupancy. (DS)
28. Improvements and all items from the city provided punch list shall be completed and accepted by the City prior to occupancy. (DS)
29. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)
30. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. (DS)

31. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
32. Upon any changes to the number or location of the proposed street trees due to the placement of streetlights, utility meters, etc., the applicant shall provide a street tree plan which includes four (4) street trees planted spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. (P)

BACKGROUND:

1. Existing Conditions

The property at 1689 Molalla Avenue, Oregon City, is approximately 0.56 acres in size and is zoned General Commercial (C). The subject site is currently occupied by the old Northwest Credit Union building with drive-through banking services that has not been in operation for several years and had been damaged in a fire. The existing one-story building has a footprint of 4,371 square feet, more or less. The existing parking lot contains 17 parking stalls, including one ADA parking stall. Associated landscaping on the site includes eight trees. The site does not contain any environmental overlays. The existing bank building and site is part of a larger shopping center and parking lot constructed in 1978.

Surrounding properties along Molalla are also zoned General Commercial and are developed with retail, restaurant, and commercial uses. The site is accessible through a driveway located on Molalla Avenue, as well as a driveway located on Beavercreek Road.

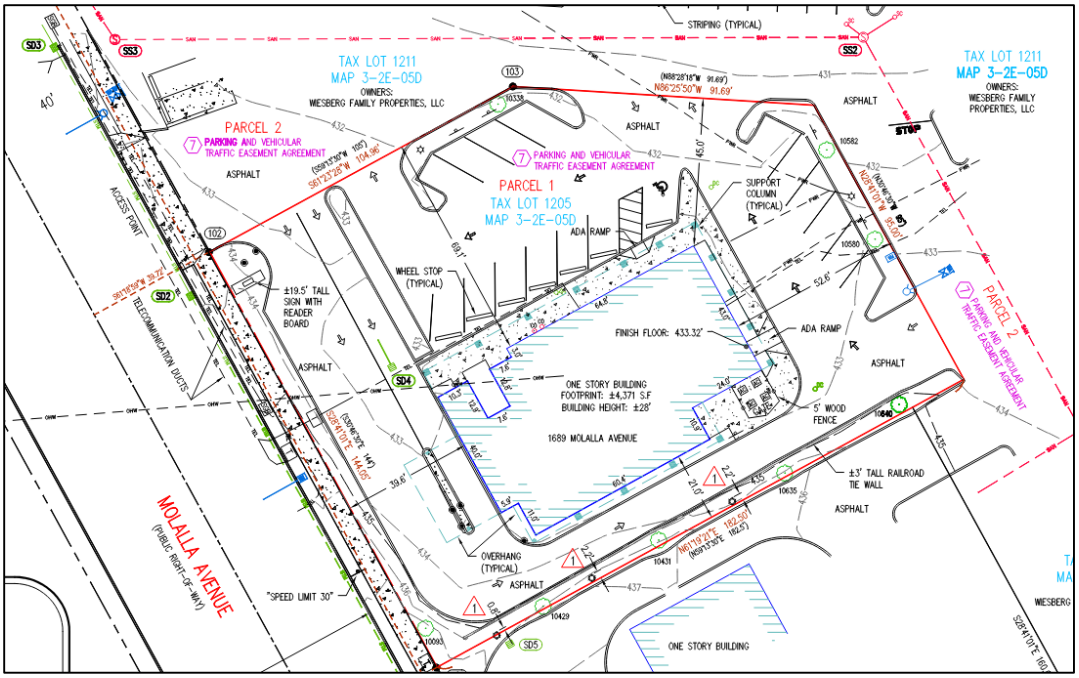

Figure 1. Vicinity Map

Figure 2: Existing Conditions – Aerial Image

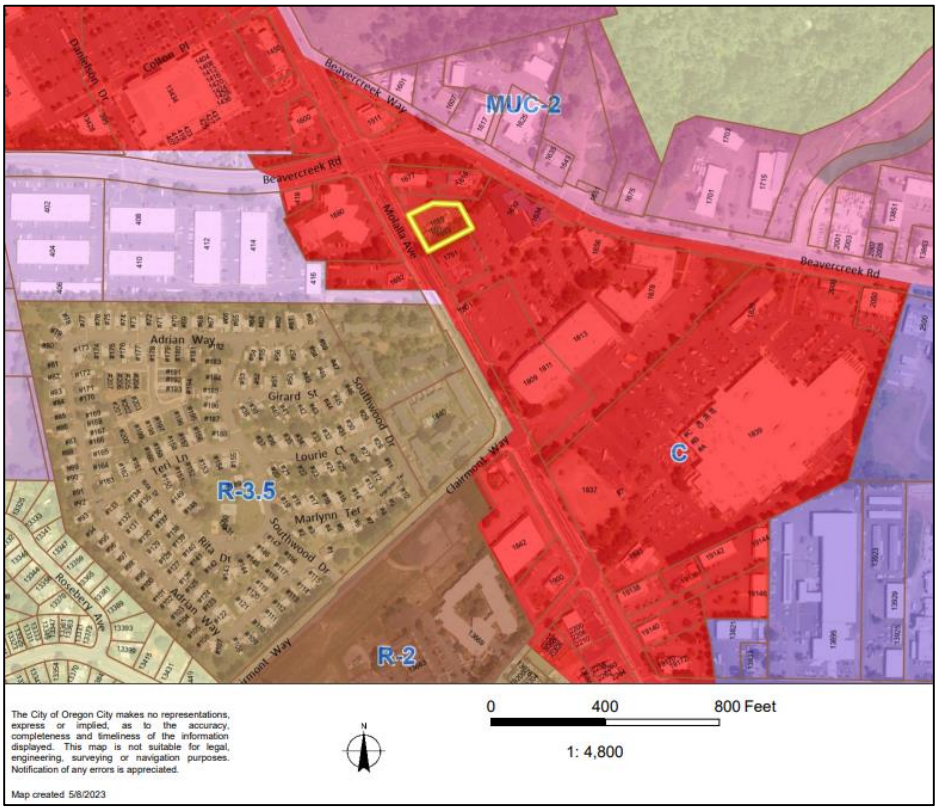

Figure 3: Zoning Map

2. Project Description

The applicant has proposed demolishing the existing building and constructing a new branch bank building with an attached drive-up ATM. The project scope also includes reconfiguration of the parking lot and additional landscaping. The building is proposed to be 3,445 square feet, more or less, with building entrances on the west and north sides of the building.

The applicant has requested a Planning Commission adjustment to maximum parking standards to allow for 24 parking stalls. The applicant has also requested a Planning Commission variance for the building entrance design for the west entrance.

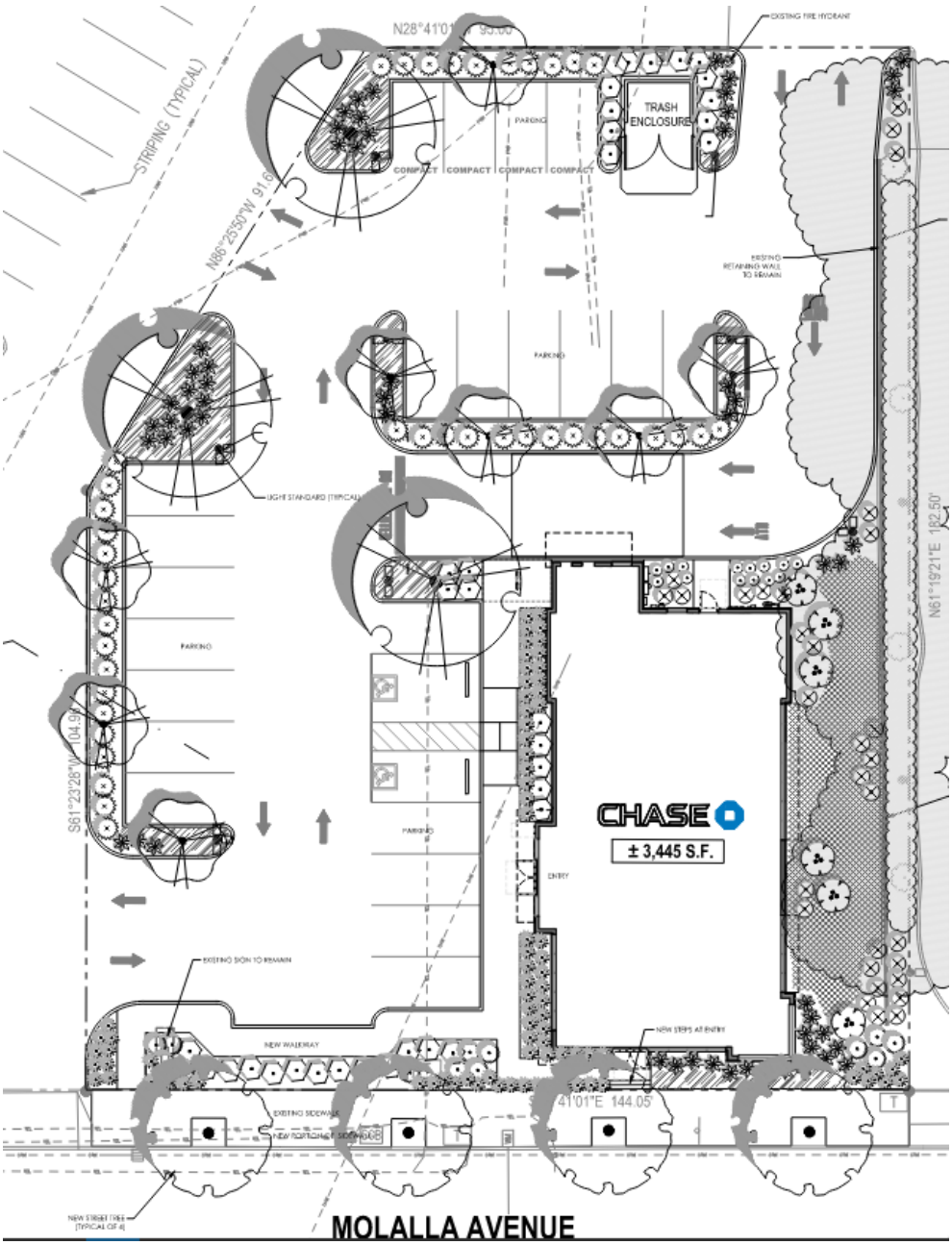

Figure 4: Proposed Site Plan

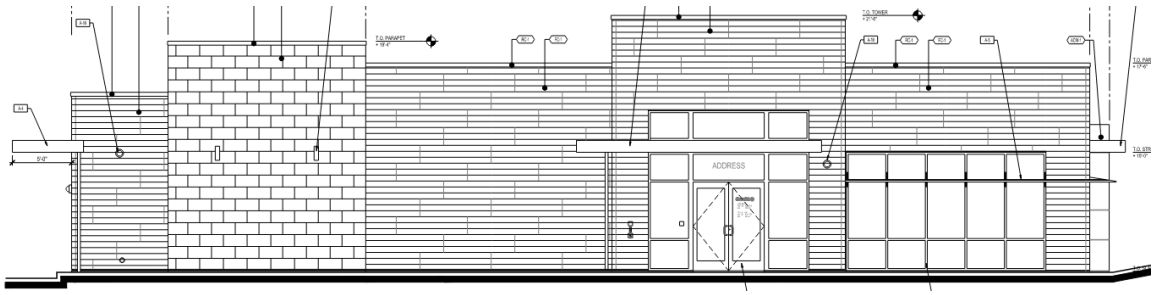

Figure 5: Proposed Building - North Elevation

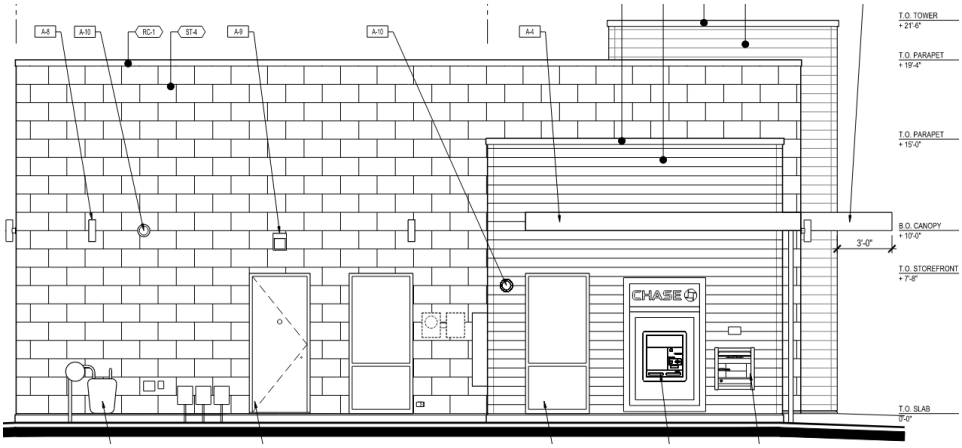

Figure 6: Proposed Building - East Elevation

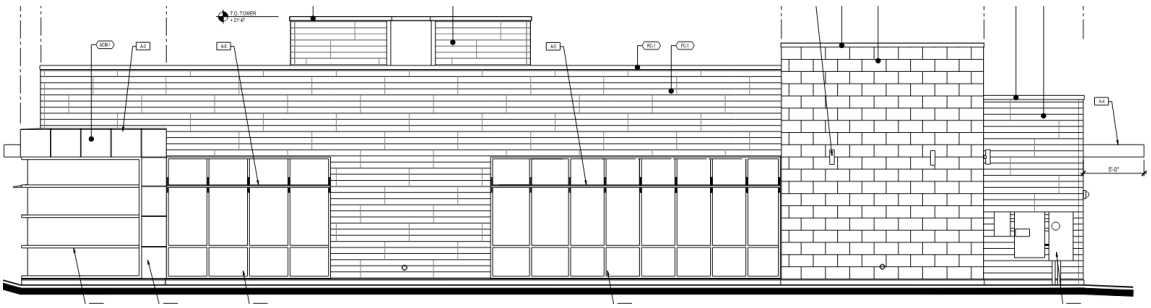

Figure 7: Proposed Building - South Elevation

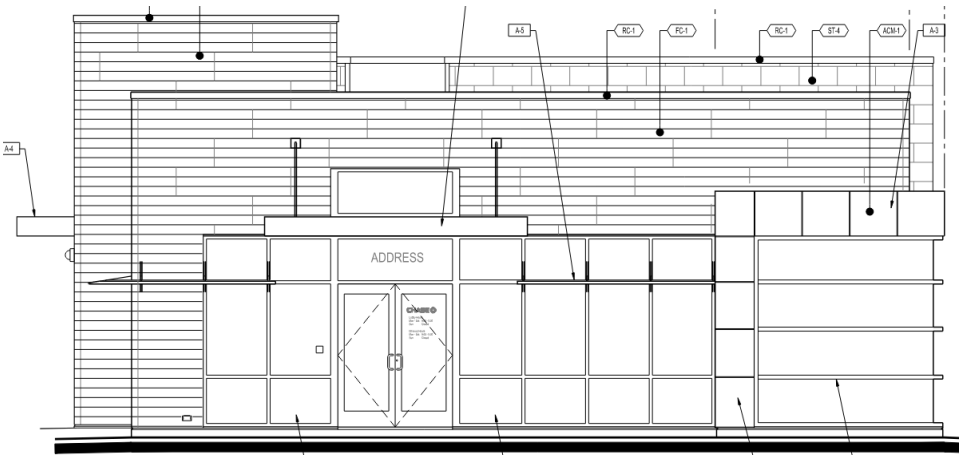

Figure 8: Proposed Building - West Elevation

Figure 9: Proposed North Elevation Rendering

Figure 10: Proposed Building Materials

Figure 11: Proposed West Elevation Rendering

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 were received by staff at the time of the writing of this staff report. The staff report will be updated following any public comments made at the Planning Commission hearing on May 22, 2023.

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:

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CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Finding: Applicable. The City of Oregon City has jurisdiction over Molalla Avenue.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.
Finding: Applicable. See 16.12.035 for more information.

12.04.030 - Maintenance and repair.
The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.
Finding: Not applicable. The development proposes to reconstruct the existing sidewalk along the frontage of this property. **See findings from 16.12 of this report.**

12.04.032 - Required sidewalk repair.

A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. *All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the City Engineer.*
2. *Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved by the City Engineer. On unimproved streets, curbs do not have to be constructed.*

C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

Finding: Not applicable. The development proposes to reconstruct the existing sidewalk along the frontage of this property. **See findings from 16.12 of this report.**

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

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

12.04.100 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.
Finding: Complies with Condition. Pavement cuts are not proposed but improvements are proposed along Molalla Avenue. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.

4. Signage that acts as an obstruction is approved through OCMC 15.28

B. Temporary Obstructions.
1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.

a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.

2. *The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.*
3. *The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.*
4. *The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:*
   a. *Site plan showing right-of-way, utilities, driveways as directed by staff;*
   b. *Sight distance per OCMC 10.32, Traffic Sight Obstructions;*
   c. *Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);*
   d. *Handicap accessible route complying with Americans with Disability Act (ADA) standards.*
   e. *Alternative routes if necessary;*
   f. *Minimizing obstruction area; and*
   g. *Hold harmless/maintenance agreement.*
5. *In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:*
   a. *The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;*
   b. *The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;*
   c. *No alternative locations are available that would not require use of the public right-of-way; and;*
   d. *Any other factor that the City Engineer deems relevant.*
6. *The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.*
7. *Types*
   a. *A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.*
   b. *A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.*
8. *Signage that acts as an obstruction is approved through OCMC 15.28*

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Finding: Not Applicable. No obstructions are proposed within the right of way.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the

same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.
Finding: Not Applicable. No vacations are proposed as part of this application.

12.04.170 - Street design—Purpose and general provisions.
All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies with condition. See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.
The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Standard Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Standard Drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.
Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.
This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.
Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.
Finding: Applicable. The development proposes to utilize an existing stormwater drainage system which connects to the public stormwater conveyance system.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:
1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.
Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area.

C. Exemptions. The following exemptions to subsection B of this section apply:
1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the City.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.
Finding: Not Applicable. The proposed development does not meet the criteria for exemption to the flow control requirements of this chapter.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;

3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.
Finding: Not Applicable. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.080 - Submittal requirements.
A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.
Finding: Complies with Condition. The applicant's preliminary drainage plan and report shows compliance with the current version of the Oregon City Stormwater and Grading Design Standards. However, the applicant's submittal is preliminary and does not address all items identified in Section 9 of the Public Works Stormwater and Grading Design Standards. Requirements of this code section can be met by meeting approval criteria outlined in section 13.12.090 of this report. **See findings from section 13.12.090 of this report.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.
An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:
A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.
Finding: Complies with Condition. The applicant submitted a preliminary drainage design and report which satisfies requirements for the land use application to be deemed complete but the report and design has not been reviewed in detail. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. **Staff has determined that it is**

possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

13.12.100 - Alternative materials, alternative design and methods of construction.
The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.
Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.
Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.
Finding: Complies with Condition. Finding: Complies with Condition. The developer is required to execute a “Developer/Engineer Agreement for Public Works Improvements” per section 16.12.014.

13.12.120 - Standard construction specifications.
The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.
Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (Also written in the findings of section 12.04.270) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.
A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. No public stormwater facilities are proposed or required.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.
Finding: Not applicable. No public stormwater facilities are proposed or required.

13.12.145 - Maintenance of private stormwater facilities.
A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.
B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.
C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.
Finding: Complies with Condition. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.
A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.
Finding: Not Applicable. A permit from DEQ is not required of this project.

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.
Finding: Not Applicable. A permit from DSL or USACOE is not required of this project.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.
Finding: Not Applicable. A permit from ODFW is not required of this project.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.
A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:
1. Grading activities in excess of ten cubic yards of earth;
2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;
3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;
4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or
5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.
B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.
Finding: Not applicable. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.
The following filling and grading activities shall not require the issuance of a grading permit:
A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;
B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:
1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;
C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
D. Excavation for cemetery graves;
E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
F. Repaving of existing paved surfaces that does not alter existing drainage patterns;

G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.
Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.
An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.
A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:
1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.
B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.
C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:
1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.
D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.
Finding: Complies with Conditions. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.
The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and

utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.
Finding: Complies with Condition. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and

2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.

1. Minor Site Plan and Design Review applications

2. Work within the right-of-way

3. Lot Line Adjustments and Abandonments

4. Public capital improvement projects

Finding: Applicable. The application is for site plan and design review; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.
The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.
Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:

1. *The modification meets the intent of the standard;*

Finding: Not Applicable. No modification has been requested.

2. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

Finding: Not Applicable. No modification has been requested.

3. *The modification is consistent with an adopted transportation or utility plan; and*

Finding: Not Applicable. No modification has been requested.

4. *The modification is complementary with a surrounding street design; or, in the alternative;*

Finding: Not Applicable. No modification has been requested.

5. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Finding: Not Applicable. No modification has been requested.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

1. Modifications to driveway location, size, and sharing standards in 16.12.035

2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

A. Pre-Design Meeting;

B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;

C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;

D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);

E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);

F. Plan Check and Inspection Fees (as set by City resolution);

G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);

H. Preconstruction Meeting;
I. Financial Guarantee(s) per OCMC 17.50.140;
J. Applicable Approvals/Permits from other agencies or entities;
K. Developer/Engineer Agreement for public works improvements.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:
L. Project Engineer's Certificate of Completion;
M. Stormwater Operation and Maintenance Easement (if applicable);
N. Deed of Dedication (Bargain and Sale Deed);
O. Recorded Plat and/or Easements (if applicable);
P. Recorded Non-Remonstrance Covenant Agreement;
Q. Land Division Compliance Agreement (if applicable);
R. Permanent Stabilization and/or Restoration of the impact from the development;
S. Fulfillment of all Conditions of Approval;
T. Payment of all Outstanding Fees;
U. Maintenance Guarantee(s). per OCMC 17.50.141;
V. Indemnity Agreement (if applicable);
W. Completed Punchlist;
X. As-Built Drawings;

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).
Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.015 - Street design—Generally.
Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.
Finding: Complies as proposed. The location, widths, and grades of the existing street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land.

16.12.016 - Street design.
All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design
Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A

	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*	*N/A*

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.
Finding: Complies with Condition. The fronting street of Molalla Avenue is fully improved to city standards aside from the pedestrian areas. The development shall provide a 10-foot-wide sidewalk with 5'x5' tree wells along Molalla Avenue in conformance with all City standards.
Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.
Finding: Complies as proposed. The frontage has sidewalk, but it does not meet requirements of Table 16.12.016 Street Design. The applicant has proposed to enlarge sidewalks along the street fronting the development to meet the standards of Table 16.12.016.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
Finding: Not applicable. The decision-maker has not required the installation of separate pedestrian and bicycle facilities.

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations and standards.
Finding: Not applicable. The City Engineer has not directed the applicant to install street signs and traffic control devices.

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.
Finding: Complies with Condition. There are currently no existing street lights along the frontage of the development. The applicant shall provide decorative streetlights along the frontage of Molalla Avenue in conformance with all City standards, specifications, codes, and policies. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
Finding: Not Applicable. A new street with a pavement width of less than thirty-two feet has not been proposed.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
Finding: Complies as proposed. The development has proposed tree-wells behind the curb as specified in Table 16.12.016 Street Design.

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
Finding: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.
Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

16.12.017 - Street design—Access control.
A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
Finding: Not Applicable. No new streets with access control are required.

B. The City may grant a permit for the adjoining owner to access through the access control.
Finding: Not Applicable. No new streets with access control are required.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
Finding: Not Applicable. No new streets with access control are required.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."
Finding: Not Applicable. No new streets with access control are required.

16.12.018 - Street design—Alignment.
The centerline of streets shall be:
A. Aligned with existing streets by continuation of the centerlines; or
B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.
Finding: Complies as Proposed. The existing street alignments meet the City requirements. This standard is met.

16.12.019 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.
Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard.

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

16.12.021 - Street design—Grades and curves.
Grades and center line radii shall conform to standards approved by the City Engineer.
Finding: Not Applicable. No new streets are being created.

16.12.022 - Street design—Development abutting arterial or collector street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be

considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Finding: Not Applicable. No new streets are being created.

16.12.023 - Street design—Pedestrian and bicycle safety.
Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.
The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.
Finding: Not Applicable. The development does not require a street design that discourages use by non-local traffic. The City Engineer has not required that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities.

16.12.024 - Street design—Half street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.
When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.
Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.
The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.
A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.
Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.
Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).
Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

16.12.026 - Street design—Alleys.
Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.
Finding: Not Applicable. Alleys are not proposed or required for this development.

16.12.027 - Street design—Off-site street improvements.
During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.
Finding: Not Applicable. Off-site street improvements are not proposed or required for this development.

16.12.028 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Finding: Complies as Proposed. No new streets are required or proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

16.12.029 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.
Finding: Complies with Condition. Pavement cuts are not proposed but improvements are proposed along Molalla Avenue. A condition has been written incase construction has impacts to pavement within City ROW. Pavement cuts or other improvements made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.030 - Blocks—Width.
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.
All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.
Finding: Not applicable. The street system in the area is already established. No new streets are required or proposed.

16.12.031 - Street design—Street names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.
Finding: Not applicable. No new street is required or proposed.

16.12.032 – Public off-street pedestrian and bicycle accessways.
Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets,

neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
1. Accessways shall have a fifteen- foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a - sixteen foot paved surface between four-foot planter strips on either side.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

E. Accessways shall comply with Americans with Disabilities Act (ADA).
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and

3. A two-inch minimum caliper tree for every thirty-five -feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
Finding: Not applicable. Off-street pedestrian and bicycle accessways are not required for the proposed development.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.
Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

16.12.033 - Mobility standards.
Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.
A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange
State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in

an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.
Finding: Not applicable. The development proposes a new building that is of the same size as what had previous been located on the property and the property is being used for the same purpose (banking and financial services); therefore, there is no added impact to nearby street intersections.

16.12.035 - Driveways.
A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	*Minimum Driveway Spacing Standards*	*Distance*
Major Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings*	*175 ft.*
Collector Streets	*Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single and two-family dwellings*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway and between driveways*	*25 ft.*

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

B. All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single family attached or detached residential

property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. Access shall not be provided on Arterial or Collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	*Minimum Driveway Approach Width*		*Maximum Driveway Approach Width*
Single-Family	*10 feet*		*24 feet*
Duplexes	*12 feet*		*24 feet*
3-4 Plexes	*12 feet*		*36 feet*
Multi-Family	*18 feet*		*30 feet*
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	*One-Way 12 feet*	*Two-Way 20 feet*	*40 feet*

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties.

G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.

a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
Finding: Not Applicable. No restrictions are proposed by the City Engineer.

H. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.
Finding: Complies as proposed. No new driveway is proposed. The development proposes to use an existing paved driveway that is within a separate property and is shared with neighboring properties.

I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.
Finding: Not Applicable. No exemptions are proposed.

16.12.065 - Building site—Grading.
Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.
Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.

> *1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.*
> *2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that*

the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.
a. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.
c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Complies with Condition. The existing property frontage does not appear to have a PUE. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. Zero setback sites may reduce the size of the PUE. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.

Finding: Not applicable. New easements for unusual facilities are required for this development.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The application does not affect any watercourses.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Complies as conditioned. The development proposes to use an existing driveway that is within a separate property and is shared with neighboring properties. The development shall provide proof of any existing vehicular access easement which allows the development use of the existing shared driveway on an adjacent property. If there are no access easements, the development shall obtain and record an access easement for use of the existing shared driveway. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.
Finding: Not Applicable. The application does not impact any natural resources; therefore, no access easements are required

16.12.090 - Minimum improvements—Procedures.
In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:
A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
Finding: Complies with Condition. Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.
Finding: Complies with Condition. The development proposes public sidewalk improvements along Molalla Avenue. The developer's project engineer shall inspect construction of public improvements and/or stormwater management facilities. The city will perform inspections in accordance with city policies and standards. See section 16.12.014 of this report regarding inspection fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.
Finding: See findings from section 17.47, 17.49 of this report.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot-wide public utility easement within private property as defined in OCMC 16.12.85.A.2.
Finding: Not applicable. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer exist, and no new connections are proposed.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition: As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.
Finding: Complies with Condition. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D. as stated and written in the pre-construction meeting notes. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 - Minimum improvements—Public facilities and services.
The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:
A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.
Finding: Compiles as proposed. The existing transportation system adjacent to the property is improved for the City's planned level of service. The development has proposed sidewalk improvements to *provide pedestrian access to the development.* The existing transportations system accommodates future access to neighboring undeveloped properties that are suitably zoned for future development.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.
Finding: See findings from section 13.12 for the design of stormwater management facilities to serve the development.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow

for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.
Finding: Complies as proposed. The development proposes to utilize the existing sanitary sewer system and service lateral that is currently serving the development site. The development does not propose to alter or impact any public portion of the existing sanitary sewer system.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.
Finding: Complies with Condition. The site is currently supplied water from privately owned & maintained on-site waterlines within the Southridge Center. The city installed a new 1" service line and meter box with the Molalla Avenue Project meter box. Since the development will fully rebuild the site, the development shall utilize the new water service line within Molalla Avenue. Additional SDC fees for water shall be applicable if the development utilizes a larger meter than what had been utilized by the pre-existing building. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.
Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
Finding: Not applicable. The development is not a subdivision.

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic shall be relocated underground.

1. *Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):*
   a. *No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.*
   b. *Properties with less than 1.0 acre of ownership and area shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
   c. *Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
   d. *Land divisions Properties which propose with 5 or less fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.*
2. *The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.*

3. *When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.*
4. *4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.*

Finding: Complies with Condition. There appear to be existing overhead communication lines serving the development. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider(s) prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
Finding: Not Applicable. No facilities are required to be oversized as part of this application.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.
Finding: See findings from section 17.47 of this report

16.12.100 - Same—Road standards and requirements.
A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
Finding: Not Applicable. The creation of a new public street is not proposed or required.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
Finding: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.
Finding: Not Applicable. The creation of a new public street is not proposed or required.

16.12.105 - Same—Timing requirements.
A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.
Finding: Complies as conditioned. Public improvements are required to be completed and accepted by the City Engineer. Improvements and all items from the city provided punch list shall be completed and accepted by the City prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.110 -Public improvements—Financial guarantees.
A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.
Finding: Please see findings from Section17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.
Finding: Please see findings from Section17.50.141 of this report.

16.12.120 Waiver of Remonstrance
The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.
Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.
A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.
B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.
Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.
The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.
Finding: Complies as conditioned. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.
A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.
B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:
1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;
2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.
D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.
E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.
F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of

Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).
Finding: Complies as conditioned. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.
An approved erosion control and sediment control plan shall be implemented and maintained as follows:
A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.
B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.
C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.
E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.
F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.
Finding: Applicable. Plan approval is required be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.
After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for

the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: Complies as conditioned. See findings in Section 17.50.140.

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.

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 to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

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. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.

H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).

Finding: Complies with Condition. The proposal includes the installation of street trees along approximately 144 feet of frontage, requiring four (4) street trees (144 feet ÷ 35 feet per tree = 4.11 trees). The location of the street trees is subject to change with the placement of streetlights, utility meters, etc. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes four (4) street trees planted spacing shall be evenly distributed throughout the total development in accordance with OCMC 12.08 or accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree

plantings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41.

Finding: Not Applicable. The subject property does not include any adjacent street trees, trees in the right-of-way, or trees on public property.

CHAPTER 17.32 – C GENERAL COMMERCIAL DISTRICT

17.32.20 - Permitted uses.

A. *Banquet, conference facilities and meeting rooms;*
B. *Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
C. *Child care centers and/or nursery schools;*
D. *Drive-in or drive-through facilities;*
E. *Gas stations;*
F. *Indoor entertainment centers and arcades;*
G. *Health and fitness clubs;*
H. *Motor vehicle and recreational vehicle sales and/or incidental service;*
I. *Motor vehicle and recreational vehicle repair and/or service;*
J. *Custom or specialized vehicle alterations or repair wholly within a building.*
K. *Medical and dental clinics, outpatient; infirmary services;*
L. *Museums, libraries and cultural facilities;*
M. *Offices, including finance, insurance, real estate and government;*
N. *Outdoor markets, such as produce stands, craft markets and farmers markets;*
O. *Postal services;*
P. *Passenger terminals (water, auto, bus, train);*
Q. *Parks, playgrounds, play fields and community or neighborhood centers;*
R. *Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
S. *Multifamily residential, 3-4 plex residential, or 1 or 2 units in conjunction with a nonresidential use;*
T. *Restaurants, eating and drinking establishments without a drive through;*
U. *Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
V. *Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;*
W. *Seasonal sales;*
X. *Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
Y. *Studios and galleries, including dance, art, photography, music and other arts;*
Z. *Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
AA. *Veterinary clinics or pet hospitals, pet day care;*

BB. Home occupations;
CC. Research and development activities;
DD. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
EE. Residential care facility licensed by the state;
FF. Transportation facilities;
GG. Live/work dwellings.

Finding: Complies as proposed. The use of a Bank is permitted under *(M). Offices, including finance*; *(U). Services, including financial services*; and *(V.) Retail trade*.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

A. Religious institutions;
B. Hospitals;
C. Self service storage facilities;
D. Public utilities, including sub-stations (such as buildings, plants and other structures);
E. Public and/or private educational or training facilities;
F. Parking structures and lots not in conjunction with a primary use;
G. Emergency service facilities (police and fire), excluding correctional facilities.

Finding: Complies as proposed. The proposed use is a permitted use.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

A. Distribution, wholesaling and warehousing;
B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building;
C. General manufacturing or fabrication;
D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
E. Marijuana production, processing, wholesaling, research, testing, and laboratories;
F. Mobile food units, except with a special event permit.

Finding: Complies as proposed. The applicant has not proposed any prohibited uses.

17.32.050 - Dimensional standards.

A. Minimum lot area: None.

Finding: Complies as proposed. The lot size is approximately 0.56 acre and will not change as a result of this proposal.

B. Maximum building height: Sixty feet.

Finding: Complies as Proposed. The proposed building height is 21.5 feet.

C. Minimum required setbacks if not abutting a residential zone: None.

Finding: Complies as proposed. The subject property does not abut a residential zone. There are no required minimum setbacks for this property.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

Finding: Not applicable. The subject property does not abut a residential zone.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet.

Finding: Complies as proposed. The front yard setback for the building is proposed to be five (5) feet.

2. Interior side yard setback: None.

Finding: Complies as proposed. The interior side yard setbacks for the building is proposed to be 78.5 feet for the left (north) interior side yard, and 20 feet for the right (south) interior side yard setback.

3. Corner side yard setback abutting street: None

Finding: Not applicable. The subject property is not a corner lot.

4. Rear yard setback: None.

Finding: Complies as proposed. The rear yard setback for the building is proposed to be approximately 90 feet.

F. Maximum site coverage of building and parking lot: Eighty-five percent

Finding: Complies as proposed. The proposed impervious surface cover, which includes the building and parking lot, is approximately 18,633 square feet or 76.4% of the property.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Finding: Complies as proposed. The proposed landscape area is approximately 5,742 square feet or 23.6% of the property.

H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Finding: Not applicable. The proposed use is nonresidential. Minimum net density standards do not apply.

<u>CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS</u>

17.41.020 - Tree protection—Applicability.

1. *Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.*
2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
3. *Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*
4. *A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*

5. *A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Finding: Applicable. The proposed development includes a Site Plan and Design Review application; therefore, Chapter 17.41 is applicable.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Finding: Applicable. The trees within the boundaries of the property are regulated under this section of code and do not fall under any other protections within the City's development codes. The standards in this Chapter shall govern.

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations to not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not applicable. The applicant has not proposed an exemption in accordance with this provision.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.*
B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or*
C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*
D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Finding: Complies with condition. The applicant stated that tree removal is not proposed with this application. The tree inventory and existing conditions plan shows eight (8) existing trees on the subject site designated to remain and be protected in place. In the event that trees must be removed, prior to the issuance of a public improvement or building permit associated with the project, the applicant shall submit mitigation calculations and a mitigation plan utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.060 - Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or

2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	*Column 1* *Number of trees to be planted.* *(If removed **Outside** of construction area)*	*Column 2* *Number of trees to be planted.* *(If removed **Within** the construction area)*
6 to 12"	*3*	*1*
13 to 18"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.

2. Designate the size (DBH) of all trees pursuant to accepted industry standards.

3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.

4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.

5. Identify the construction area (as defined in OCMC 17.04.230).

6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.
Finding: Complies with Condition. The applicant indicated that tree removal is not proposed. In the event that trees must be removed, prior to issuance of a public improvement or building permit, the applicant shall submit a final tree mitigation calculation and tree mitigation plan, utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Planting area priority for mitigation.
Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A. shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:
1. First Priority. Replanting on the development site.
2. Second Priority. Off-site replacement tree planting locations. If the Community Development Director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the Community Development Director.
Finding: Complies with Condition. The applicant indicated that tree removal is not proposed. In the event that trees must be removed, prior to issuance of a permit associated with the proposed development, the applicant shall submit a final tree mitigation calculation and tree mitigation plan, utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Replacement tree planting standards.
1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
Finding: Complies with Condition. The applicant indicated that tree removal is not proposed. In the event that trees must be removed, prior to issuance of a permit associated with the proposed development, the applicant shall submit a final tree mitigation calculation and tree mitigation plan, utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
Finding: Complies with Condition. The applicant indicated that tree removal is not proposed. In the event that trees must be removed, prior to issuance of a permit associated with the proposed development, the applicant shall submit a final tree mitigation calculation and tree mitigation plan, utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Due to their diminishing range in the region, Oregon white oak (Quercus garryana) trees, if removed, shall be replaced by the same species.
Finding: Not applicable. No Oregon white oak trees are proposed to be removed.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.
Finding: Not applicable. No tracts are proposed.

F. Alternative mitigation plan.
The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.
Finding: Not applicable. No alterative plan is proposed.

17.41.080 - Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).
Finding: Not applicable. No partition plan is proposed.

17.41.110 - Tree protection by restrictive covenant (Option 3).
Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the Community Development Director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the Community Development Director, are determined to be diseased or hazardous.
Finding: Not applicable. The subject property is not in a residential zone; therefore, preserved trees on site are protected by this Chapter and Chapter 17.62. A restrictive covenant is not required.

A. Permitted adjustments.
1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The City Engineer may grant an adjustment to street standards , pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.
Finding: Not applicable. No adjustments are proposed.

17.41.120 - Cash-in-lieu of planting (Option 4).
The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

Finding: Complies with Condition. The applicant indicated that tree removal is not proposed. In the event that trees must be removed, prior to issuance of a permit associated with the proposed development, the applicant shall submit a final tree mitigation calculation and tree mitigation plan, utilizing any of the mitigation options in OCMC Chapter 17.41. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.

3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.

4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.

5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.

6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.

7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.

8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.

9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.

10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist

or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies with Condition. The applicant indicated that existing trees shall be protected in place. Prior to the issuance of a permit associated with the proposed development, the applicant shall submit a plan identifying tree protection measures during construction in accordance with OCMC Section 17.41.130. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.50 – 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.

Finding: Complies as proposed. The applicant held a pre-application conference (file PA-22-00053) on November 1, 2022. The land use application was submitted within six months of the pre-application conference on February 24, 2023. The application was deemed incomplete on March 21, 2023, and after the submittal of additional information, the application was deemed complete on April 3, 2023.

17.50.055 - Neighborhood association meeting.

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

A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies as proposed. The applicant attended the Hillendale Neighborhood Association general membership meeting on February 7, 2023, to present the proposed project.

17.50.090 - Public notices.
All public notices issued by the city 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 on the city website within the city at least twenty days prior to the hearing. Pursuant to OCMC 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 OCMC 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 shall 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 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;*
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 the planning division offices 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 as proposed. Staff provided public notice within 300' of the site via mail and posted notice on the Oregon City website at least twenty days prior to the public hearing as required by this section.

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.*

Finding: Complies as proposed. The site was posted with the notice sign as required by this section for longer than the minimum requirement.

17.50.140 – Financial guarantees.
When conditions of permit approval require a permitee to construct certain public improvements, the City shall require the permitee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.
A. Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permitee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by *the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*

C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

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

Finding: Complies as conditioned. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or

designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.
A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.
B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.
C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.
D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.
Finding: Complies as conditioned. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

<u>CHAPTER 17.52 – OFF-STREET PARKING AND LOADING</u>

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.
Finding: Applicable. The proposal includes a new or expansion to an existing parking lot.

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

B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

Finding: Complies as proposed. The applicant has filed a land use application with a request for a Type III parking adjustment, which requests approval to exceed the maximum parking allowance onsite. The applicant has submitted the required materials.

The maximum parking allowance for this building is 16 spaces based on the proposed building size and the parking requirements for offices and retail uses in OCMC 17.52.020. The existing parking lot contains 17 parking stalls. The applicant has proposed an additional 7 parking stalls for a total of 24 parking stalls.

The purpose of the maximum parking allowance is to avoid overabundance of parking which encourages single occupancy auto use and creates paved impervious surfaces which create greater stormwater impacts, urban heat island impacts, decrease walkability, and contribute to suburban sprawl. The maximum parking stall limits code also encourages efficient use of land and utility and transportation infrastructure, and avoids the creation of large parking lots for infrequent, seasonal use, such as retail parking lots sized for holiday shopping seasons, which are less than half full most days of the year.

The proposed bank building is part of a larger shopping center and parking lot constructed in 1978 which pre-exists the current parking code.

The purpose of the parking adjustment provisions is to provide flexibility to those uses which may be extraordinary or unique. The applicant has provided a detailed description of the uses and staffing levels required. The applicant has also submitted details on the parking needed by the proposed Chase Bank.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

Finding: Complies as proposed. The applicant has proposed to exceed the maximum number of parking spaces, not to reduce the minimum. Therefore, this standard should be read to require that the applicant demonstrate that the parking needs for the project are greater than the maximum number of off-street parking allowed by the code. The maximum number of off-street parking spaces permitted by the code is 16 spaces for the proposed use. The site currently contains 17 parking stalls. There are no on-street parking spaces abutting the site. The applicant provided the following documentation:

The applicant provided a CC&R document (EAS 78-008633) that is applicable to the subject property and surrounding shopping center. The applicant states:

> *"The site's title 24 document, EAS 78-008633 (as attached) outlines cross access and parking requirements throughout the entire site. Any reduction in parking would be counter to this agreement... The additional spaces will have a benefit to the entire center around the Molalla Ave driveway entry. It will reduce any impact from spillover parking from and to other businesses, such as the Burger King and the dental office."*

The applicant also provided a memo from Bruce L Sayles, Vice President and NW Market Director of Real Estate for JPMorgan Chase Bank, that delineates parking requirements based on typical staffing and customer inflows at branch banks. In the memo, Mr. Sayles states:

> *"The peak hours of customer traffic are between 11:00-1:30 where 18-19 customers visit the branch each half hour. This does not include any ATM transactions which are not tracked in the staffing model and account for another 8-10 per each in a peak half hour. Therefore, it is typical that there are 25-30 customers averaging 15-20 minutes in a branch which equates to a parking requirement of 20 customer parking spaces at peak times… Additionally, Chase will staff the branch with 5-6 employees but will have additional tellers at peak times and will have desks for appointments with bankers, lending officers, business bankers, and investment advisors who service a community of branches and could result in 10 employees in a branch at peak times who require parking."*

The applicant has demonstrated that the site has a pre-existing private obligation to provide shared parking for overflow from the adjacent businesses, and this agreement does not specify the exact number of spaces, it does provide documentation of the general need. Furthermore, the applicant has no control over the number of parking spaces in the adjacent parking lot that are outside its lease area.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.
a. For the purposes of demonstrating the availability of on-street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.
b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:
i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and
ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.
Finding: Not applicable. The applicant has proposed to exceed the maximum number of parking spaces, not to reduce the minimum. The existing building at the subject site has been unoccupied for over a year at the time of the writing of this report; therefore a parking analysis would not demonstrate the full parking needs of the proposed use. Staff notes, however, that there are approximately six on-street parking stalls that are within 600 feet of the subject site. The on-street parking stalls are on Beavercreek Way, between 400 and 600 feet from the subject site, and would require a patron to use the sidewalk for a minimum of 585 feet to access the site.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.
Finding: Complies as Proposed. The applicant states:

"The parking stalls are laid out to be onsite, similar to the existing condition, and will not have any conflict with the functions onsite or offsite. The interior parking lot landscaping requirements are met."

Maximum parking standards serve to limit impervious surfaces which contributes to the urban heat island effect and stormwater runoff; however, the proposed development would provide an overall net decrease in impervious surface area of the site, through a reduced building footprint and the provision of landscaping that meets current standards. The applicant provided a detailed estimate of customer and staff usage of the building and parking lot. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and on the Oregon City website, and no comments identifying that the project would significantly impact use or function of the site were received.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

Finding: Complies as Proposed. The surrounding neighborhood is located near the Molalla Avenue corridor and includes primarily commercial uses. Some medium-to-high density residential units are across Molalla Avenue from the subject site. The area includes several parking lots for businesses located on Molalla Avenue, and the proposed parking lot would be consistent with the neighborhood's character, scale, and uses. The applicant has proposed a building, parking lot and site design which otherwise complies with the C- General Commercial zone district and the Site Plan and Design Review standards as detailed in this staff report. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying that the project is incompatible with the neighborhood were received. Therefore, the proposal will be compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

Finding: Complies as Proposed. The parking lot is designed in conformance with City standards, ensuring that turning, maneuvering and egress routes are adequately configured for safe use. Additionally, public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying safety concerns were received.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Finding: Complies as Proposed. The parking lot is designed in conformance with City standards, ensuring that turning, maneuvering and egress routes are adequately configured for safe use. Public notice for the proposed project was provided via signs on the subject site, mailed notice to properties within 300 feet, and in the newspaper, and no comments identifying concerns about impacts to public services were received. The applicant was not required to provide a transportation impact analysis since the size and use of the building are not changing, and no significant transportation impacts are anticipated. The applicant is required to demonstrate compliance with the Oregon Fire Code through a Fire Access and Water Supply Plan that is reviewed separately from this land use application by the Clackamas Fire District.

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		
LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Multifamily Residential	*1.00 per unit*	*2.5 per unit*
3-4 Plex Residential	*2.00*	*4*
Hotel, Motel	*1.0 per guest room*	*1.25 per guest room*
Correctional Institution	*1 per 7 beds*	*1 per 5 beds*
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	*1 per 7 beds*	*1 per 5 beds*
Hospital	*2.00*	*4.00*
Preschool Nursery/Kindergarten	*2.00*	*3.00*
Elementary/Middle School	*1 per classroom*	*1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium*
High School, College, Commercial School for Adults	*0.20 per # staff and students*	*0.30 per # staff and students*
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	*.25 per seat*	*0.5 per seat*
Retail Store, Shopping Center, Restaurants	*4.10*	*5.00*
Office	*2.70*	*3.33*
Medical or Dental Clinic	*2.70*	*3.33*
Sports Club, Recreation Facilities	*Case Specific*	*5.40*
Storage Warehouse, Freight Terminal	*0.30*	*0.40*
Manufacturing, Wholesale Establishment	*1.60*	*1.67*
Light Industrial, Industrial Park	*1.3*	*1.60*

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.

Finding: Complies as Proposed. The proposed use is a branch bank building with approximately 3,445 square feet of net leasable area. Approximately 866 SF of the building is designated as office space, and the remaining 2,559 SF is designated as the retail area. Based on the parking requirements for offices, a minimum of 2 parking stalls are required, and a maximum of 3 parking stalls are allowed for the office. Using the parking requirements for retail uses, a minimum of 10 parking stalls, and a maximum of 13 parking stalls are allowed for the retail area. In total, the building requires a minimum of 12 parking stalls and a maximum of 16 parking stalls. The existing parking lot is developed with 17 parking stalls and the applicant has proposed an additional 7 spaces for a total of 24 parking stalls. Because the proposal

exceeds the maximum number of parking stalls allowed by the code, the applicant has requested a Planning Commission parking adjustment in accordance with 17.52.015. **Please refer to the analysis in Section 17.52.015 of this report.**

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.
Finding: Complies as Proposed. The proposed building is for a bank, which is not listed in Table 17.52.020. However, the proposed use is made up of two general uses which are listed in Table 17.52.020—office and retail. Office uses require a minimum of 2.7 parking stalls and a maximum of 3.33 parking stalls, and retail uses require a minimum of 4.1 parking stalls and a maximum of 5.0 parking stalls.

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.
Finding: Complies as Proposed. Fractions were rounded in accordance with this chapter.

4. Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.
Finding: Not applicable. Fleet vehicle parking is not proposed with this application.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
Finding: Not applicable. The proposal is not within the MUD Design District, nor within the Willamette Falls Downtown District and thus this section does not apply.

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.
Finding: Complies as Proposed. The parking lot is located on the same site as the use it is supporting.

2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.
Finding: Not applicable. The subject parcel and the proposed structure are for one use only.

3. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
Finding: Complies as Proposed. The applicant provided a copy of the warranty deed between the subject property and the abutting shopping center that allows for patrons of the subject property to use

the shopping center's parking stalls. The shopping center, located at Clackamas County Map 3-2E-05D, tax lot 01211, contains approximately 70 stalls that are within 150 feet of the subject property, and approximately 100 additional stalls within 600 feet of the subject property. The applicant stated in the narrative that approval of the parking adjustment would benefit the shopping center as a whole and would "reduce any impact from spillover parking from and to other businesses…".

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;
2. Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;
3. Ninety-degree (perpendicular) parking: Twelve feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
Finding: Not applicable. There is no on-street parking immediately adjacent to the subject property.

C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.
1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.
2. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:
a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or
b. When adjacent to multi-family development with over eighty units or
c. Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).
3. Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
4. Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates 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 further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.
A transportation demand management (TDM) program shall be developed to include 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.
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.
Finding: Not applicable. The applicant is not proposing any reduction to the number of minimum automobile spaces required and is requesting an adjustment to the maximum parking standards.

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 and meet requirements of OCMC 16.12.035. 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.
Finding: Complies as Proposed. The ingress and egress of the proposed car park are served by driveways and do not directly connect to public thoroughfares or rights-of-way.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.
Finding: Complies as Proposed. The applicant has proposed paved surfaces for all off-street parking spaces and access aisles.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.
Finding: See findings from section 13.12 of this report.

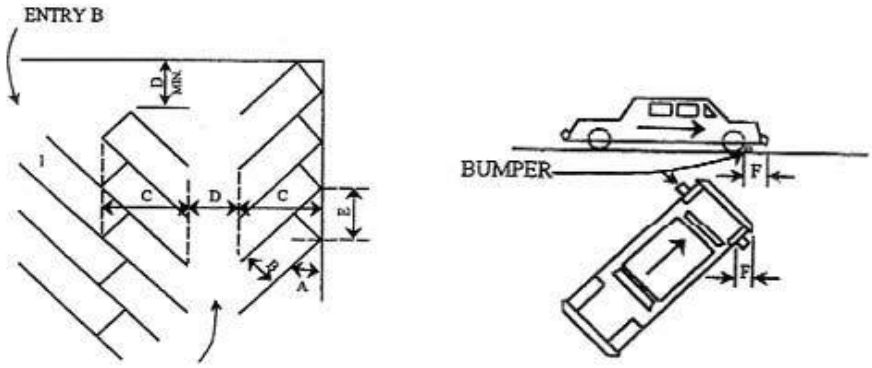
D. Dimensional Standards.
1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley.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

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: Complies as proposed. The applicant has proposed twenty-four (24) 90-degree parking stalls. The proposed stalls include eighteen (18) standard stalls, four (4) compact stalls, and two (2) ADA stalls. The stalls are in compliance with the stall width and length requirements. The widths of the aisles generally comply with the requirement of twenty-four (24) feet.
The aisle width for the drive-up ATM varies between eighteen (18) and twenty-two (22) feet; however, this aisle is only for one-way traffic and does not include parking on the sides of the aisle. Therefore, the aisle width requirement is not applicable to the aisle for the drive-up ATM.

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.
Finding: Not applicable. No alternative parking plan was submitted with this application. The parking plan submitted complies with the parking standards from section 17.52.030.

E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential , and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."
Finding: Not applicable. The proposed development is a new branch bank building with twenty-four parking stalls. This requirements for carpool and vanpool parking do not apply.

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.*

Finding: Complies with condition. The proposal includes a total of 24 parking stalls, requiring two bicycle parking spaces (24/20 = 1.2), one of which is required to be covered. The plans and narrative provided by the applicant indicate that the bicycle rack meets the minimum number of required bicycle parking spaces. Prior to issuance of a building permit associated with this development, the applicant shall submit a revised bicycle parking plan demonstrating that at least one covered bicycle parking space is provided. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as Proposed. The applicant indicated on the plans and in the narrative that the bicycle parking facilities will be in the form of a bicycle rack onsite.

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.

Finding: Complies as Proposed. The bicycle parking is proposed to be located on the north elevation of the building, to the left of the main north-side building entrance. The applicant indicates that the rack will be visible from the street. The bicycle parking will also be visible from the main north-side building entrance.

3. All bicycle racks shall be designed so that:
a. The bicycle frame is supported horizontally at two or more places.
b. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.
c. The user is not required to lift the bicycle onto the bicycle rack.
d. Each bicycle parking space is accessible without moving another bicycle.
e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
f. Provides an area of six feet by two feet per bicycle.
g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.
Finding: Complies with condition. Details of the proposed bicycle rack were not provided with this application. Prior to issuance of a building permit associated with this development, the applicant shall submit a revised bicycle parking plan that includes specifications of the bicycle rack that demonstrate compliance with the standards of this section. **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.
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.
Finding: Applicable. The applicant proposed parking lot landscaping.

B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
Finding: Complies as Proposed. The proposed landscaping throughout the parking lot is uniformly distributed.

2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
Finding: Complies as Proposed. All areas in the newly proposed parking lot not used for parking, maneuvering, or circulation are landscaped.

3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
Finding: Complies as Proposed. The landscape plan includes a mix of deciduous and deciduous-conifer trees spread throughout the interior and perimeter parking lot landscaping.

4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;
Finding: Complies with condition. The landscape plan identifies that all parking lot trees will be a minimum of one-and-one-half inch caliper, which does not meet the standard of this section. Prior to the issuance of a building permit associated with this development, a revised landscape plan shall be submitted that identifies the tree caliper size as at least two inches, and indicates that the trees will be planted according to American Nurseryman Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
Finding: Complies with as Proposed. The landscaping plan includes landscaped areas planted with ground cover. Mulch appears to only be proposed underneath plants at full growth and within two feet of the base of trees.

6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;
Finding: Complies with condition. The applicant submitted a landscape plan that indicates that the existing irrigation system will remain in place, and be repaired, added to, or modified to accommodate the proposed landscaping. Prior to the issuance of building permit associated with this development, the applicant shall provide a revised landscape or irrigation plan demonstrating compliance with irrigation requirements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
See findings from section 17.52.060.B.4. of this report.

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.
Finding: Complies as Proposed. The perimeter parking lot landscaping includes landscaped buffers that are at least five feet wide where the parking lot abuts adjoining properties and the right-of-way.

1. The perimeter parking lot are[a] shall include:
a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
Finding: Complies with condition. The applicant submitted a landscape plan that does not comply with the standards set forth in this section. Prior to the issuance of a building permit associated with this development, the applicant shall provide a revised landscape plan demonstrating that perimeter trees are spaced a maximum of thirty feet. The revised landscape plan shall also indicate a perimeter tree is on either side of the northwest entryway. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies with Condition. The applicant did not include details regarding the exact shrub spacing onsite. Plans indicate that shrubs are proposed to be nearer than two feet from the right-of-way-line. Prior to issuance of permits, the applicant shall provide a landscape or planting plan with sufficient detail to demonstrate compliance with distance requirements between the shrubs and 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.**

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:
1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
Finding: Complies as Proposed. The landscaping plan includes a five-foot wide landscaping buffer between the parking lot and the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas.

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
a. A minimum of one tree per four parking spaces.
Finding: Complies as proposed. The proposed parking lot for twenty-four parking stalls requires six interior parking lot trees. The provided landscape plan indicates there will be six interior parking lot trees.

b. A minimum of 1.5 shrubs per parking space.
Finding: Complies as proposed. The proposed parking lot for twenty-four parking stalls requires thirty-six interior parking lot shrubs. The provided landscape plan indicates there will be at least thirty-six interior parking lot shrubs.

c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
Finding: Complies as proposed. The proposed parking lot does not include more than eight contiguous parking spaces.

F. Alternative landscaping plan.
Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.
1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015- Modifications that will better meet design review requirements.

2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Finding: Not applicable. The applicant did not propose an alternative landscaping plan.

17.52.080 - Maintenance.

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

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard due to reduced visibility.

Finding: Complies as Proposed. The applicant's narrative identified that the landscaped areas will be maintained by the tenant in accordance with this section.

17.52.090 - Loading areas.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week, therefore the loading area standards do not apply to the proposed use.

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 - Fences, hedges, walls, and retaining walls.

Finding: Not applicable. The applicant indicated that no new fences or walls are proposed with this development. One existing retaining wall is to remain in its current state.

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.

Finding: Complies as proposed. The requested variance is to face the most architecturally significant façade toward the parking lot to the north, while facing a slightly less significant façade with a functional entrance toward Molalla Avenue. The applicant requested a variance by filing an application for a variance from the building entrance design standards in Chapter 17.62. All required documents and

plans have been submitted, along with the extent of variance requested. Procedures under Chapter 17.50 apply.

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.

Finding: Complies as proposed. A Planning Commission public hearing held on May 8, 2023 was continued to a date certain of May 22, 2023. The proposal will be reviewed by the Planning Commission at a public hearing as required by this section.

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 requested variance is to face the most architecturally significant façade toward the parking lot to the north, while facing a slightly less significant façade with a functional entrance toward Molalla Avenue. The variance requested does not fall under the definition of minor variances.

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 stated the following:

> *"Design is not causing damage. The building is designed with two entrances, one facing the parking lot and one facing Molalla Ave. Both entrances have safe pedestrian access to the parking lot and the public sidewalk."*

The requested variance is to face the most architecturally significant façade toward the parking lot to the north, while facing a slightly less significant façade with a functional entrance toward Molalla Avenue. The request would not cause substantial damage to adjacent properties by reducing light, air, safe access, or other qualities protected by this title.

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

Finding: Complies as proposed. The applicant stated the following:

"Design is the minimum to alleviate the hardship. Due to existing site conditions, the building will be sitting about two feet below the street/public sidewalk grade. Stairs are added at the entry along Molalla Ave entry location for direct access from/to the public sidewalk."

The applicant submitted a design with two functional entryways, one facing Molalla Avenue, and one facing the parking lot. Stairs were implemented near the Molalla entryway to accommodate a difference in grade between the building and the abutting sidewalk. The more architecturally significant façade, facing the parking lot, does not require the use of stairs to access. Providing a more significant façade facing Molalla Avenue could potentially require a variance to the maximum setbacks for commercial buildings or a complete reconfiguration of the parking lot layout.

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

Finding: Complies as proposed. The applicant stated the following:

"Design is compromising to equal the purpose of the regulations. Both entries have the same type of canopy defining the entries and providing shelter from the elements. The canopy at the entry along Molalla Ave is designed 12 feet wide and 5 feet deep while the other entry has only a 3 feet deep canopy. Both entries have double doors six feet wide with side and upper windows. The elevation facing Molalla Ave has a total of 36 ft of storefront glazing whereas the elevations at the parking lot only 30 ft of glazing."

The general purpose of the building orientation standards is to assure that buildings are pedestrian-oriented and safely accessible from the public sidewalk. While facades facing the parking lot provide aesthetic value to the patrons who arrive in a vehicle, facing the most architecturally significant façade toward the street provides more aesthetic value to the surrounding community. As shown on the provided building elevations, both facades include significant architectural features and double-door entrances and appear to equal the purpose of the building orientation standards.

D. Any impacts resulting from the adjustment are mitigated;

Finding: Complies as proposed. The applicant stated the following:

"No impacts are anticipated from the adjustment. The existing Credit Union layout had the drive-through lane directly visible from Molalla Ave. The new building layout pulls the ATM behind the building which greatly enhances the street side elevation along Molalla Ave and adds more landscaping to the side of the building towards the Wells Fargo adjacent site."

Impacts from the variance would be mitigated through significant improvements to site landscaping along the property's frontage. Additionally, the building will have a functional main entrance and direct pedestrian connection to Molalla Avenue.

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

Finding: Complies as proposed. The applicant stated the following:

"No practical alternative can be designed for due to drive-up location regulations and tenant operation needs."

There are several approaches that the applicant could propose to meet the subject standard, such as keeping the entirety of the parking and vehicle maneuvering areas to the rear of the building, . However, staff finds that the requested variance is the least impactful due to the building's need for drive-up service.

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

Finding: Complies as proposed. The applicant stated the following:

"The comprehensive plan is mainly followed. Entry is provided onto Molalla street and parking is provided to shopping center needs."

The Comprehensive Plan designates the property as Commercial (C) and state that the designation is appropriate for "commercial uses serving local, city-wide, and regional needs, such as retail and service commercial." Since the proposed bank use serves the retail and service needs as described in the Comprehensive Plan, this criterion is met."

GOAL 3—Guide growth and development in a manner that implements the City's 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

POLICY 3.1—Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

STRATEGY 3.1.A—Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

GOAL 4—Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

POLICY 4.2—Incorporate resource efficiency and sustainability in the built environment by emphasizing energy-saving features and practices in construction and development regulations.

STRATEGY 4.2.B—Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

Primary goals of the OC2040 Comprehensive Plan include guiding new developments toward supporting Oregon City's population growth and incorporating supportive community features and sustainability principles into the developments' design. Staff finds that the proposed development complies with the intent of the goals, policies, and strategies of the OC2040 Comprehensive Plan. Approval of the requested variance would allow the applicant to meet the intent of the zoning code and the Comprehensive Plan.

<u>CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW</u>

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 17.62.055.I;

g. Windows in OCMC 17.62.055.J

h. Parking Lot Landscaping in OCMC 17.52.060.

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

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.

Finding: Complies with condition. A modification to OCMC 17.62.055.D – *Siting of Structures* is proposed. **See findings from Section 17.62.055.D of this report.**

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.

Finding: Applicable. The applicant has proposed the development of a new building in the "C" Commercial District; therefore, Chapter 17.62 is applicable.

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.

Finding: Not applicable. This application is for a new commercial building, requiring a Type II major site plan and design review application.

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.
Finding: Not applicable. This application is for a new commercial building, requiring a Type II major site plan and design review application.

17.62.040 – Items required.
G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.
If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.
Finding: Complies as Proposed. The applicant submitted all the required information. Notice of the application was provided to SHPO and the confederated tribes listed at the time of the pre-application conference. Any comments received regarding recommendations for archeological monitoring have been or will be forwarded to the applicant.

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 conditioned. Prior to issuance of a permit associated with the proposed development, a revised landscape plan shall be submitted indicating that all plants listed on the Oregon City Nuisance Plant List will be removed from the site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of 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. Per OCMC 17.32, the site requires 15% landscaping. The total site area is 24,441 square feet. The proposed development will result in approximately 24.3% of the site as landscape area.

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. The subject site is not located within the Natural Resource Overlay District.

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 with Condition. The applicant submitted a landscaping plan prepared by Rodney L. Scaccalosi, Registered Landscape Architect, which identifies a visual variety of plants, shrubs, and trees, including a mix of vertical and horizontal elements. The landscaping plan does not identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. The landscape plan does not specify that mulch, cobble, and similar materials will be limited to the canopy of shrubs and within two feet of the base of the trees. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised landscaping plan which identifies that within three years of planting, landscaping will cover one hundred percent of the landscaped area, and that mulch, rock mulch, and similar materials will be limited to underneath the canopy of shrubs and within two feet of base of trees at the time of construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. Landscaping shall be visible from public thoroughfares to the extent practicable.
Finding: Complies as Proposed. Existing and proposed landscaping is visible from both Molalla Avenue to the extent practicable.

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: Complies as Proposed. The proposed parking lot landscaping does not obstruct lines of sight for safe traffic operation or otherwise interfere with vehicular circulation.

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. Parking is proposed to the side of and behind the building. No new parking areas have been proposed in front of building.

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: Complies as proposed. Record of an existing parking and vehicular easement [recording no. 78-008633] that provides connection to an abutting property, Clackamas County Map 3-2E-05D, tax lot 1211, has been provided. No changes to this easement have been proposed with this application.

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
Finding: Not applicable. The subject parcel is approximately 0.56 acre is lot size.

4. Parking garage entries shall not be more than half of the streetscape.
Finding: Not Applicable. A parking garage has not been proposed as part of this development.

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: Complies as Proposed. The proposal includes a direct pedestrian connection that does not cross a drive aisle between the main building entrances and Molalla Avenue.

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 proposed pedestrian circulation includes a direct pedestrian connection from the main building entrances to the bicycle parking amenities, the parking lot, and to the Molalla Avenue sidewalk.

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. The sidewalks on Molalla Avenue and Beavercreek Road provide pedestrian circulation to the principal building entrance of buildings on adjacent sites.

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: Not Applicable. No elevated external stairways or walkways are proposed. Two stairs are proposed between the building entrance on Molalla Avenue, but are not proposed to be elevated above grade.

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: Complies with Condition. All on-site pedestrian walkways are proposed to be hard surfaced (concrete). The walkway that is proposed to abut a vehicle travel lane is separated from the auto travel lane by a raised curb. No pedestrian walkways are currently proposed to cross drive aisles within the parking lot. The walkway abutting nonparallel parking stalls and the walkway connecting the two main entrances do not meet the minimum width standards of seven feet and five feet respectively. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a revised pedestrian circulation system which includes walkways that meet the minimum width requirements. If a new walkway is proposed to cross a drive aisle as a result of the conditions of approval, the walkway shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Complies as Proposed. The applicant's narrative acknowledged that the development proposal will maintain continuous compliance with applicable federal, state, and City standards.

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: See findings from section 16.12 of this report.

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: Complies as proposed. Notice of this application was provided to Tri-Met, who did not comment on the proposal.

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.

Finding: Complies as conditioned. The applicant states in the project narrative that rooftop mechanical equipment will be stored on the roof toward the back of the proposed building and will be sufficiently screened via a parapet approximately four to five in height. Prior to issuance of a building permit associated with the proposed development, the applicant shall provide a roof plan that demonstrates compliance with this section. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not applicable The applicant is not proposing wall-mounted equipment that is subject to this standard. Two wall-mounted utility meters, not grouped together, are proposed on the south elevation of the proposed building but are exempt from screening standards.

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.

Finding: Not applicable. No ground-mounted mechanical equipment has been proposed to be installed with this application.

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. No solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed.

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: Not Applicable. The application does not propose any prohibited materials.

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: Complies as proposed. The predominant materials proposed for the building's exterior are stone veneer and fiber cement panels. Aluminum metal is proposed as an accent material on the west and south elevations of the building but is not be considered a siding material for the purposes of this section.

J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
1. 12.04 Streets, Sidewalks and Public Places
2. 12.08 Public and Street Trees

3. 13.04 Water Service System
4. 13.08 Sewer Regulations
5. 13.12 Stormwater Management
6. 16.12 Minimum Improvements and Design Standards for Development
7. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks
8. 17.40 Historic Overlay District
9. 17.41 Tree Protection Standards
10. 17.42 Flood Management Overlay District
11. 17.44 Geologic Hazards
12. 17.47 Erosion and Sediment Control
13. 17.48 Willamette River Greenway
14. 17.49 Natural Resource Overlay District
15. 17.50 Administration and Procedures
16. 17.52 Off-Street Parking and Loading
17. 17.54 Supplemental Zoning Regulations and Exceptions
18. 17.58 Lawful Nonconforming Uses, Structures, and Lots
19. 17.65 Master Plans and Planned Unit Development
Finding: Applicable. The applicable chapters are included within this report.

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: Applicable. The proposed building is a commercial building; therefore, these standards 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.
Finding: Not Applicable. No conflicts have been identified.

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.
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.
Finding: Complies with condition. The applicant has proposed a new building that is approximately 43 feet in width along approximately 144 feet frontage. Approximately 8.5% of the frontage is proposed to be occupied by the building within five feet of the property line and approximately 21.5% of the frontage is to be occupied by the building seven feet from the property line. In total, this building is proposed to occupy 30% of the frontage within five-to-seven feet of the property line. This modification is considered per OCMC 17.62.015.A.1.e, *Modifications that will better meet design review requirements.*

The applicant has proposed to keep the existing parking location to the north side of the building, reducing the applicant's ability to situate the building along 60% of the frontage. The applicant states that the building is setback seven feet from the property line to accommodate stairs due to the grading difference between the building and the street. The intent of the building location standards is to encourage pedestrian-oriented activity and access, and to reduce vehicular activity between buildings and the right-of-way. To offset the impact of the modified standard, the applicant shall provide additional elements as specified in 17.62.055.D. Prior to issuance of a building permit associated with the proposed development, the applicant shall submit a revised site plan identifying at least one additional element from 17.62.055.D to be located within thirty feet of street-facing property line. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.
Finding: The applicant has applied for a Type III variance to allow for a secondary façade to face toward the street. Please see findings under OCMC 17.60.

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.
Finding: Complies as proposed. The proposed south elevation entryway includes display windows, projection of the entryway, a raised parapet above the entryway, and distinct materials. The west elevation entryway includes display windows, a canopy of at least five feet in depth, distinct architectural detailing (metal sun screen and rods for canopy), and distinct materials.

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.
Finding: Not Applicable. The site is not a corner lot.

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.
Finding: Not applicable. The proposed street-facing facade is approximately 45 feet in length.

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
Finding: Complies as proposed. All front and side facades provide changes in building materials and windows and doors such that there are no blank walls of thirty feet proposed.

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
Finding: Complies as proposed. The street facing façade is approximately 45 feet in length and includes a covered canopy entry, a change in plane at least two feet in width and six inches in depth, and large display windows that serve as an alternative feature providing visual relief.

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.
Finding: Not applicable. One building is proposed with this development.

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%*
Proposed	***85%***	***Not applicable***	***35% (north) 45% (south)***	***Not applicable***

Finding: Complies as Proposed. Please see finding above in table.

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.
Finding: Complies as proposed. The applicant has indicated that no reflective, glazed, mirrored, or tinted glass is proposed with this development.

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.
Finding: Complies as proposed. No false windows or door openings are proposed with this development.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
Finding: Not applicable. This application is for a new commercial development.

K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
Finding: Not applicable. The street facing façade of the proposed development is less than seventy-five feet.

L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.

Finding: Complies as proposed. The proposed drive-through facility is located at the rear of the building and is designed to maximize queue storage on site and to not impact vehicular circulation on a public right-of-way.

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.
Finding: Complies as proposed. The proposed development includes a main entrance that orients towards the transit street [Molalla Avenue] and provides on-site pedestrian walkways that do not cross off-street parking or maneuvering areas.

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.
Finding: Not applicable. The proposed development is for office/retail use, with a building that is approximately 3,445 square feet in size.

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

2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
Finding: Complies as proposed. The applicant submitted a photometric plan indicating proposed lighting levels in foot-candles along with specification schedules of the lighting features to be installed on the site.

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

C. Design and Illumination Standards.
1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
Finding: Complies with condition. The proposed photometric plan indicates that outdoor lighting will be appropriately shielded. Prior to issuance of a building permit associated with this development, a revised photometric plan shall be submitted to staff for review which demonstrates compliance with the standards for glare on other properties as measured at the property line. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Lighting shall be provided in parking lots and vehicular circulation areas.

Finding: Complies as proposed. Vehicular scaled lighting in parking lots and vehicle circulation areas are provided in the form of LED pole lights and LED recessed downlights in parking lots and vehicle circulation areas.

3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
Finding: Complies as proposed. Lighting in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas are proposed in the form of wall-mounted sconces on the building and LED recessed downlights in parking lots and vehicle circulation areas. Prior to issuance of a building permit associated with this development, a revised photometric plan shall be submitted to staff for review which provides pedestrian scale lighting for the walkway connecting the building to Molalla Avenue. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

4. Lighting shall be provided at all building entrances.
Finding: Complies as proposed. Lighting for building entrances is provided in the form of wall-mounted sconces and LED recessed downlights.

5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
Finding: Complies as proposed. The provided lighting details show the lighting sources, except for pedestrian scale lighting, to be full cut-off style fixtures.

6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
Finding: Complies with Condition. The provided lighting details include lighting poles on site that are stated to exceed twenty-five feet. Prior to the issuance of a building permit associated with the proposed development, the applicant shall provide revised lighting details demonstrating that lighting poles on the site do not exceed twenty-five feet in height. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.
Finding: Complies as proposed. No floodlights have been proposed with this application.

8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
Finding: Complies as proposed. The lighting proposed on outdoor canopies are recessed.

9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
Finding: Complies with Condition. No details regarding lighting during non-operating hours were provided with this application. Prior to the issuance of a building permit associated with the proposed development, the applicant shall provide lighting details demonstrating that light not necessary for

security purposes will be reduced, activated by motion sensor detectors, or turned off during non-operating hours. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
Finding: Not applicable. None are proposed.

11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
Finding: Complies with Condition. No details regarding the upward emissions of decorative lighting were provided with this application. Prior to the issuance of a building permit associated with the proposed development, the applicant shall provide lighting details demonstrating compliance with this section. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
Finding: Not applicable. None are proposed.

13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
Finding: Not applicable. No outdoor recreational uses are proposed.

14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.
Finding: Complies as proposed. The lighting level at the building entrance facing the transit street is 23.7 foot-candles.

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.
The purpose and intent of these provisions is to provide an efficient, safe, and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:
A. Fully enclosed and visually screened;
B. Located in a manner easily and safely accessible by collection vehicles;
C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
E. Maintained by the property owner;
F. Used only for purposes of storing solid waste and recyclable materials;
G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies. 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: Complies as proposed. Refuse and recycling facilities will be located within an enclosure east of the proposed building. Access is provided through a drive aisle in a manner in which collection vehicles

will not hinder travel lanes, walkways, or adjacent properties. The refuse area will be located on a concrete slab-on-grade.

II. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, staff concludes that the proposed application for Site Plan and Design Review, Parking Adjustment and Variance at 1689 Molalla Avenue, Oregon City, and identified as Clackamas County 3-2E-05D, Tax Lot 1205, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report.

Therefore, the Community Development Director recommends approval with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Public Comments (On File)

PM Design Group, Inc.
3860 Broadway Street, Suite 110
American Canyon, CA 94503

May 4, 2023

City of Oregon City
Planning Department
695 Warner Parrott Road
Oregon City, OR 97045

RE: **CHASE BANK OREGON CITY**
1689 Molalla Ave
Oregon City, OR 97045
PMDG JOB NO. CBR22019.0

Project Description:

Architectural drawings and documents are being submitted by PM Design Group on behalf of JP Morgan Chase and pertain to the property located at 1689 Molalla Ave, Oregon City, OR ID; APN: 3-2E-05D-01205, Zone C, General Commercial.

The project site is an existing vacant Northwest Community Credit Union building, on the SE corner of Molalla Ave. that was partially destroyed by fire. The site has 17 parking stalls for the previously approved credit union. There are +/- 15 other retails stores/services located within the overall shopping center. This site is zoned C- General Commercial, banking is permitted within this zone. A drive-up ATM is designated as a convenience use and permitted by right within this zoning district. The site is accessed from driveways on Molalla Ave. and Beavercreek Road.

Chase is proposing to remove the existing building and construct a new branch building with an attached drive-up convenience ATM. In addition, the scope is to upgrade the parking lot and the landscaping to accommodate the new building and drive-up aisle. The new site layout will have 24 stalls in total (18 standard, four compact and two accessible stalls). This is eight stalls over the maximum allowed by the code.

A request for a parking adjustment is made for exceeding the max stall amount per table 17.52.020. The following are justifications:

1. The site's title 24 document, EAS 78-008633 (as attached) outlines cross access and parking requirements throughout the entire site. Any reduction in parking would be counter to this agreement.
2. The additional spaces will have a benefit to the entire center around the Mollala Ave driveway entry. It will reduce any impact from spillover parking from and to other businesses, such as the Burger King and the dental office.

3. The parking stalls are laid out to be onsite, similar to the existing condition and will not have any conflict with the functions onsite or offsite. The interior parking lot landscaping requirements are met.
4. The parking lot in the rear is somewhat hidden away and doesn't allow for safe pedestrian connection to the Chase site. Customers will most likely not use the parking area there.
5. The need for additional parking for customers and employees is delineated in the attached letter by Chase from Bruce Sayles showing traffic patterns for the branch.

The proposed building is rectangle in shape with some tower elements and glazing frontages. The design of the building has a modern look to it but includes tactile finishes such as synthetic wood siding and stone veneer. The colors are brown, cream and silver grey. The storefront is black anodized finish. The awnings and the canopy are of an aluminum finish.

A request for a deviation from the code is made for the entry feature along Mollala Ave. The following are justifications to deem this entry within the code definition's realm in addition for a reasoning on this design:

1. The existing Credit Union layout had the drive-through lane directly visible from Molalla Ave. The new building layout pulls the ATM behind the building which greatly enhances the street side elevation along Mollala Ave and adds more landscaping to the side of the building towards the Wells Fargo adjacent site.
2. The building is designed with two entrances, one facing the parking lot and one facing Molalla Ave. Both entrances have safe pedestrian access to the parking lot and the public sidewalk.
3. Due to existing site conditions, the building will be sitting about two feet below the street/public sidewalk grade. Stairs are added at the entry along Mollala Ave entry location for direct access from/to the public sidewalk.
4. Section 17.32.050 E1. mentions a required 5-foot setback. The building is set back five feet at the corner. To accommodate the entry doors, an accessible sidewalk, and the stairs to the public sidewalk the building steps back at the entry for a 6'-6" setback.
5. Both entries have the same type of canopy defining the entries and providing shelter from the elements. The canopy at the entry along Mollala Ave is designed 12 feet wide and 5 feet deep while the other entry has only a 3 feet deep canopy. Both entries have double doors six feet wide with side and upper windows.
6. The elevation facing Mollala Ave has a total of 36 ft of storefront glazing whereas the elevations at the parking lot only 30 ft of glazing.

The hours of operation are estimated to be on Monday through Saturday 8 am to 6 pm. The vestibule ATM and the Drive-up ATM can be accessed at any time. The employee count is about five min. up to 10 at peak hours.

Overall, the branch is designed to minimize the use of bankers in transitional work. While tellers will be available and in plain sight, the bank hopes to handle about 80% of routine needs with in-branch technology. Bankers are equipped with tablets and with easy access to other technology in order to interact with consumers as naturally as

possible in multiple environments. The intent is for the customer to have a full experience not just a place for processing transactions. The experience is to include financial education as well.

The convenience of self-service is available as well with the ATMs inside, the walk-up ATM and the drive-up ATM. Despite the mobile technology, the ATM is still popular with customers nationwide. The convenience of doing the transaction from the car is attractive to the customers as it is easier and more comfortable in case they must wait in line.

The improvements will give a new enhanced experience to the customers. We are looking forward to coordinate with the city in the anticipation of a fast approval of the project.

Please let us know if you have any questions.

Respectfully,

Ariane Sanders, Architect
Project Manager
PM Design Group, Inc.
3860 Broadway Drive Suite #110
American Canyon, Ca. 94503
P: 707.655.4320
asanders@pmdginc.com

Bruce L. Sayles
NW Market Director of RE
9055 Reseda Blvd, 2nd Floor
Northridge, CA 91324

May 4, 2023

Re: Chase Required Parking – Oregon City, OR

To whom it may concern:

JPMorgan Chase Bank ("Chase") has been advised that the City of Oregon City requests additional detailed support with regards to Chase's bank branch parking requirements.

The current parking code restrictions will not provide sufficient parking to support the future Chase branch as there is not any supplemental street parking and the two surrounding businesses of Gentle Dental and Burger King do not seem to have sufficient parking for peak hours and those customers or employees may migrate into the Chase lot.

Chase typically requires a minimum of 20 customer parking spaces plus 10 employee parking spaces for a total of 30 spaces for its prototypical suburban bank branches. In this case, we can assume that employees other than the Branch Manager and Assistant Branch Manager can park elsewhere in the parking field of the adjacent center. The Branch Manager and Assistant Branch Manager must park close to the branch building for security purposes. Two other on site spaces will be designated for handicapped (ADA) parking so the request is for 24 parking spaces to accommodate the requirement.

A Chase branch's consumer and business activity averages 350 – 400 transactions per day in addition to banker advisory business which includes account banking, business banking, lending, and advisory appointments and walk-ins.

The attached graph is an average daily customer occupancy of a Chase branch which is tracked for staffing purposes. The blue line represents the total customer activity in 30-minute segments and includes teller assisted transactions (gold line), accounts (grey line), and then the various advisory services.

The peak hours of customer traffic are between 11:00-1:30 where 18-19 customers visit the branch each half hour. This does not include any ATM transactions which are not tracked in the staffing model and account for another 8-10 per each in a peak half hour. Therefore, it is typical that there are 25-30 customers averaging 15-20 minutes in a branch which equates to a parking requirement of 20 customer parking spaces at peak times.

(30 customers x 20 min/visit) / 30 minute interval = 20 minimum customer parking spaces

Additionally, Chase will staff the branch with 5-6 employees but will have additional tellers at peak times and will have desks for appointments with bankers, lending officers, business bankers, and investment advisors who service a community of branches and could result in 10 employees in a branch at peak times who require parking.

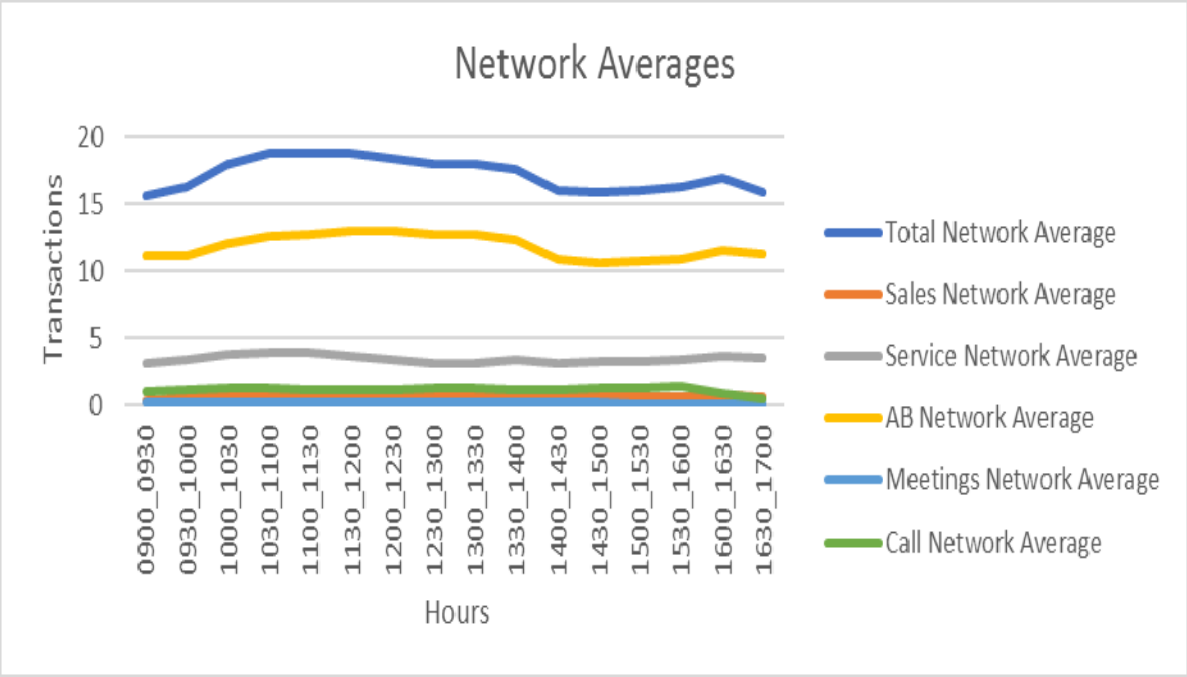
Hope this helps and please let me know any questions.

Sincerely,

Bruce L Sayles

Bruce L. Sayles
Vice President
NW Market Director of Real Estate
JPMorgan Chase Bank

Attachment



147-282

STATUTORY WARRANTY DEED

DATED: March 1, 1978

FROM: PETER B. BEDFORD and MARC PAUL, INC. GRANTOR

TO: FRED MEYER SAVINGS & LOAN ASSOCIATION, an Oregon corporation GRANTEE

Grantor hereby conveys and warrants to Grantee the following described real property situated in the County of Clackamas, State of Oregon, free of encumbrances except as specifically set forth herein:

See attached Exhibit "A"

TOGETHER WITH:

A nonexclusive easement for Grantee, its employees, tenants, customers, and invitees to cross and park upon all portions of the property described on Exhibit "B" as "the Shopping Center" as may from time to time be designated for parking and vehicular traffic. Such rights shall be exercised in compliance with reasonable regulations adopted by Grantor for the use of such areas and in a manner which will not interfere with the rights of Grantor or other tenants of or owners of property comprising the Shopping Center who shall have the right to use such areas in common with Grantee.

GRANTOR RESERVES for itself, its successors, and assigns, and all tenants of and the other owners of property comprising the Shopping Center the right to use in common with Grantee all areas on the property described on Exhibit "A" as may from time to time be designated for parking and vehicular traffic, such use to be in a manner which does not unreasonably interfere with parking and access by Grantee, and provided that Grantee shall have the right to designate up to ten (10) parking spaces for the exclusive use of Grantee, its employees, tenants, customers, and invitees.

SUBJECT TO:

Zoning ordinances; building and use restrictions; easements of record.

Grantee covenants that so long as the property described on Exhibit "B" as the Shopping Center is used as a shopping center improvements constructed by Grantee on the property described on Exhibit "A" shall not exceed 4,500 square feet in area.

The covenants contained herein shall run with the land and bind the

78 8633

Recorded by Title Insurance Company

successors and assigns of the parties.

The true consideration for this conveyance is One Hundred Seven Thousand ($107,000.00) Dollars.

DATED THIS 1 day of March, 1978.

GRANTOR:

Peter B. Bedford

MARC PAUL, INC.

By: Kenneth M. Kaplan
Vice President

STATE OF CALIFORNIA
County of Contra Costa } ss.

On this 27 day of February, 1978, personally appeared the above-named PETER B. BEDFORD and acknowledged the foregoing deed to be his voluntary act.

OFFICIAL SEAL
LYNNETTE DANFELT
NOTARY PUBLIC — CALIFORNIA
CONTRA COSTA COUNTY
My Commission Expires June 16, 1981

Lynnette Danfelt
Notary Public for
My Commission expires: 6-16-81

STATE OF CALIFORNIA
County of Contra Costa } ss.

On this 27th day of February, 1978, personally appeared before me Kenneth M. Kaplan, who being sworn, stated that he is the Vice President of MAR PAUL, INC., a California corporation, and that this deed was voluntarily signed in behalf of the corporation by authority of its Board of Directors.

OFFICIAL SEAL
LYNNETTE DANFELT
NOTARY PUBLIC — CALIFORNIA
CONTRA COSTA COUNTY
My Commission Expires June 16, 1981

Lynnette Danfelt
Notary Public for
My Commission expires: 6-16-81

2

EXHIBIT "A"

A portion of the Samuel N. Vance Donation Land Claim No. 51 in the southeast quarter of Section 5, T 3 S, R 2 E, W.M., in County of Clackamas and State of Oregon, described as follows:

Beginning at a brass disc located at the intersection of Oregon State Highway Department-State Route 213 and Clackamas County Market Road No. 11, said brass disc being the point of intersection of a 1° curve to the southeast on said Highway 213 and engineer's station 38 + 02.85; thence South 30° 46' 30" East 460 feet to a point; thence North 88° 53' 30" East 40.96 feet to a 5/8" iron rod on the easterly right-of-way line of Oregon State Highway Department-State Route 213; thence South 30° 46' 30" East 350 feet along the easterly right-of-way of the Oregon State Highway Department-State Route 213, or more commonly known as Molalla Avenue; thence North 59° 13' 30" East 5.0 feet to a point which is the TRUE PLACE OF BEGINNING of the tract herein described; thence North 59° 13' 30" East 182.5 feet; thence North 30° 46' 30" West, parallel with Molalla Avenue, 95 feet; thence North 88° 28' 18" West 91.69 feet; thence South 59° 13' 30" West 105 feet to a point which bears North 30° 46' 30" West from the true place of beginning; thence South 30° 46' 30" East 144 feet to the true place of beginning, containing 24,381 square feet.

3

EXHIBIT "B"

A portion of the Samuel N. Vance D. L. C. No. 51 in the southeast quarter of Section 5, T 3 S, R 2 E, W. M., in County of Clackamas and State of Oregon, described as follows:

Beginning at a brass disc located at the intersection of Oregon State Highway Department State Route 213, hereinafter referred to as Molalla Avenue, and Clackamas County Market Road No. 11, hereinafter referred to as Beavercreek Road, said disc being the point of intersection of a 1° curve to the southeast on said Molalla Avenue and Engineer's Station 38 + 02.85; thence South 30° 46' 30" East 460.0 feet to a point; thence South 89° 29' East 46.81 feet to a point which is 40 feet northeasterly from the centerline of Molalla Avenue when measured at right angles therefrom, which point is the TRUE PLACE OF BEGINNING of the tract herein described; thence South 30° 46' 30" East, parallel with the centerline of Molalla Avenue, 202.96 feet to a 5/8" iron rod; thence North 59° 13' 30" East 105 feet to a 5/8" iron rod; thence South 88° 28' 18" East 91.69 feet to a 5/8" iron rod; thence South 30° 46' 30" East 95 feet to a 5/8" iron rod; thence South 59° 13' 30" West 17.5 feet to a 5/8" iron rod; thence South 30° 46' 30" East 160 feet to a 5/8" iron rod; thence South 59° 13' 30" West 165 feet to a 5/8" iron rod at a point which is 40 feet easterly from the centerline of Molalla Avenue when measured at right angles therefrom; thence South 30° 46' 30" East, parallel with the centerline of Molalla Avenue 697.38 feet; thence North 44° 52' 30" East 734.64 feet to a 5/8" iron rod; thence North 46° 04' 10" West 15.0 feet to a 5/8" iron rod; thence North 44° 52' 30" East 296.61 feet to a point which is 10 feet southwesterly from the southwesterly boundary of Beavercreek Road when measured at right angles therefrom; thence North 81° 27' 31" West, parallel with and 10 feet southwesterly from the southwesterly boundary of Beavercreek Road, 426.35 feet, more or less, to a point of curve, thence northwesterly 346.43 feet along the arc of a tangent curve right, having a radius of 994.93 feet and a central angle of 19° 57', the long chord of which bears North 71° 29' 01" West 344.68 feet to a point of tangent; then North 61° 30' 31" West 245.96 feet; thence North 89° 29' West 368.51 feet to the true place of beginning. Bearings of this description are based upon the Oregon State Highway Department survey of Molalla Avenue. Dimensional data are derived from a survey by Alva W. Bettis, P.E. 6942.

STATE OF OREGON } ss.
County of Clackamas }

I, George D. Poppen, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for and recorded in the records of said county at

78 MAR 2 P3:38

RECORDER OF CONVEYANCES ★ OREGON ★ CLACKAMAS CO.

Witness my hand and seal of office affixed

GEORGE D. POPPEN
County Clerk

Recording Certificate 78 8633

CCF-R4

4

OREGON CITY

CHASE

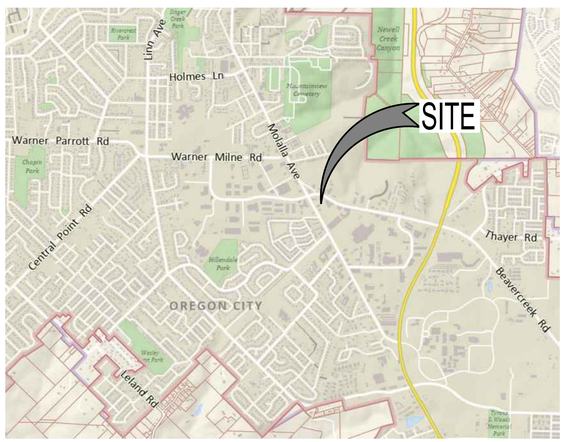
1689 MOLALLA AVENUE
OREGON CITY, OR 97045

CHASE OVP #C11201600396

AREA MAP

NORTH

VINCINITY MAP



NORTH

BUILDING AND SITE DATA

JURISDICTION: OREGON CITY

ASSESSORS PARCEL NUMBER: 3-2E-05D-01205

ZONE: C (GENERAL COMMERCIAL)

PROPOSED SITE AREA: ±24,441 S.F. (0.56 AC)

PROPOSED BUILDING AREA: 1-STORY BUILDING: 3,445 S.F.

CONSTRUCTION TYPE: TYPE VB; NON-SPRINKLERED

OCCUPANCY CLASSIFICATION:
PROPOSED USE: B-OFFICE

PARKING SUMMARY:
PARKING REQUIRED:
OFFICE AREA= 886 SF
3.33 STALLS PER 1,000 S.F. = MAX 3 STALLS
RETAIL AREA= 2,559 SF
5 STALLS PER 1,000 S.F. = MAX 13 STALLS
TOTAL 16 STALL MAX ALLOWABLE

PARKING PROVIDED: 24 STALLS (1 VAN ACCESSIBLE STALL, 1 STANDARD ACCESSIBLE STALL)

SCOPE OF WORK

- NEW 3,445 S.F. CHASE BANK BUILDING W/ DRIVE-UP ATM.
- SITE WORK INCLUDING PAVED PARKING AREA, LIGHT POLES, AND CONCRETE SIDEWALKS.
- NEW LANDSCAPE & IRRIGATION.
- NEW SIGNAGE (UNDER SEPARATE REVIEW & PERMIT).

SHEET INDEX

ARCHITECTURAL DRAWINGS	
A0.0	COVER SHEET
1 OF 1	ALTA SURVEY
A0.1	PROPOSED SITE PLAN
A1.0	PROPOSED FLOOR PLAN
A2.0	PROPOSED EXTERIOR ELEVATIONS
A2.1	PROPOSED EXTERIOR ELEVATIONS
A2.2	COLOR EXTERIOR ELEVATIONS
A2.3	COLOR EXTERIOR ELEVATIONS
CIVIL DRAWINGS	
C1.00	EXISTING CONDITIONS AND DEMOLITION
C2.00	SITE PLAN
C3.00	UTILITY PLAN
C4.00	GRADING AND DRAINAGE
LANDSCAPING DRAWINGS	
L1	LANDSCAPING PLAN
L1	LANDSCAPING PLAN
ELECTRICAL DRAWINGS	
E0.2	PHOTOMETRIC PLAN

PREPARED FOR:

CHASE

CHASE OVP # C11201600396
LINEAR MEDIUM
(STANDARD PALETTE)
1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

KEN McCRACKEN, ARCHITECT
Architecture • Program Management • Permitting

6930 DESTINY DRIVE
SUITE 100
ROCKLIN, CA 95677
PROJECT CONTACT: ARIANE SANDERS
PHONE: 707.655.4320
EMAIL: ASANDERS@MDGINC.COM

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ISSUE	DATE	DESCRIPTION
	5/4/23	PLANNING RE-SUBMITTAL
	2/10/23	PLANNING SUBMITTAL
	10/10/22	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	09/29/2022
DRAWN BY:	PM
CHECKED BY:	AS

MODEL

DRAWING STANDARDS v20.6

SHEET TITLE

COVER SHEET

SHEET NUMBER

A0.0

OREGON CITY

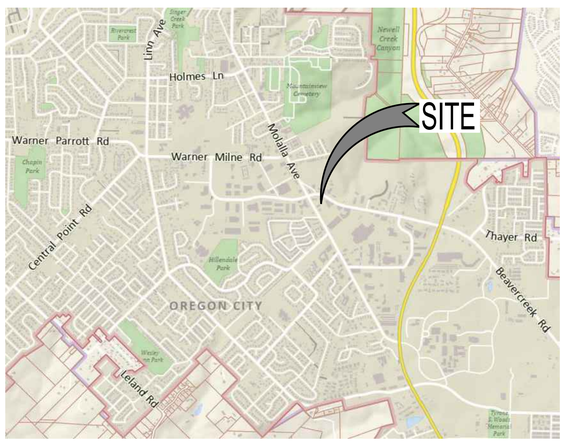
CHASE

1689 MOLALLA AVENUE
OREGON CITY, OR 97045

CHASE OVP #C11201600396

AREA MAP

VINCINITY MAP



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CHECKED BY:	AS

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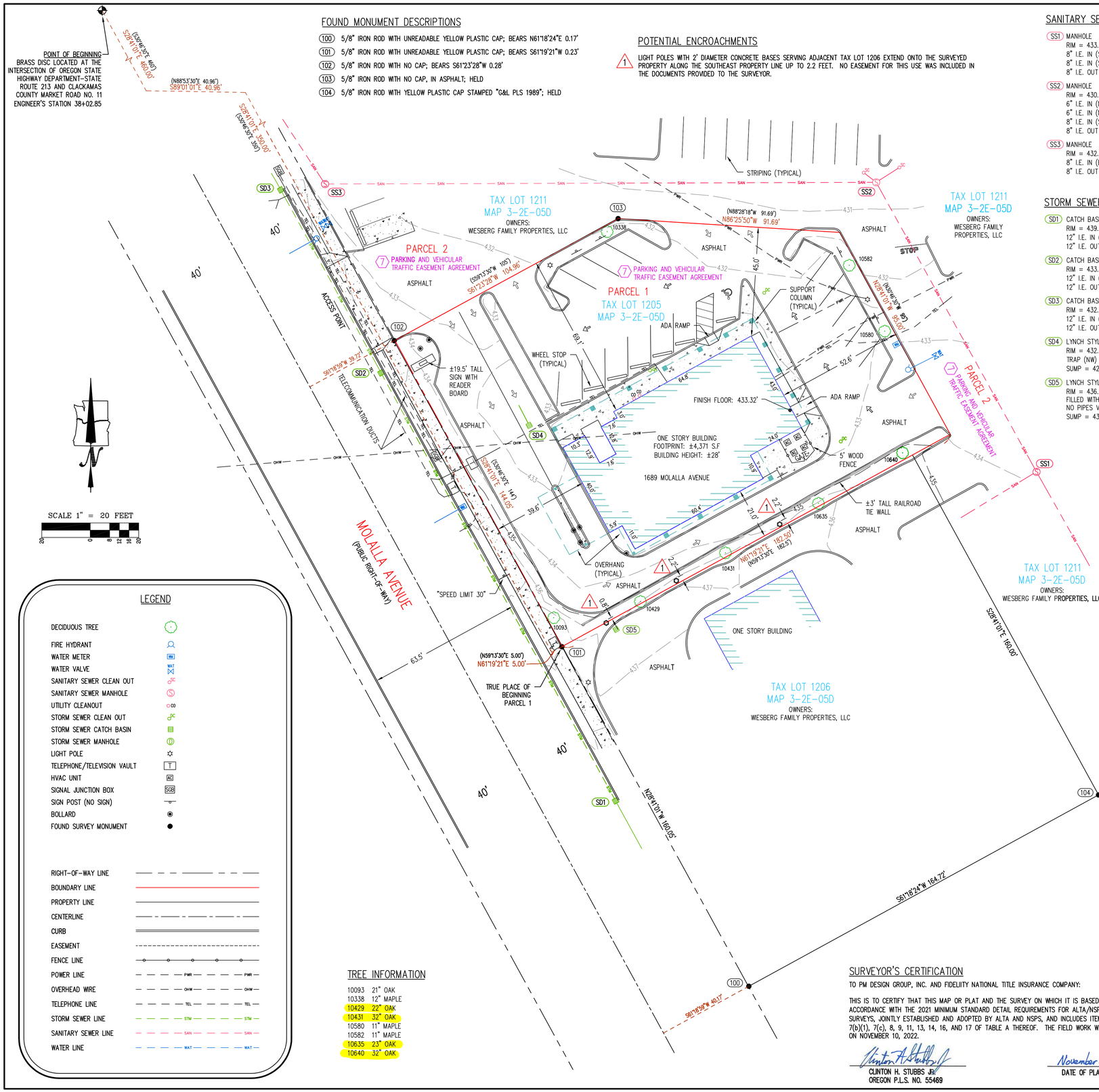
DRAWING STANDARDS v20.6

SHEET TITLE

COVER SHEET

SHEET NUMBER

A0.0



FOUND MONUMENT DESCRIPTIONS

(100) 5/8" IRON ROD WITH UNREADABLE YELLOW PLASTIC CAP; BEARS N61°18'24"E 0.17'
(101) 5/8" IRON ROD WITH UNREADABLE YELLOW PLASTIC CAP; BEARS S61°19'21"W 0.23'
(102) 5/8" IRON ROD WITH NO CAP; BEARS S61°23'28"W 0.28'
(103) 5/8" IRON ROD WITH NO CAP, IN ASPHALT; HELD
(104) 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "G&L PLS 1989"; HELD

POTENTIAL ENCROACHMENTS

(1) LIGHT POLES WITH 2' DIAMETER CONCRETE BASES SERVING ADJACENT TAX LOT 1206 EXTEND ONTO THE SURVEYED PROPERTY ALONG THE SOUTHEAST PROPERTY LINE UP TO 2.2 FEET. NO EASEMENT FOR THIS USE WAS INCLUDED IN THE DOCUMENTS PROVIDED TO THE SURVEYOR.

SANITARY SEWER INFORMATION

(SS1) MANHOLE
RIM = 433.78'
8" I.E. IN (SE) = 429.0'
8" I.E. IN (SW) = 428.9'
8" I.E. OUT (NW) = 428.8'

(SS2) MANHOLE
RIM = 430.56'
6" I.E. IN (NE) = 427.5'
6" I.E. IN (NW) = 427.5'
8" I.E. IN (SE) = 427.5'
8" I.E. OUT (W) = 427.6'

(SS3) MANHOLE
RIM = 432.38'
8" I.E. IN (E) = 425.2'
8" I.E. OUT (NW) = 425.1'

STORM SEWER INFORMATION

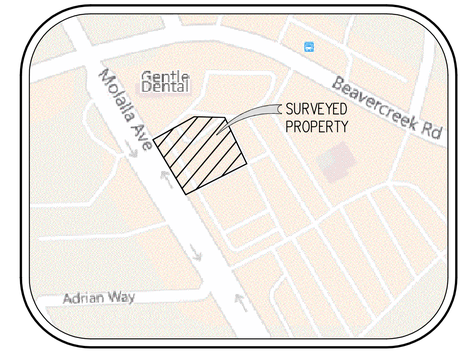
(SD1) CATCH BASIN
RIM = 439.45'
12" I.E. IN (SE) = 436.0'
12" I.E. OUT (NW) = 435.9'

(SD2) CATCH BASIN
RIM = 433.40'
12" I.E. IN (SE) = 430.4'
12" I.E. OUT (NW) = 430.3'

(SD3) CATCH BASIN
RIM = 432.15'
12" I.E. IN (SE) = 429.2'
12" I.E. OUT (NW) = 429.1'

(SD4) LYNCH STYLE CATCH BASIN
RIM = 432.18'
TRAP (NW)
SUMP = 428.3'

(SD5) LYNCH STYLE CATCH BASIN
RIM = 436.29'
FILLED WITH WATER
NO PIPES VISIBLE
SUMP = 433.5'



VICINITY MAP
NOT TO SCALE

NOTES

1. THE SURVEYED PROPERTY ADDRESS IS 1689 MOLALLA AVENUE, OREGON CITY, OREGON.

2. THE GROSS PROPERTY AREA IS 24,376 SQUARE FEET, MORE OR LESS.

3. THE PROPERTY HAS FRONTAGE ALONG THE PUBLIC RIGHT-OF-WAY OF MOLALLA AVENUE, WITH NO GAPS OR GORES. THERE IS NO DIRECT VEHICULAR ACCESS TO THE STREET FROM THE PROPERTY. VEHICULAR ACCESS IS ATTAINED VIA THE EASEMENT RECORDED AS DOC. NO. 78-008633 AND NOTED AS EXCEPTION 7 IN THE TITLE REPORT AT THE CURB CUT AS SHOWN.

4. ELEVATIONS AND CONTOURS ARE BASED ON GPS MEASUREMENTS ON THE ORGN REAL TIME NETWORK. THE ELEVATIONS ARE ON THE NAVD 1988 DATUM.

5. THE PROPERTY IS LOCATED ON THE FLOOD INSURANCE RATE MAP FOR CLACKAMAS COUNTY, OREGON WITH A MAP NUMBER 41005C0279D (NOT PRINTED) HAVING AN EFFECTIVE DATE OF JUNE 17, 2008. THIS MAP SHOWS THAT THE PROPERTY IS LOCATED IN ZONE 'X', DEFINED AS; "AREAS OF MINIMAL FLOOD HAZARD".

6. THE UNDERGROUND UTILITIES ARE BASED ON THE MARKINGS PER LOCATE TICKET NUMBER 22315829.

7. THERE ARE 17 STRIPED PARKING SPACES LOCATED ON THE SURVEYED PROPERTY INCLUDING 1 DESIGNATED FOR HANDICAPPED USAGE.

8. THERE WAS NO EVIDENCE OF RECENT EARTH MOVING, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

PROPERTY DESCRIPTION

PARCEL 1:

A PORTION OF THE SAMUEL N. VANCE DONATION LAND CLAIM NO. 51 IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS DISC LOCATED AT THE INTERSECTION OF OREGON STATE HIGHWAY DEPARTMENT-STATE ROUTE 213 AND CLACKAMAS COUNTY MARKET ROAD NO. 11, SAID BRASS DISC BEING THE POINT OF INTERSECTION OF A 1" CURVE TO THE SOUTHEAST ON SAID HIGHWAY 213 AND ENGINEER'S STATION 38+02.85; THENCE SOUTH 30°46'30" EAST 460 FEET TO A POINT; THENCE NORTH 88°53'30" EAST 40.96 FEET TO A 5/8 INCH IRON ROD ON THE EASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY DEPARTMENT-STATE ROUTE 213; THENCE SOUTH 30°46'30" EAST 350 FEET ALONG THE EASTERLY RIGHT-OF-WAY OF THE OREGON STATE HIGHWAY DEPARTMENT-STATE ROUTE 213, OR MORE COMMONLY KNOWN AS MOLALLA AVENUE; THENCE NORTH 59°13'30" EAST 5.0 FEET TO A POINT WHICH IS THE TRUE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 59°13'30" EAST 182.5 FEET; THENCE NORTH 30°46'30" WEST, PARALLEL WITH MOLALLA AVENUE, 95 FEET; THENCE NORTH 88°28'18" WEST 91.69 FEET; THENCE SOUTH 59°13'30" WEST 105 FEET TO A POINT WHICH BEARS NORTH 30°46'30" WEST FROM THE TRUE PLACE OF BEGINNING; THENCE SOUTH 30°46'30" EAST 144 FEET TO THE TRUE PLACE OF BEGINNING.

PARCEL 2:

AN EASEMENT, AS AN APPURTENANCE TO PARCEL 1 ABOVE, FOR VEHICULAR ACCESS AND PARKING AS CREATED BY AND DEFINED IN THE INSTRUMENT RECORDED MARCH 2, 1978, AS NO. 78 008633, RECORDS OF CLACKAMAS COUNTY, OREGON, AND UPON THE TERMS AND PROVISIONS EMBODIED THEREIN.

BOUNDARY RESOLUTION

THE BASIS OF BEARINGS FOR THE SURVEY IS OREGON STATE PLANE COORDINATES, DERIVED FROM GPS MEASUREMENTS USING THE ORGN NETWORK.

THE CENTERLINE OF MOLALLA AVENUE WAS ESTABLISHED BY HOLDING OFFSET DISTANCES SHOWN FOR THE MONUMENTS AT (100) AND (102) PER SURVEY NUMBER 2019-153, CLACKAMAS COUNTY SURVEY RECORDS. THE CENTERLINE WAS OFFSET 40.00 FEET EASTERLY TO ESTABLISH THE RIGHT-OF-WAY LINE ADJACENT TO THE PROPERTY, ALSO BEING THE WESTERLY PROPERTY BOUNDARY.

A LINE PARALLEL WITH THE RIGHT-OF-WAY LINE WAS HELD FROM THE MONUMENT AT (104) WITH THE RECORD LENGTH SHOWN ON SURVEY NUMBER 25495, CLACKAMAS COUNTY SURVEY RECORDS. THE LOCATION WAS HELD WITH THE MONUMENT AT (101) TO ESTABLISH THE SOUTHEASTERLY LINE. THAT LINE WAS EXTENDED TO ITS RECORD LENGTH TO ESTABLISH THE SOUTHEAST PROPERTY CORNER. LINE PARALLEL WITH THE RIGHT-OF-WAY LINE WAS HELD FROM THE SOUTHEAST CORNER THE RECORD LENGTH PER THE PROPERTY DESCRIPTION AND SURVEY NUMBER 25495 TO ESTABLISH THE MOST NORTHERLY EAST CORNER. THIS LOCATION WAS HELD WITH THE MONUMENTS AT (102) AND (103) TO ESTABLISH THE NORTHERLY BOUNDARY.

EXCEPTIONS

(#) EXCEPTION NUMBER PER OWNER'S POLICY

THE PROPERTY DESCRIPTION AND EXCEPTIONS ARE PER THE OWNER'S POLICY OF TITLE INSURNACE DATED SEPTEMBER 23, 2021, ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY WITH FILE NUMBER 45142115896A.

SPECIFIC EXCEPTIONS:

(7) EASEMENT AGREEMENT, FOR THE PURPOSES AND UPON THE TERMS AND PROVISIONS EMBODIED THEREIN, SET FORTH IN THE INSTRUMENT;

RESERVED BY: ADJOINING PROPERTY OWNER
PURPOSE: PARKING AND VEHICULAR TRAFFIC
RECORDING DATE: MARCH 2, 1978
RECORDING NO.: 78-008633
AFFECTS: EXACT LOCATION NOT DISCLOSED

SURVEYOR'S NOTE: THE DOCUMENT CONTAINS A RECIPROCAL EASEMENT FOR ACCESS AND PARKING THAT IS BLANKET IN NATURE. IT AFFECTS THE SURVEYED PROPERTY AND PROPERTY LOCATED TO THE NORTH AND EAST OF THE SURVEYED PROPERTY (TAX LOT 1211). THE EASEMENT IS NOT PLOTTABLE. SEE DOCUMENT FOR PARTICULARS ON USE OF THE EASEMENT.

LEGEND

DECIDUOUS TREE
FIRE HYDRANT
WATER METER
WATER VALVE
SANITARY SEWER CLEAN OUT
SANITARY SEWER MANHOLE
UTILITY CLEANOUT
STORM SEWER CLEAN OUT
STORM SEWER CATCH BASIN
STORM SEWER MANHOLE
LIGHT POLE
TELEPHONE/TELEVISION VAULT
HVAC UNIT
SIGNAL JUNCTION BOX
SIGN POST (NO SIGN)
BOLLARD
FOUND SURVEY MONUMENT

RIGHT-OF-WAY LINE
BOUNDARY LINE
PROPERTY LINE
CENTERLINE
CURB
EASEMENT
FENCE LINE
POWER LINE
OVERHEAD WIRE
TELEPHONE LINE
STORM SEWER LINE
SANITARY SEWER LINE
WATER LINE

TREE INFORMATION

10093	21" OAK
10338	12" MAPLE
10429	22" OAK
10431	32" OAK
10580	11" MAPLE
10582	11" MAPLE
10635	23" OAK
10640	32" OAK

SURVEYOR'S CERTIFICATION

TO PM DESIGN GROUP, INC. AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2-4, 7(a), 7(b)(1), 7(c), 8, 9, 11, 13, 14, 16, AND 17 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 10, 2022.

CLINTON H. STUBBS JR.
OREGON P.L.S. NO. 55469

November 28, 2022
DATE OF PLAT OR MAP:

NORTHWEST SURVEYING, INC.
1815 NW 169th PLACE, SUITE 2090
BEAVERTON, OR. 97006
PH:(503) 848-2127 FAX:(503) 848-2179
EMAIL: nwsurveying@nwsrvy.com

LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

ALTA / NSPS LAND TITLE SURVEY
OREGON CITY
TAX LOT 1205

DRAWING NO.:	2539 ALTA
SCALE:	AS NOTED
DRAWING GENERATED BY LD2004	
DRAWN BY:	BJA
CHECKED BY:	CHS

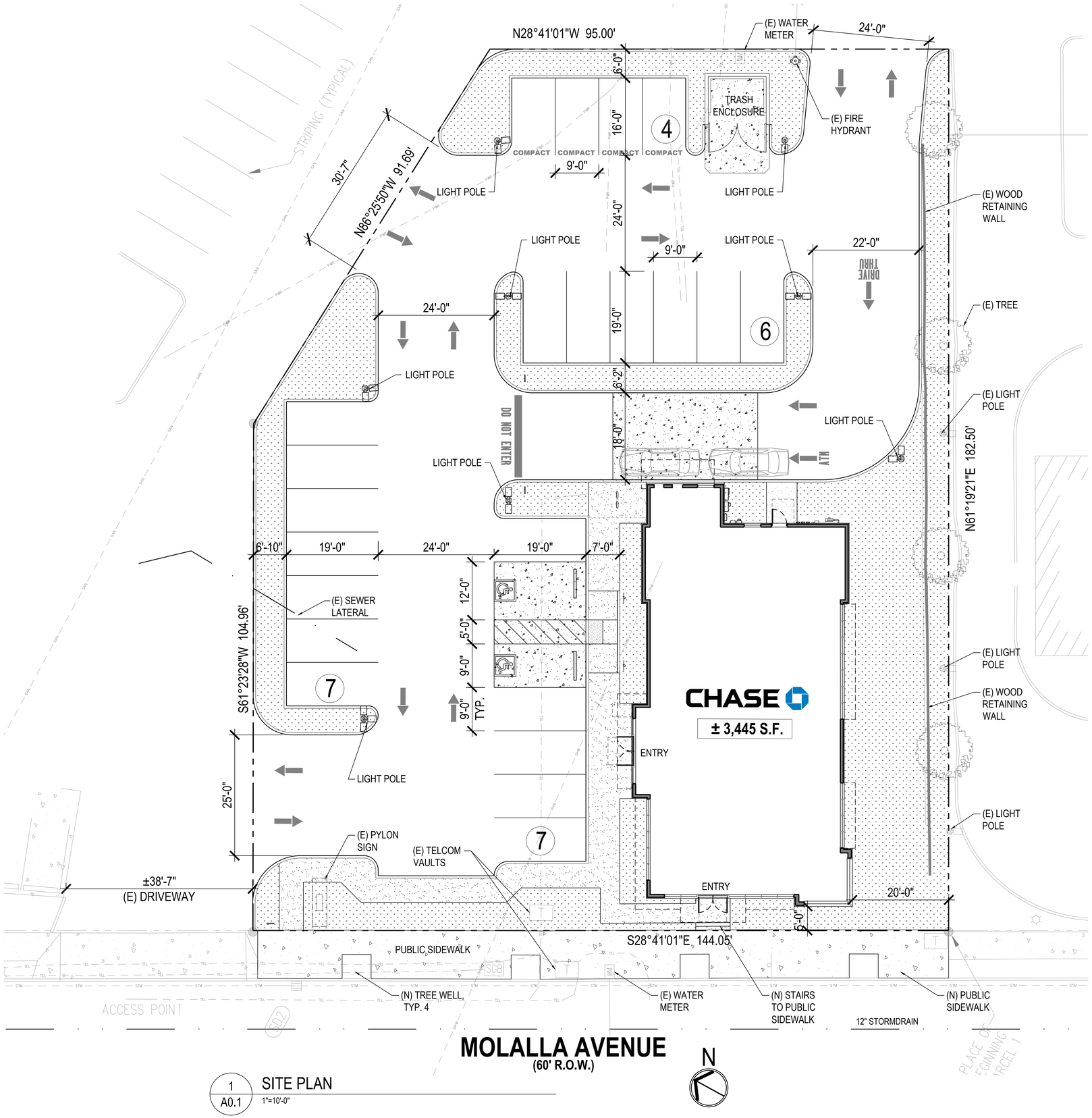
PREPARED FOR:
PM DESIGN GROUP, INC
6930 DESTINY DRIVE, #100
ROCKLIN, CA 95677

REVISIONS:
PRELIM ISSUE: NOV. 21, 2022
INITIAL RELEASE: NOV. 28, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 15, 2002
CLINTON H. STUBBS JR.
55469LS
RENEWS: 06/30/24

JOB NUMBER
2539

SHEET
1 OF 1



1 / A0.1 SITE PLAN
1"=10'-0"

VICINITY MAP

PROJECT DESCRIPTION

DEMOLITION OF EXISTING BUILDING, SIDEWALKS, CURBS AND ASPHALT.
CONSTRUCTION OF NEW ±3,445 S.F. CHASE BANK BRANCH BUILDING INCLUDING INTERIOR TENANT IMPROVEMENTS WITH DRIVE-UP ATM.
CONSTRUCTION OF NEW SITE IMPROVEMENTS ONSITE AND OFFSITE INCLUDING NEW LANDSCAPING AND RE-CONNECTING UTILITIES.

SITE AND BUILDING DATA

SITE AREA: 24,441SF, 0.56 ACRES
BUILDING AREA: ±3,445 SF
ZONING: C (GENERAL COMMERCIAL)
APN: 3-2E-05D-01205
SET BACKS: NONE
PROPOSED BUILDING: B-BUSINESS (BANK)
BUILDING HEIGHT:
ALLOWED: NO LIMIT
BUILDING HEIGHT: 21'-6"
TYPE OF CONSTRUCTION:
V-B; NON-SPRINKLERED BUILDING
PARKING REQUIRED:
OFFICE AREA= 886 SF
3.33 STALLS PER 1,000 S.F. = MAX 3 STALLS
RETAIL AREA= 2,559 SF
5 STALLS PER 1,000 S.F. = MAX 13 STALLS.
MAX TOTAL STALLS 16
PARKING PROVIDED:
BANK PROVIDED: 24 STALLS
18 STALLS @ 9' X 19' + 4 COMPACT STALLS @ 9' X 16'
+ 1 ACCESSIBLE STALL @ 12' X 19' + 1 ACCESSIBLE STALL @ 9' X 19'

LEGEND:

CONCRETE PAVEMENT.

CONCRETE SIDEWALK, PROVIDE EXPANSION JOINTS AT 25' AND GROOVES AT 5' INTERVAL.

LANDSCAPE.

PREPARED FOR:

CHASE

CHASE OVP # C1201600396
LINEAR MEDIUM
(STANDARD PALETTE)
1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

KEN McCRACKEN, ARCHITECT
Architecture · Program Management · Permitting
6930 DESTINY DRIVE
SUITE 100
ROCKLIN, CA 95677
PROJECT CONTACT: ARIANE SANDERS
PHONE: 707.655.4320
EMAIL: ASANDERS@PMDGINC.COM

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ISSUE	DATE	DESCRIPTION
	5/4/23	PLANNING RE-SUBMITTAL
	2/10/23	PLANNING SUBMITTAL
	10/10/22	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	09/29/2022
DRAWN BY:	PM
CHECKED BY:	AS

MODEL
DRAWING STANDARDS v20.6

SHEET TITLE
PROPOSED SITE PLAN

SHEET NUMBER
A0.1

1 A1.0 FLOOR PLAN
1/4"=1'-0"

N

PREPARED FOR:

CHASE

CHASE OVP # C1201600396
LINEAR MEDIUM
(STANDARD PALETTE)
1689 MOLALLA AVENUE
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PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	09/29/2022
DRAWN BY:	PM
CHECKED BY:	AS

MODEL

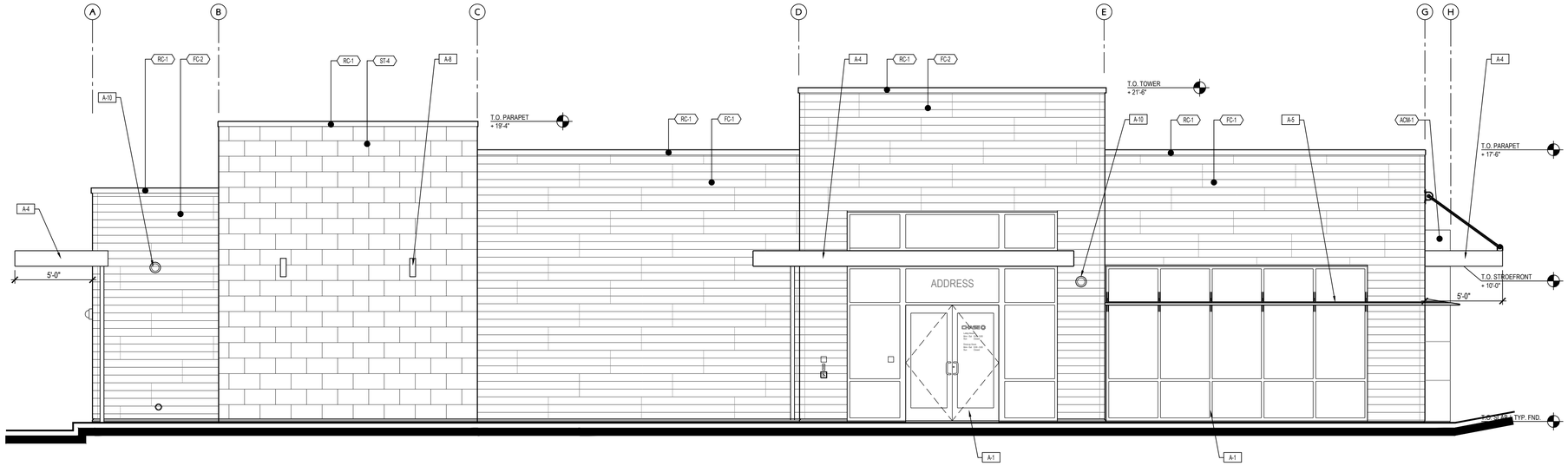
DRAWING STANDARDS v20.6

SHEET TITLE

FLOOR PLAN

SHEET NUMBER

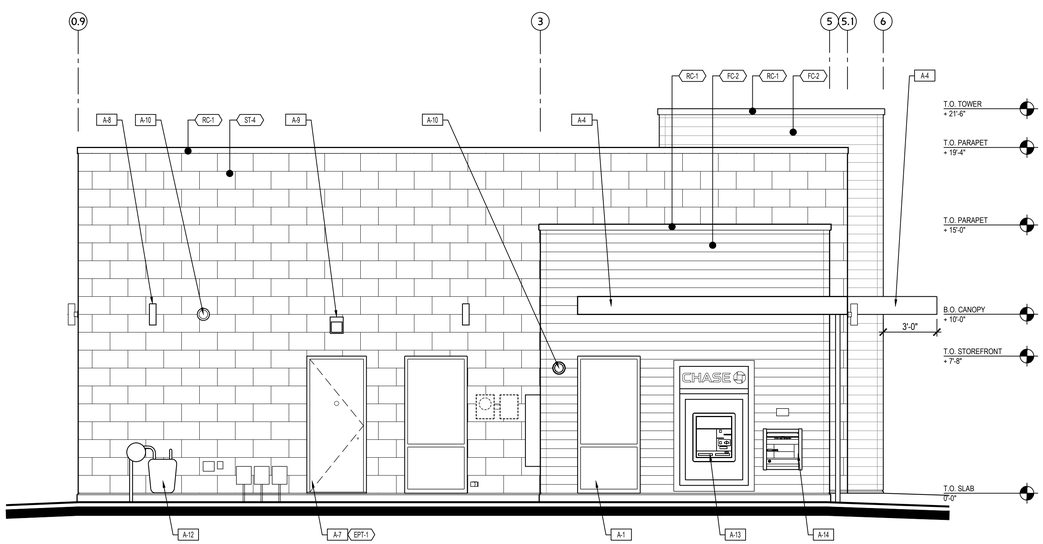
A1.0



1
A2.0

NORTH ELEVATION

1/4"=1'-0"



2
A2.0

EAST ELEVATION

1/4"=1'-0"

EXTERIOR FINISH MATERIALS

ST-4	**MANUFACTURED THIN STONE VENEER**	
	MANUFACTURER	CORONADO STONE PRODUCTS
	PRODUCT	CHISELED LIMESTONE
	COLOR	CREAM
	SIZE	24" WIDE x 12" HIGH x 1" THICK
	GROUT	1/4" NOMINAL JOINTS WITH FULL SMOOTH TOOLED COLOR-MATCHED PORTLAND CEMENT GROUT
	NOTES	RUNNING BOND MANUFACTURED THIN STONE FIELD-CUT TO MAX. LENGTHS POSSIBLE WITH BUTTED AND LAPPED INSIDE CORNERS AND MANUFACTURER'S FABRICATED RETURN CORNER PIECES- MITERED CORNERS ARE NOT ACCEPTABLE- PLACE CONTROL JOINTS AS RECOMMENDED BY THE MANUFACTURER- REFER TO WALL SECTIONS AND DETAILS
ST-4 ALTERNATE	**MANUFACTURED THIN STONE VENEER SUBSTITUTE**	
	PRODUCT	REFER TO PROJECT MANUAL SECTION 047300 - MANUFACTURED STONE VENEER FOR SUBSTITUTE PRODUCT OPTIONS WHEN THE PRIMARY PRODUCT IS NOT AVAILABLE.
FC-1	**FIBER CEMENT PANEL- DARK**	
	MANUFACTURER	NICHIHA FIBER CEMENT
	PRODUCT	VINTAGEWOOD AWP 1818 (AVAILABLE AS AWP 3030 FOR NON-PROTOTYPICAL PROJECTS)
	COLOR	BARK
	SIZE	18" NOMINAL x 72" NOMINAL AND 120" NOMINAL
	NOTES	INCLUDE 3.5" MANUFACTURED CORNERS AND MANUFACTURER'S "ESSENTIAL" FLASHING SYSTEM.
FC-2	**FIBER CEMENT PANEL- LIGHT**	
	MANUFACTURER	NICHIHA FIBER CEMENT
	PRODUCT	VINTAGEWOOD AWP 1818 (AVAILABLE AS AWP 3030 FOR NON-PROTOTYPICAL PROJECTS)
	COLOR	ASH
	SIZE	18" NOMINAL x 72" NOMINAL AND 120" NOMINAL
	NOTES	INCLUDE 3.5" MANUFACTURED CORNERS AND MANUFACTURER'S "ESSENTIAL" FLASHING SYSTEM.
RC-1	**ROOF COPING**	
	MANUFACTURER	PETERSEN ALUMINUM / PAC-CLAD
	PRODUCT	PAC-CONTINUOUS
	COLOR	MATTE BLACK STEEL / BLACK ALUMINUM
ACM-1	**ALUMINUM COMPOSITE MATERIAL**	
	MANUFACTURER	ARCONIC ARCHITECTURAL PRODUCTS
	PRODUCT	REYNOBOND
	COLOR	DURAGLOSS 5000 DG SILVER
EPT-1	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 7045 INTELLECTUAL GRAY
	FINSH	SEMI-GLOSS
EPT-2	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 7036 ACCESSIBLE BEIGE
	FINSH	SEMI-GLOSS
EPT-8	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 6995 SUPERWHITE
	FINSH	SEMI-GLOSS
EPT-9	**EXTERIOR PAINT- OPTIONAL MATCH TO NICHIHA BARK**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC
	COLOR	SW 7675 SEALSKIN
	FINSH	SEMI-GLOSS
EPT-10	**EXTERIOR PAINT- OPTIONAL MATCH TO NICHIHA ASH**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC
	COLOR	SW 7018 DOVETAIL
	FINSH	SEMI-GLOSS
DFS-1	**DIRECT-APPLY FINISH SYSTEM (ALT. TO PAINTED STEEL DECK)**	
	MANUFACTURER	STO
	PRODUCT	STOQUIK GOLD
	COLOR	MATCH SHERWIN WILLIAMS SW 6995 SUPERWHITE
	FINSH	STOLIT 1.0

EXTERIOR ELEVATION KEYNOTES

A-1	BLACK ANODIZED STOREFRONT SYSTEM
A-2	CLEAR ANODIZED STOREFRONT SYSTEM
A-3	ACM METAL PANEL
A-4	ENTRANCE CANOPY: SHOP FABRICATED SITE-ASSEMBLED PRE-FINISHED COOL ZINC GRAY CUSTOM ALUMINUM CANOPY UNIT WITH PREPPED ELECTRICAL OPENINGS AND INTEGRAL DRAINAGE SYSTEM FASTENDED TO BUILDING STRUCTURE BY AEP SPAN CANOPIES, SUPER LUMIDECK WITH FLAT SOFFIT AND 12" FASCIA, OR APPROVED EQUAL
A-5	METAL SUN SCREEN
A-6	SIGNAGE
A-7	HOLLOW METAL DOOR
A-8	SURFACE-MOUNT DECORATIVE LIGHT FIXTURE
A-9	SURFACE-MOUNT EMERGENCY LIGHT FIXTURE
A-10	SECURITY CAMERA
A-11	ELECTRICAL SERVICE METER & CABINET
A-12	GAS METER
A-13	DRIVE-UP ATM BY OWNERS BANK EQUIPMENT VENDOR
A-14	DRIVE-UP AFTER-HOURS DEPOSITORY BY OWNERS BANK EQUIPMENT VENDOR

PREPARED FOR:

CHASE

CHASE OVP # C1120160396
LINEAR MEDIUM
(STANDARD PALETTE)

1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

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	10/10/22	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	09/29/2022
DRAWN BY:	PM
CHECKED BY:	AS

MODEL

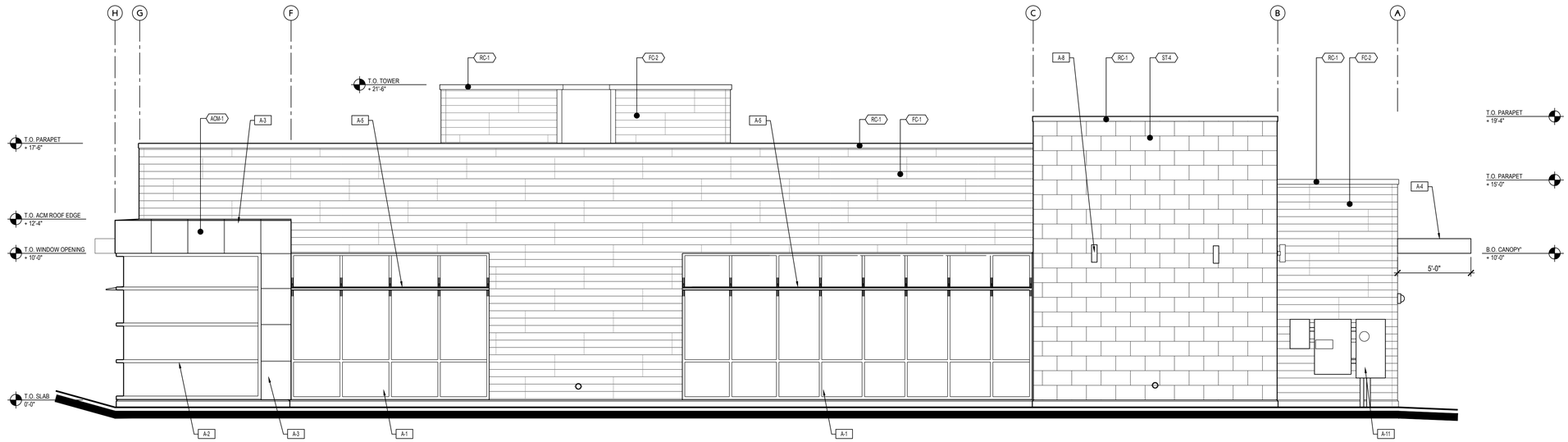
DRAWING STANDARDS v20.6

SHEET TITLE

PROPOSED
EXTERIOR
ELEVATIONS

SHEET NUMBER

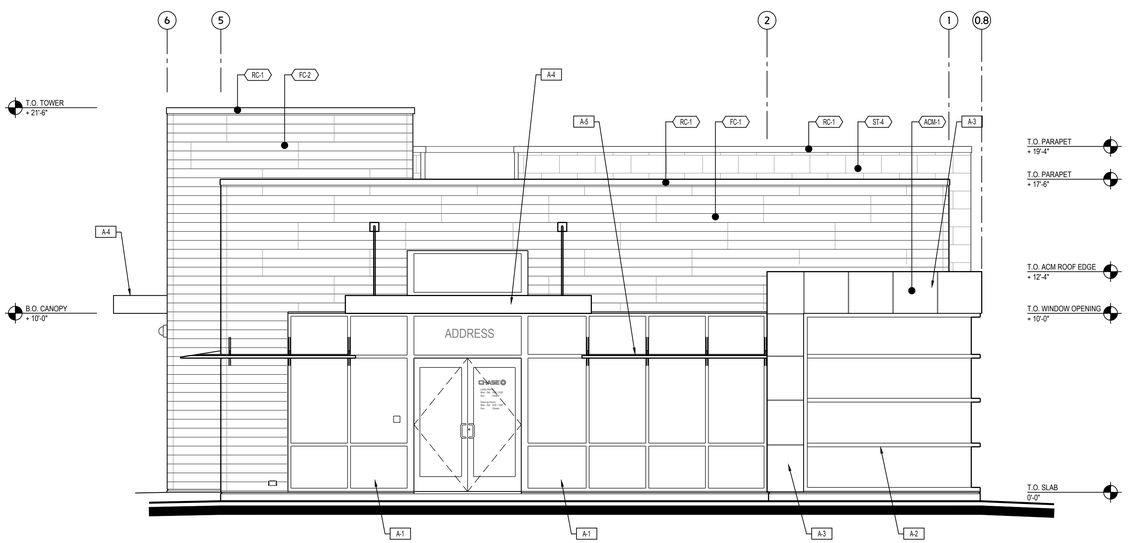
A2.0



1
A2.1

SOUTH ELEVATION

1/4"=1'-0"



2
A2.1

WEST ELEVATION

1/4"=1'-0"

EXTERIOR FINISH MATERIALS

ST-4	**MANUFACTURED THIN STONE VENEER**	
	MANUFACTURER	CORONADO STONE PRODUCTS
	PRODUCT	CHISELED LIMESTONE
	COLOR	CREAM
	SIZE	24" WIDE x 12" HIGH x 1" THICK
	GROUT	1/4" NOMINAL JOINTS WITH FULL SMOOTH TOOLED COLOR-MATCHED PORTLAND CEMENT GROUT
	NOTES	RUNNING BOND MANUFACTURED THIN STONE FIELD-CUT TO MAX. LENGTHS POSSIBLE WITH BUTTED AND LAPPED INSIDE CORNERS AND MANUFACTURER'S FABRICATED RETURN CORNER PIECES- MITERED CORNERS ARE NOT ACCEPTABLE- PLACE CONTROL JOINTS AS RECOMMENDED BY THE MANUFACTURER- REFER TO WALL SECTIONS AND DETAILS
ST-4 ALTERNATE	**MANUFACTURED THIN STONE VENEER SUBSTITUTE**	
	PRODUCT	REFER TO PROJECT MANUAL SECTION 047300 - MANUFACTURED STONE VENEER FOR SUBSTITUTE PRODUCT OPTIONS WHEN THE PRIMARY PRODUCT IS NOT AVAILABLE.
FC-1	**FIBER CEMENT PANEL- DARK**	
	MANUFACTURER	NICHIHA FIBER CEMENT
	PRODUCT	VINTAGEWOOD AWP 1818 (AVAILABLE AS AWP 3030 FOR NON-PROTOTYPICAL PROJECTS)
	COLOR	BARK
	SIZE	18" NOMINAL x 72" NOMINAL AND 120" NOMINAL
	NOTES	INCLUDE 3.5" MANUFACTURED CORNERS AND MANUFACTURER'S "ESSENTIAL" FLASHING SYSTEM.
FC-2	**FIBER CEMENT PANEL- LIGHT**	
	MANUFACTURER	NICHIHA FIBER CEMENT
	PRODUCT	VINTAGEWOOD AWP 1818 (AVAILABLE AS AWP 3030 FOR NON-PROTOTYPICAL PROJECTS)
	COLOR	ASH
	SIZE	18" NOMINAL x 72" NOMINAL AND 120" NOMINAL
	NOTES	INCLUDE 3.5" MANUFACTURED CORNERS AND MANUFACTURER'S "ESSENTIAL" FLASHING SYSTEM.
RC-1	**ROOF COPING**	
	MANUFACTURER	PETERSEN ALUMINUM / PAC-CLAD
	PRODUCT	PAC-CONTINUOUS
	COLOR	MATTE BLACK STEEL / BLACK ALUMINUM
ACM-1	**ALUMINUM COMPOSITE MATERIAL**	
	MANUFACTURER	ARCONIC ARCHITECTURAL PRODUCTS
	PRODUCT	REYNOBOND
	COLOR	DURAGLOSS 5000 DG SILVER
EPT-1	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 7045 INTELLECTUAL GRAY
	FINSH	SEMI-GLOSS
EPT-2	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 7036 ACCESSIBLE BEIGE
	FINSH	SEMI-GLOSS
EPT-8	**EXTERIOR PAINT**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC SEMI-GLOSS
	COLOR	SW 6995 SUPERWHITE
	FINSH	SEMI-GLOSS
EPT-9	**EXTERIOR PAINT- OPTIONAL MATCH TO NICHIHA BARK**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC
	COLOR	SW 7675 SEALSKIN
	FINSH	SEMI-GLOSS
EPT-10	**EXTERIOR PAINT- OPTIONAL MATCH TO NICHIHA ASH**	
	MANUFACTURER	SHERWIN-WILLIAMS
	PRODUCT	METALATEX ACRYLIC
	COLOR	SW 7018 DOVETAIL
	FINSH	SEMI-GLOSS
DFS-1	**DIRECT-APPLY FINISH SYSTEM (ALT. TO PAINTED STEEL DECK)**	
	MANUFACTURER	STO
	PRODUCT	STOQUIK GOLD
	COLOR	MATCH SHERWIN WILLIAMS SW 6995 SUPERWHITE
	FINSH	STOLIT 1.0

EXTERIOR ELEVATION KEYNOTES

A-1	BLACK ANODIZED STOREFRONT SYSTEM
A-2	CLEAR ANODIZED STOREFRONT SYSTEM
A-3	ACM METAL PANEL
A-4	ENTRANCE CANOPY: SHOP FABRICATED SITE-ASSEMBLED PRE-FINISHED COOL ZINC GRAY CUSTOM ALUMINUM CANOPY UNIT WITH PREPPED ELECTRICAL OPENINGS AND INTEGRAL DRAINAGE SYSTEM FASTENDED TO BUILDING STRUCTURE BY AEP SPAN CANOPIES, SUPER LUMIDECK WITH FLAT SOFFIT AND 12" FASCIA, OR APPROVED EQUAL
A-5	METAL SUN SCREEN
A-6	SIGNAGE
A-7	HOLLOW METAL DOOR
A-8	SURFACE-MOUNT DECORATIVE LIGHT FIXTURE
A-9	SURFACE-MOUNT EMERGENCY LIGHT FIXTURE
A-10	SECURITY CAMERA
A-11	ELECTRICAL SERVICE METER & CABINET
A-12	GAS METER
A-13	DRIVE-UP ATM BY OWNERS BANK EQUIPMENT VENDOR
A-14	DRIVE-UP AFTER-HOURS DEPOSITORY BY OWNERS BANK EQUIPMENT VENDOR

PREPARED FOR:

CHASE

CHASE OVP # C1201600396
LINEAR MEDIUM
(STANDARD PALETTE)

1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

KEN McCRACKEN, ARCHITECT
Architecture • Program Management • Permitting

6930 DESTINY DRIVE
SUITE 100
ROCKLIN, CA 95677
PROJECT CONTACT: ARIANE SANDERS
PHONE: 707.655.4320
EMAIL: ASANDERS@PMDGINC.COM

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ISSUE	DATE	DESCRIPTION
	5/4/23	PLANNING RE-SUBMITTAL
	2/10/23	PLANNING SUBMITTAL
	10/10/22	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	09/29/2022
DRAWN BY:	PM
CHECKED BY:	AS

MODEL

DRAWING STANDARDS v20.6

SHEET TITLE

PROPOSED EXTERIOR ELEVATIONS

SHEET NUMBER

A2.1

MATERIAL LEGEND:

BARK - NICHIHA | SHERWIN WILLIAMS: ACCESSIBEL BEIGE | ASH - NICHIHA | ROOF COPING AGED BRONZE | STONE VENEER: CHISELED LIMESTONE | ALUMINUM - CHASE SILVER | STOREFRONT - BLACK ANODIZED | STOREFRONT - CLEAR ANODIZED

1 / A2.2 NORTH ELEVATION
1/4"=1'-0"

2 / A2.2 EAST ELEVATION
1/4"=1'-0"

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PROJECT INFORMATION BLOCK

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DATE:	09/29/2022
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CHECKED BY:	AS

MODEL

DRAWING STANDARDS v20.6

SHEET TITLE

PROPOSED EXTERIOR ELEVATIONS

SHEET NUMBER

A2.2

MATERIAL LEGEND:

BARK - NICHIHA	SHERWIN WILLIAMS: ACCESSIBEL BEIGE	ASH - NICHIHA	ROOF COPING AGED BRONZE	STONE VENEER: CHISELED LIMESTONE	ALUMINUM - CHASE SILVER	STOREFRONT - BLACK ANODIZED	STOREFRONT - CLEAR ANODIZED

1 / A2.3 SOUTH ELEVATION
1/4"=1'-0"

2 / A2.3 WEST ELEVATION
1/4"=1'-0"

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CHECKED BY:	AS

MODEL

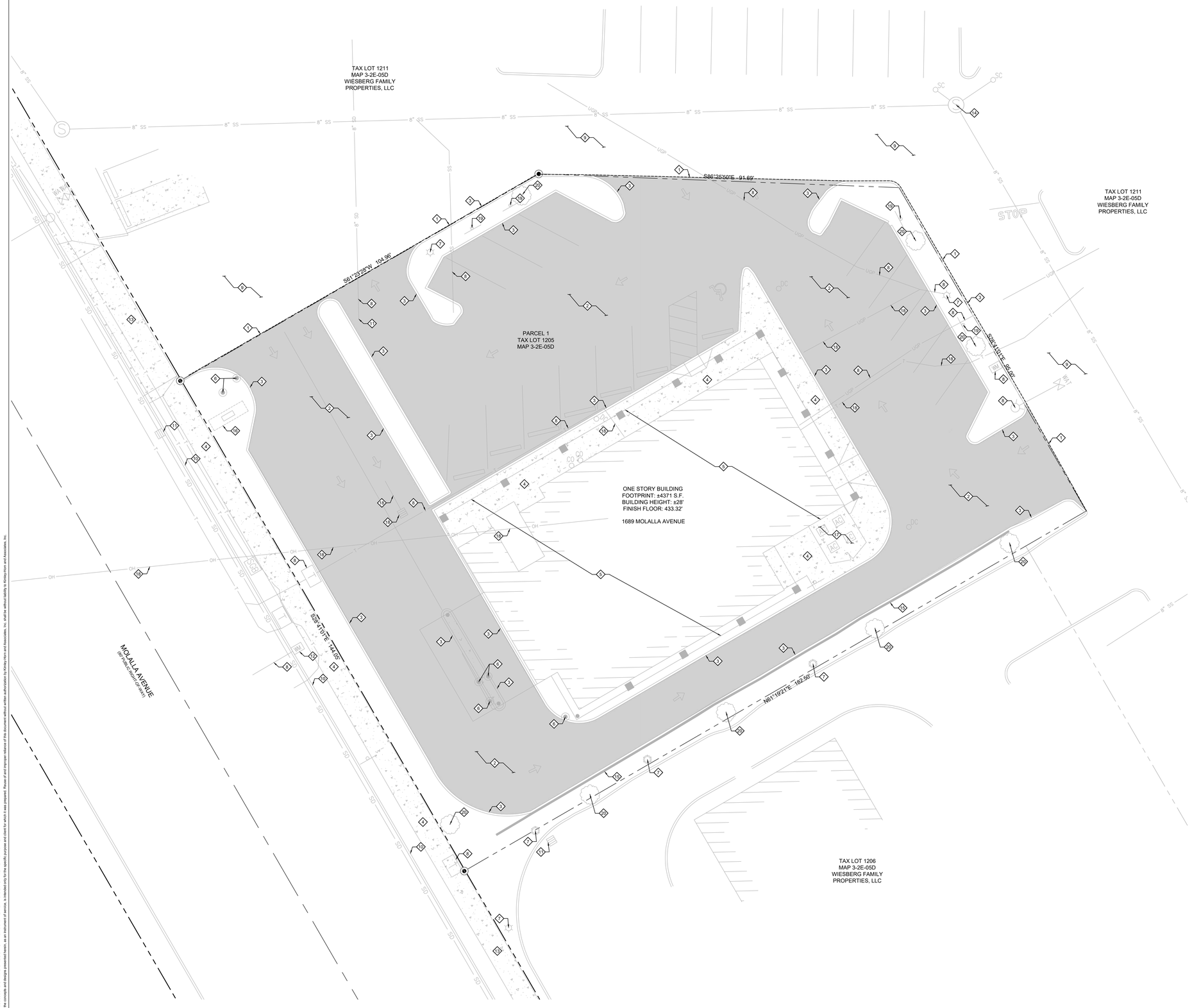
DRAWING STANDARDS v20.6

SHEET TITLE

PROPOSED EXTERIOR ELEVATIONS

SHEET NUMBER

A2.3



GENERAL DEMOLITION NOTES

1. CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
2. CONTRACTOR TO PROTECT IN PLACE, DURING DEMOLITION AND CONSTRUCTION, ALL EXISTING IMPROVEMENTS THAT ARE TO REMAIN AS NOTED ON THE PLAN.
3. ANY EXISTING STRUCTURE, IMPROVEMENT OR APPURTENANCE TO REMAIN THAT IS DAMAGED DURING DEMOLITION OR CONSTRUCTION SHALL BE IMMEDIATELY REPAIRED OR REPLACED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
4. ANY STRUCTURES OR APPURTENANCE TO REMAIN SHALL BE ADJUSTED TO FINISHED GRADE AT NO ADDITIONAL COST.
5. SEE ALTA/NSPS LAND TITLE SURVEY FOR PARKING AND VEHICULAR TRAFFIC EASEMENT. EXACT LOCATION NOT DISCLOSED.

DEMOLITION NOTES

1. SAWCUT EXISTING ASPHALT.
2. REMOVE AND DISPOSE OF EXISTING ASPHALT PAVEMENT.
3. REMOVE AND DISPOSE OF EXISTING CURB.
4. REMOVE AND DISPOSE OF EXISTING SIDEWALK.
5. REMOVE AND DISPOSE OF EXISTING BUILDING. COMPACT AND FILL PER GEOTECHNICAL REPORT SPECIFICATIONS AND STANDARDS.
6. REMOVE AND DISPOSE OF EXISTING BOLLARD.
7. EXISTING SITE LIGHT TO REMAIN AND BE PROTECTED IN PLACE. COORDINATE WITH LIGHT CONSULTANT FOR RELOCATIONS AND REMOVAL OF EXISTING LIGHTS.
8. EXISTING UTILITIES TO REMAIN AND BE PROTECTED IN PLACE.
9. EXISTING ASPHALT TO REMAIN AND BE PROTECTED IN PLACE.
10. EXISTING CONCRETE CURB TO REMAIN AND BE PROTECTED IN PLACE.
11. EXISTING DRAINAGE STRUCTURE TO REMAIN AND BE PROTECTED IN PLACE.
12. EXISTING WATER STRUCTURE TO REMAIN AND BE PROTECTED IN PLACE.
13. EXISTING SIDEWALK TO REMAIN AND BE PROTECTED IN PLACE.
14. EXISTING SEWER MANHOLE TO REMAIN AND BE PROTECTED IN PLACE.
15. EXISTING RETAINING WALL TO REMAIN AND BE PROTECTED IN PLACE.
16. EXISTING MONUMENT SIGN TO REMAIN AND BE PROTECTED IN PLACE.
17. REMOVE AND DISPOSE OF EXISTING HVAC SYSTEMS, STRUCTURES, AND FOUNDATIONAL PAD.
18. REMOVE AND DISPOSE OF EXISTING UTILITY.
19. REMOVE AND DISPOSE OF EXISTING SIGN.
20. EXISTING TREE TO REMAIN AND BE PROTECTED IN PLACE.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING EASEMENT
- SAWCUT LINE
- EXISTING ASPHALT PAVEMENT TO BE REMOVED
- EXISTING SIDEWALK TO BE REMOVED
- EXISTING CURB TO BE REMOVED

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

CITY STAMP

Item #1.

PREPARED FOR:

CHASE

CHASE OVP
 # C11201600396
LINEAR MEDIUM

1689 MOLALLA AVE.
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

Kimley»Horn
1100 West Idaho St., Suite 210
| Boise, ID 83702 | Tel. No. (208) 945-0089

SEAL

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Kimley»Horn
DATE 01/23

ISSUE	DATE	DESCRIPTION

PROJECT INFORMATION BLOCK

JOB #	CBR22003.0
DATE:	1/4/2023
DRAWN BY:	BKG
CHECKED BY:	MPO

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

EXISTING CONDITIONS & DEMOLITION PLAN

SHEET NUMBER

C1.00

Date: 3/29/2023 6:30 PM User: O'REILLY, MICHAEL
Path: K:\BOI_CIVIL\093838\12 CHASE OREGON CITY\CADD\SITE PLAN & DESIGN REVIEW\DM.DWG
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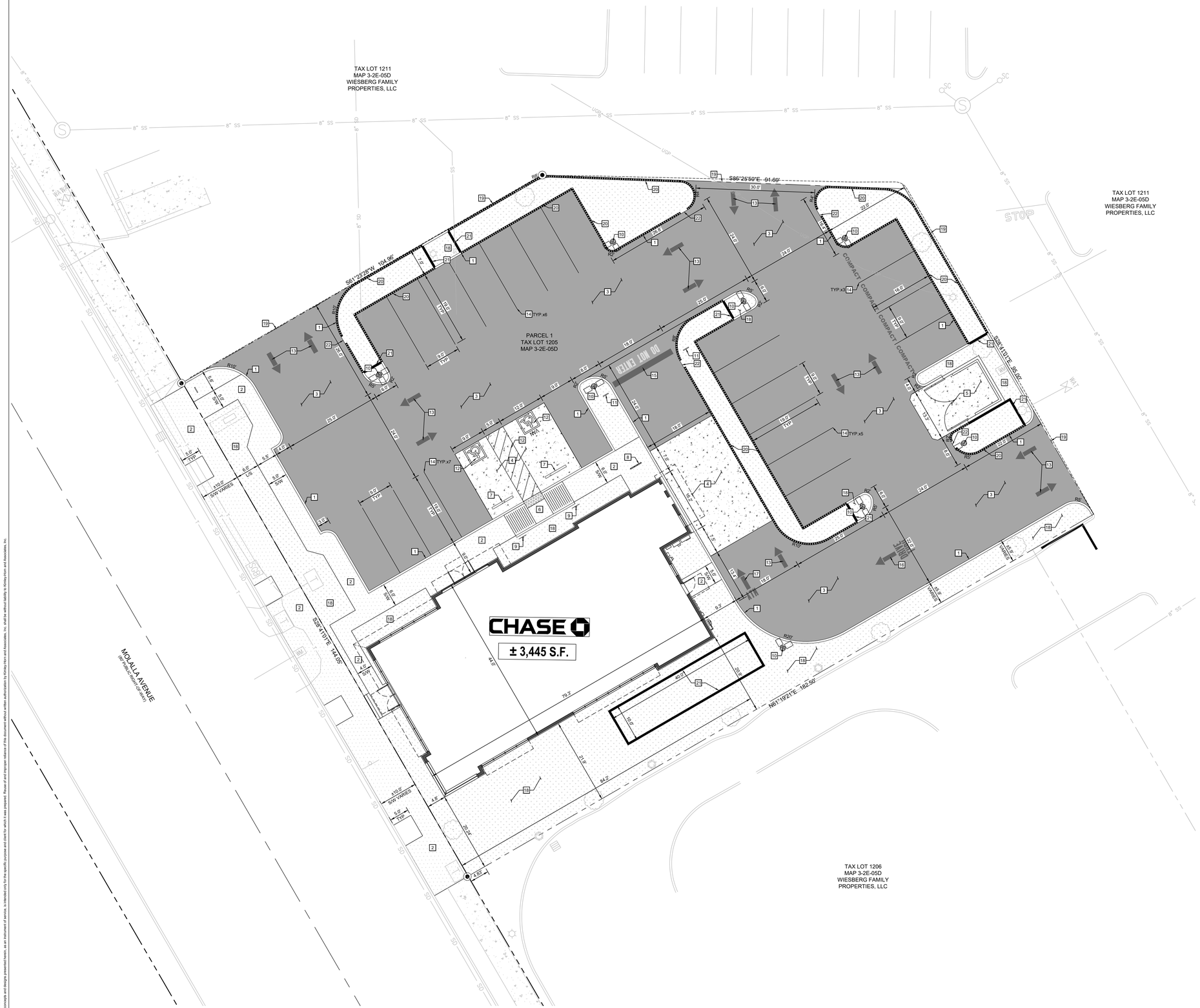

GENERAL NOTES

1. CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
2. ALL RADII 3' UNLESS OTHERWISE NOTED ON PLAN.
3. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS AND ADA PLAN SHEETS FOR ADDITIONAL SITE INFORMATION.
4. CONTRACTOR SHALL ENSURE A SMOOTH TIE-IN TO EXISTING PAVEMENT AND SURFACE.
5. NO FLOOD HAZARD ZONES WITHIN 100' OF SITE.
6. NO GEOLOGIC HAZARD ZONES WITHIN 100' OF SITE.
7. NO HISTORIC DISTRICTS WITHIN 100' OF SITE.
8. NO INVENTORIED HISTORIC OR CULTURAL RESOURCES ON OR WITHIN 100' OF SITE.
9. SEE ALTA/NSPS LAND TITLE SURVEY FOR PARKING AND VEHICULAR TRAFFIC EASEMENT. EXACT LOCATION NOT DISCLOSED.

CONSTRUCTION NOTES

1. FURNISH AND INSTALL 6" CONCRETE CURB PER OREGON CITY DETAIL OC510 - STANDARD CURB.
2. FURNISH AND INSTALL SIDEWALK PER OREGON CITY DETAIL OC508.
3. FURNISH AND INSTALL ASPHALT PAVEMENT.
4. FURNISH AND INSTALL CONCRETE PAVEMENT.
5. FURNISH AND INSTALL HEAVY DUTY CONCRETE PAVEMENT.
6. FURNISH AND INSTALL ADA ACCESSIBLE RAMP WITH DETECTION STRIP PER OREGON CITY AND OREGON DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS. RUNNING SLOPE SHALL NOT EXCEED 8.3%. CROSS SLOPE SHALL NOT EXCEED 2%. SEE OREGON CITY DETAIL OC509 - SIDEWALK RAMP DETAILS AND PLACEMENT OPTIONS.
7. FURNISH AND INSTALL PRECAST CONCRETE WHEEL STOP.
8. FURNISH AND INSTALL BICYCLE BIKE RACK. REFERENCE ARCHITECTURAL PLANS FOR DETAILS.
9. FURNISH AND INSTALL ADA ACCESSIBLE PARKING SIGN PER MUTCD STANDARDS AND SPECIFICATIONS.
10. FURNISH AND INSTALL LIGHT. COORDINATE WITH ELECTRICAL PLANS FOR LOCATION AND DETAILS.
11. FURNISH AND INSTALL "DO NOT ENTER" SIGN. REFERENCE ARCHITECTURAL PLANS FOR DETAILS.
12. PAINT ACCESSIBLE PARKING STALL AND ACCESSIBLE AISLE PER OREGON CITY AND MUTCD STANDARDS AND SPECIFICATIONS.
13. PAINT SOLID WHITE DIRECTIONAL ARROWS PER MUTCD STANDARDS AND SPECIFICATIONS.
14. PAINT 4" SOLID WHITE PARKING STRIPING.
15. PAINT 8" WIDE WHITE STOP BAR AND WHITE "DO NOT ENTER" PER MUTCD STANDARDS.
16. PAINT SOLID WHITE "DRIVE THRU" PAVEMENT MARKING.
17. PAINT SOLID WHITE "ATM" PAVEMENT MARKING.
18. LANDSCAPE AREA. COORDINATE WITH LANDSCAPE PLANS FOR DETAILS.
19. CONTRACTOR TO SAWCUT EXISTING PAVEMENT. OFFSET SAWCUT INTO EXISTING PAVEMENT WHEREVER NECESSARY TO FORM A SMOOTH CONNECTION BETWEEN PROPOSED AND EXISTING SURFACES.
20. PROPOSED CURB WALL PER DETAIL ON SHEET C6.00.
21. PROPOSED RETAINING WALL PER DETAIL ON SHEET C6.00. SEE SHEET C4.00 FOR GRADING INFORMATION.
22. PROPOSED 2' CURB CUT. SEE SHEET C6.00 FOR DETAILS.

SITE INFORMATION

TOTAL SITE AREA	0.56 ACRES (24,375 S.F.)
SITE ZONING	GENERAL COMMERCIAL (C)
PROPOSED BUILDING	3,445 SF
PARKING REQUIRED	2.70 STALL PER 1000 SF = 10 STALLS
PARKING PROVIDED	24 STALLS
ADA STALL REQUIRED	1
ADA STALLS PROVIDED	2
BICYCLE PARKING PROVIDED	1 RACK (5 BICYCLES)
TOTAL OPEN SPACE (PERVIOUS SURFACE)	0.13 ACRES (5,742 S.F.)
TOTAL IMPERVIOUS SURFACE	0.43 ACRES (18,633 S.F.)

LEGEND

- PROPERTY LINE
- EXISTING EASEMENT LINE
- ADJACENT PROPERTY LINE
- PROPOSED CURB
- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAVEMENT
- PROPOSED LANDSCAPE
- PROPOSED LIGHT POLE

NORTH

0 10' 20' 40'

SCALE: 1" = 10'

CAUTION: NOTICE TO CONTRACTOR

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CITY STAMP

Item #1.

PREPARED FOR:

CHASE

CHASE OVP
 # C11201600396
LINEAR MEDIUM

1689 MOLALLA AVE.
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

Kimley»Horn
1100 West Idaho St., Suite 210
| Boise, ID 83702 | Tel. No. (208) 945-0089

SEAL

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Kimley»Horn
DATE 01/23

ISSUE	DATE	DESCRIPTION

PROJECT INFORMATION BLOCK

JOB #	CBR22003.0
DATE:	1/4/2023
DRAWN BY:	BKG
CHECKED BY:	MPO

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

SITE PLAN

SHEET NUMBER

C2.00

Date: 3/29/2023 6:30 PM User: O'REILLY, MICHAEL
Path: K:\BOI_CIVIL\093835012 CHASE OREGON CITY\CAD\SITE PLAN & DESIGN REVIEW\HC.DWG
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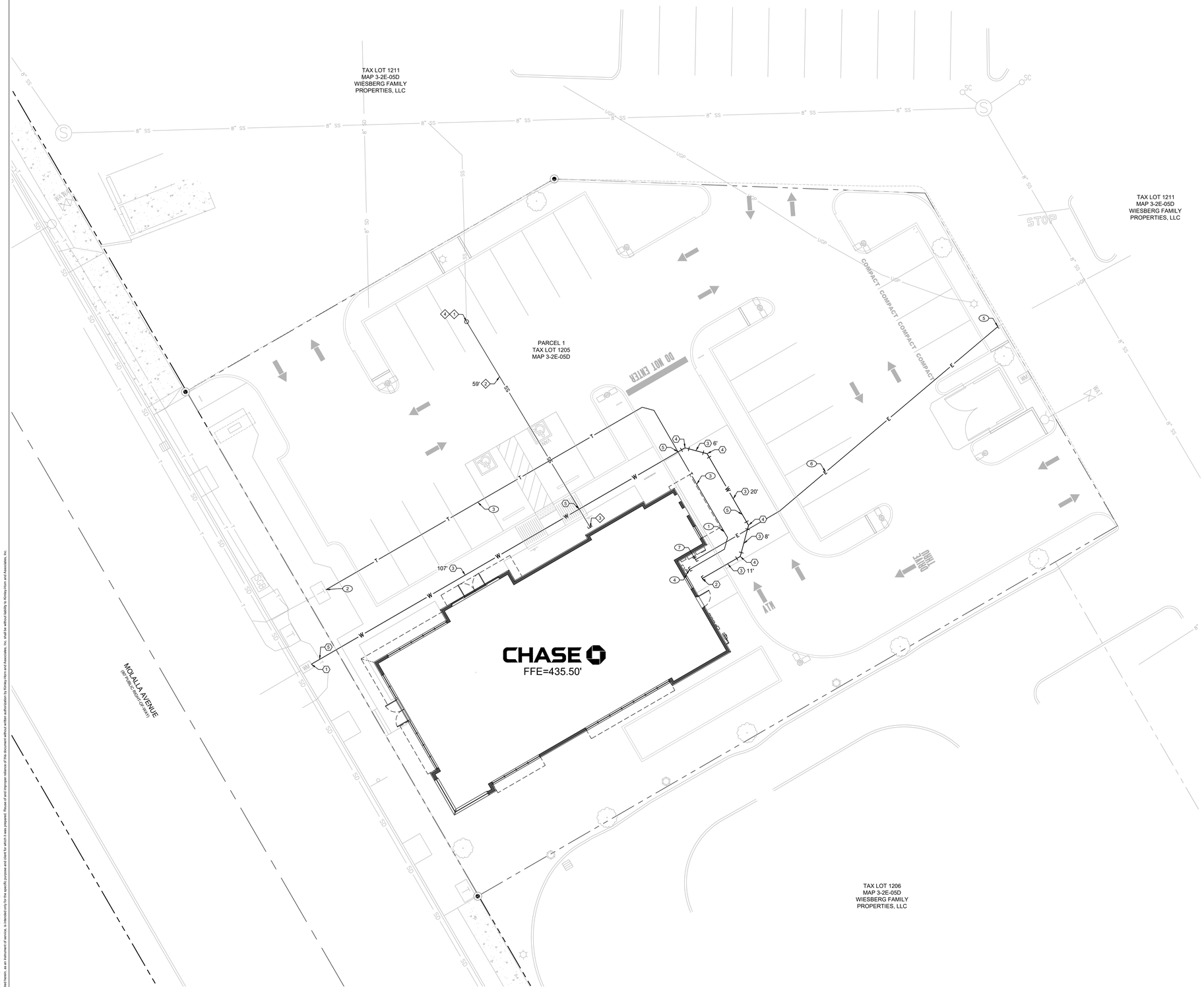

GENERAL NOTES

1. ALL EXISTING UTILITY LOCATIONS SHOWN HEREIN ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.
2. ALL ABOVE GROUND UTILITY APPURTENANCES SHALL BE ADJUSTED TO MATCH PROPOSED FINISHED GRADE ELEVATIONS.
3. CONTRACTOR TO FIELD VERIFY EXISTING INVERT ELEVATIONS PRIOR TO CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES.
4. PROJECT SHALL COMPLY WITH ALL OREGON DIVISION OF DRINKING WATER RULES AND REGULATIONS INCLUDING, BUT NOT LIMITED TO BACKFLOW PROTECTION AND CROSS CONNECTION PREVENTION.
5. OREGON CITY PUBLIC WORKS SHALL BE NOTIFIED PRIOR TO CONNECTION TO ANY CITY PIPE OR MANHOLE, ANY MANHOLE OR SEWER LINE TESTING, AND ANY BACKFILL OR COVERING OF PIPE.

SANITARY SEWER NOTES

1. CONNECT TO EXISTING SEWER STUB PER OREGON CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS. THE CONTRACTOR SHALL FIELD VERIFY THE INVERT AND CONTACT THE ENGINEER OF RECORD IF A 2% PIPE SLOPE CANNOT BE ACHIEVED.
2. FURNISH AND INSTALL 4" SDR-35 PVC D-3034 SANITARY SEWER SERVICE PER OREGON CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS. LENGTH PER PLAN. 2% MINIMUM SLOPE.
3. PROPOSED SANITARY SEWER BUILDING CONNECTION. STUB AND CAP WITHIN 3' OF PROPOSED BUILDING FOOTPRINT. INVERT PER PLAN. SEE PLUMBING PLANS FOR CONTINUATION.
4. PROPOSED 4" 2-WAY TRAFFIC RATED CLEANOUT PER OREGON CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS.

WATER NOTES

1. CONNECT TO EXISTING WATER LINE METER AND STUB INSTALLED WITH THE MOLALLA AVENUE PROJECT PLANS. COORDINATE WITH OREGON CITY PUBLIC WORKS DEPARTMENT FOR CONNECTION.
2. PROPOSED DOMESTIC WATER ENTRY LOCATION. SEE PLUMBING PLANS FOR CONTINUATION.
3. FURNISH AND INSTALL 1.00" SOFT TEMPER, TYPE 'K' COPPER WATER LINE PER OREGON CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS. LENGTH PER PLAN. WATER LINE TO HAVE 3.0' BURY DEPTH.
4. FURNISH AND INSTALL A 1.00" 45° BEND PER OREGON CITY PUBLIC WORKS STANDARDS AND SPECIFICATIONS.
5. !!CAUTION!! UTILITY CROSSING. VERIFY INVERTS PRIOR TO CONSTRUCTION. VERIFY MIN. VERTICAL AND CLEARANCE IS ACHIEVED PER OREGON CITY PUBLIC WORKS REQUIREMENTS.

DRY UTILITY NOTES

1. !!CAUTION!! UTILITY CROSSING. VERIFY INVERTS PRIOR TO CONSTRUCTION. VERIFY MIN. VERTICAL CLEARANCE IS ACHIEVED PER REQUIREMENTS ON SHEET C0.10.
2. CONNECT TO EXISTING TELECOM VAULT. COORDINATE WITH UTILITY COMPANY.
3. PROPOSED ALIGNMENT OF CATV/COMMUNICATIONS; CONTRACTOR SHALL FURNISH AND INSTALL TWO 4" SCHEDULE 40 PVC CONDUITS WITH PULL CHORDS AND 45 DEGREE ELBOWS, COORDINATE WITH UTILITY COMPANY ON INSTALLATION.
4. PROPOSED TELECOM BUILDING ENTRY LOCATION; STUB AND CAP WITHIN 5' OF PROPOSED BUILDING FOOTPRINT. SEE MEP PLANS FOR CONTINUATION.
5. CONNECT TO EXISTING TRANSFORMER. COORDINATE WITH THE POWER COMPANY.
6. PROPOSED ALIGNMENT OF POWER; CONTRACTOR HALL FURNISH AND INSTALL SCHEDULE 40 PVC CONDUIT WITH PULL CHORDS AND 45 DEGREE ELBOWS, COORDINATE WITH OREGON CITY PUBLIC WORKS ON INSTALLATION.
7. PROPOSED POWER SERVICE ENTRY LOCATION; STUB AND CAP WITHIN 3' OF PROPOSED BUILDING FOOTPRINT. SEE MEP PLANS FOR CONTINUATION.

LEGEND

	PROPERTY LINE
W	EXISTING WATER LINE
W	PROPOSED WATER LINE
SS	EXISTING SANITARY SEWER LINE
SS	PROPOSED SANITARY SEWER LINE
UGP	EXISTING UNDERGROUND POWER LINE
E	PROPOSED POWER LINE
OH	EXISTING OVERHEAD POWER LINE
T	EXISTING TELECOMMUNICATION LINE
T	PROPOSED TELECOMMUNICATION LINE

NORTH

0 10' 20' 40'

SCALE: 1" = 10'

CAUTION: NOTICE TO CONTRACTOR

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DRAWN BY:	BKG
CHECKED BY:	MPO

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

UTILITY PLAN

SHEET NUMBER

C3.00

Date: 3/29/2023 6:31 PM User: O'REILLY, MICHAEL
Path: K:\BOI_CIVIL\093838012 CHASE OREGON CITY\CADD\SITE PLAN & DESIGN REVIEW\LIT.DWG
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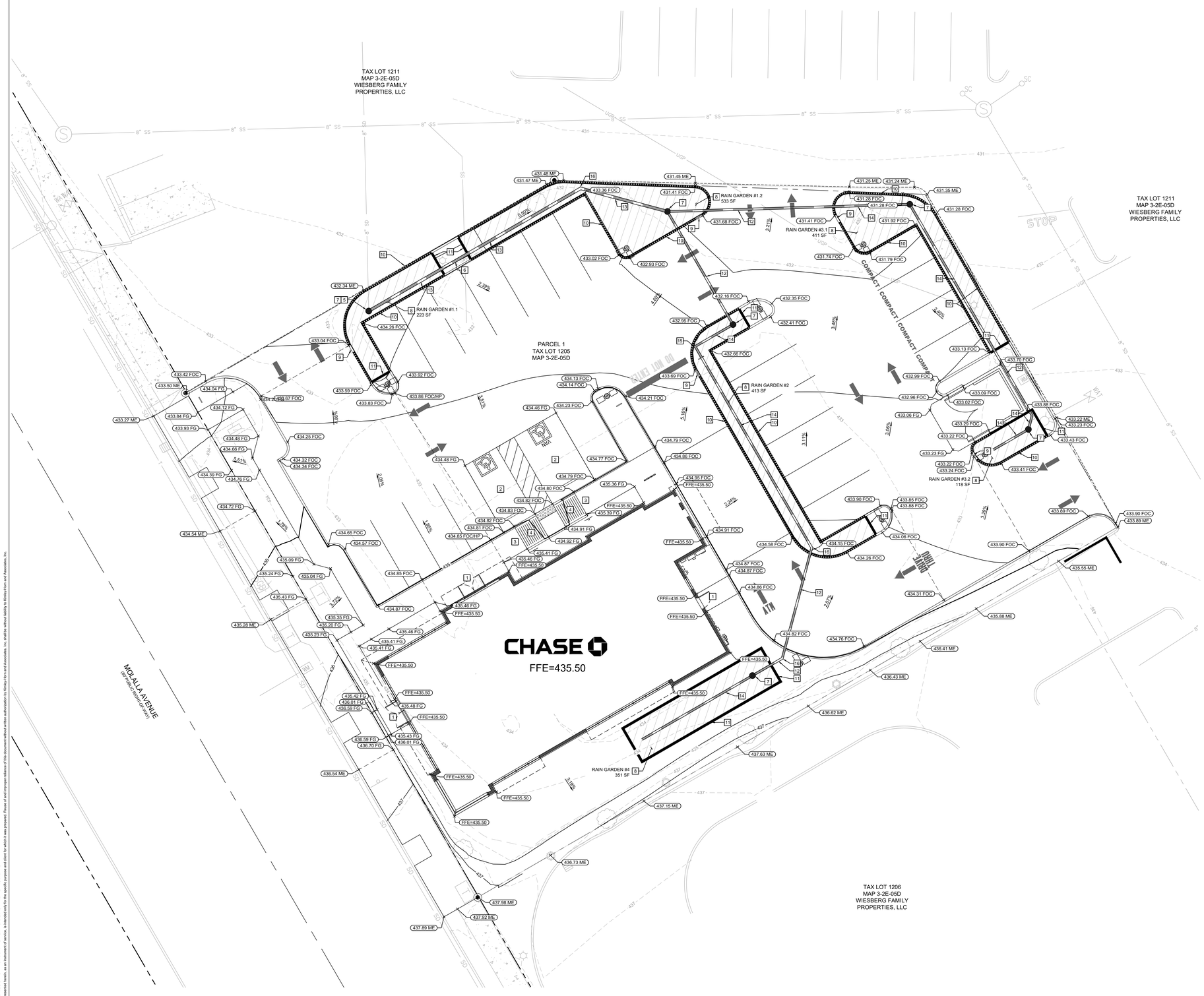
CITY STAMP



GENERAL NOTES

1. CONTRACTOR TO VERIFY EXISTING GRADES SHOWN ON THE PLAN.
2. CONTRACTOR TO ENSURE POSITIVE DRAINAGE. IF A CONFLICT OCCURS BETWEEN THESE PLANS AND FIELD CONDITIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
3. ALL GRADING AND EARTHWORK SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEERING REPORT.

GEOTECHNICAL ENGINEER:	NV5
ADDRESS:	9450 SW COMMERCE CIRCLE SUITE 300 WILLSONVILLE, OR 97070
PHONE	(503) 968-8787
DATE	12-22-2022
PROJECT No.:	PMDESIGN-5-1

4. ALL EXISTING UTILITY LOCATIONS SHOWN HEREIN ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.
5. CONTRACTOR SHALL ENSURE ALL ACCESSIBLE PATHWAYS SHALL NOT EXCEED 2% CROSS SLOPE OR 5% RUNNING SLOPE. IF THIS CANNOT BE ACHIEVED WITH THE GRADES SHOWN, THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD BEFORE INSTALLING THE PATHWAY.
6. ALL DOOR CLEAR SPACES, ADA PARKING STALLS, AND ADA LANDING AREAS SHALL NOT EXCEED 2% IN ANY DIRECTION. THE CONTRACTOR SHALL CONTACT THE ENGINEER BEFORE INSTALLING HARDSCAPE IMPROVEMENTS IF THE PLANS INDICATE GRADES GREATER THAN 2% IN THESE AREAS.

GRADING AND DRAINAGE NOTES

1. 5' CLEAR FLOOR SPACE. SLOPES NOT NOT EXCEED 2% SLOPE IN ANY DIRECTION.
2. ADA PARKING STALL. SLOPES NOT NOT EXCEED 2% SLOPE IN ANY DIRECTION.
3. 5'x5' ADA LANDING AREA. SLOPES NOT NOT EXCEED 2% SLOPE IN ANY DIRECTION.
4. PROPOSED ADA RAMP. RUNNING SLOPE SHALL NOT EXCEED 7.25%. CROSS SLOPE SHALL NOT EXCEED 2%. SEE OREGON CITY PUBLIC WORKS ADA PEDESTRIAN RAMP DETAIL FOR STANDARDS AND SPECIFICATIONS.
5. CONNECT TO EXISTING STORM DRAIN PIPE.
6. PROPOSED 8" CPE STORM DRAIN LINE. LENGTH PER PLAN.
7. PROPOSED RAIN GARDEN OVERFLOW CONTROL STRUCTURE PER CITY OF OREGON FIGURE C-10.
8. PROPOSED STORMWATER PLANTER PER CITY OF OREGON FIGURE C-1 .
9. PROPOSED 2' CURB CUT.
10. PROPOSED CURB WALL.
11. PROPOSED RETAINING WALL. HEIGHT IS LESS THAN 3'.
12. PROPOSED 6" CPE STORM DRAIN LINE. LENGTH PER PLAN.
13. PROPOSED 8" ABS SCHEDULE 40 PIPE TO BE PERFORATED PER FIGURE C-1.
14. PROPOSED 6" ABS SCHEDULE 40 PIPE TO BE PERFORATED PER FIGURE C-1.
15. FURNISH AND INSTALL 90° BEND. SIZE PER PLAN.
16. FURNISH AND INSTALL 45° BEND. SIZE PER PLAN.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- 4200 EXISTING MAJOR CONTOUR
- 4201 EXISTING MINOR CONTOUR
- 4200 PROPOSED MAJOR CONTOUR
- 4201 PROPOSED MINOR CONTOUR
- PROPOSED GRADE BREAK
- DRAINAGE SWALE FLOWLINE
- 3841.46 FOC PROPOSED GRADE SPOT ELEVATION
- PROPOSED STORM DRAIN PIPE
- PROPOSED STORM DRAIN CATCH BASIN

ABREVIATIONS

3841.46 FOC	BOTTOM FACE OF CURB SPOT ELEVATION
3841.46 FFE	FINISHED FLOOR SPOT ELEVATION
3841.46 FG	FINISHED GRADE SPOT ELEVATION
3841.46 ME	MATCH EXISTING SPOT ELEVATION
3841.46 HP	BOTTOM FACE OF CURB HIGH POINT

NORTH

0 10' 20' 40'

SCALE: 1" = 10'

CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

PREPARED FOR:

CHASE

CHASE OVP
 # C11201600396
LINEAR MEDIUM

1689 MOLALLA AVE.
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

Kimley»Horn
1100 West Idaho St., Suite 210
| Boise, ID 83702 | Tel. No. (208) 846-0069

SEAL

PRELIMINARY
FOR REVIEW ONLY
NOT FOR CONSTRUCTION
Kimley»Horn
DATE 01/23

ISSUE	DATE	DESCRIPTION

PROJECT INFORMATION BLOCK

JOB #	CBR22003.0
DATE:	1/4/2023
DRAWN BY:	BKG
CHECKED BY:	MPO

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

GRADING AND DRAINAGE PLAN

SHEET NUMBER

C4.00

Date: 3/29/2023 6:31 PM User: O'REILLY, MICHAEL
Path: K:\BOI_CIVIL\093838\12 CHASE OREGON CITY\CAD\SITE PLAN & DESIGN REVIEW\GD.DWG
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance of this document without written authorization by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT
	8	Cercis canadensis / Eastern Redbud 1.5" Caliper	B & B
	4	Ginkgo biloba 'Autumn Gold' / Autumn Gold Maidenhair Tree 1.5" Caliper	B & B
	3	Ulmus x 'Frontier' / Frontier Elm 1.5" Caliper	B & B

SHRUBS	QTY	BOTANICAL / COMMON NAME	CONT
	6	Arbutus unedo 'Compacta' / Compact Strawberry Tree	5 gal.
	41	Berberis thunbergii 'Monomb' / Cherry Bomb® Japanese Barberry	5 gal.
	14	Calluna vulgaris 'Silver Knight' / Silver Knight Heather	5 gal.
	84	Helictotrichon sempervirens / Blue Oat Grass	1 gal.
	35	Nandina domestica 'Moon Bay' / Moon Bay Heavenly Bamboo	5 gal.
	13	Perovskia atriplicifolia 'Blue Spire' / Blue Spire Russian Sage	1 gal.
	31	Sarcococca hookeriana digyna 'Purple Stem' / Purple Stem Sweetbox Shade plant	5 gal.
	58	Yucca recurvifolia 'Walbristar' / Bright Star Soft Leaf Yucca	5 gal.

GROUND COVERS	QTY	BOTANICAL / COMMON NAME	CONT	SPACING
	63	Mahonia repens / Creeping Mahonia SHADE	1 gal.	48" o.c.
	53	Rosmarinus officinalis 'Prostratus' / Dwarf Rosemary	1 gal.	48" o.c.

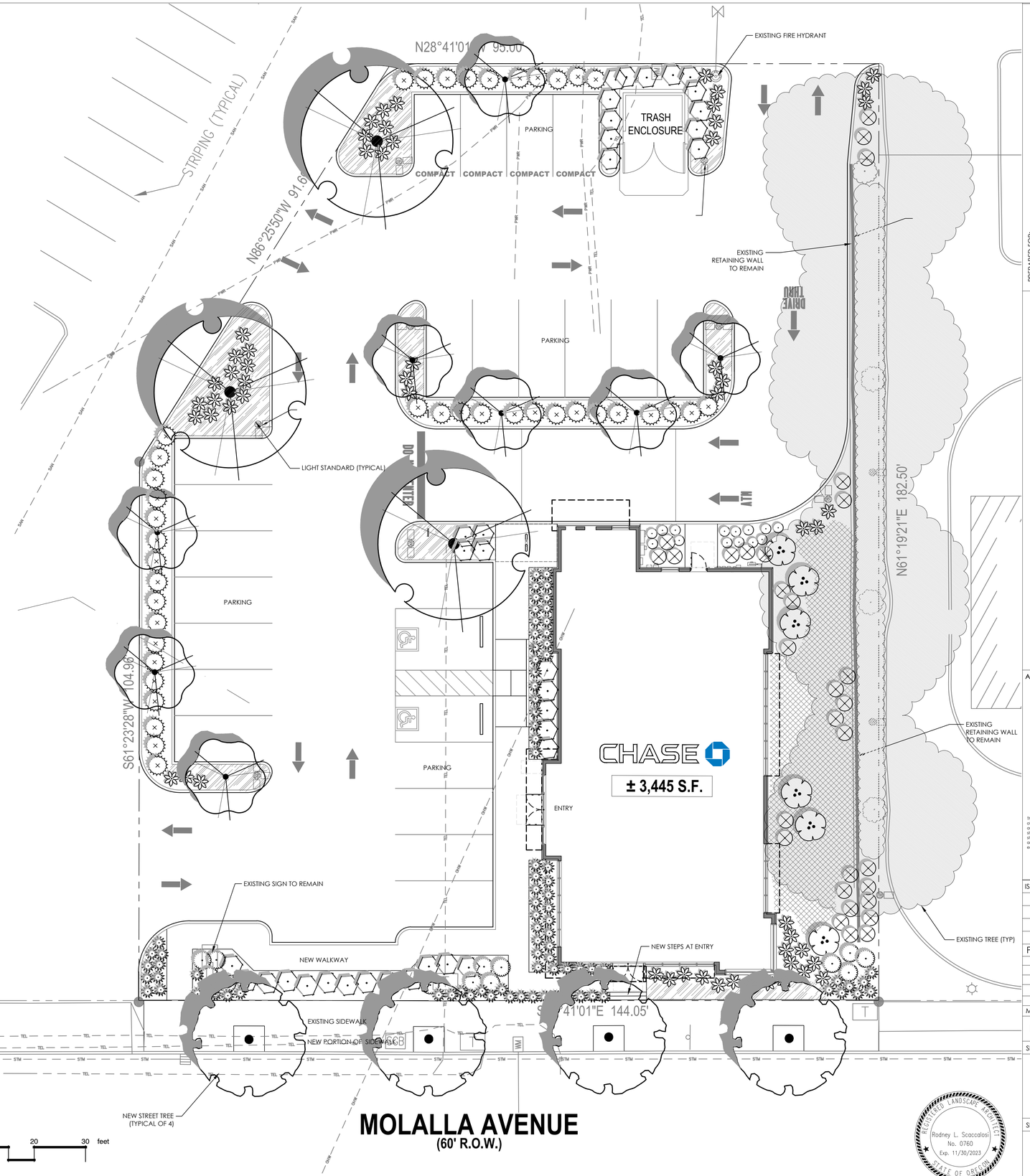
EXISTING PLANT LEGEND

EXISTING SHRUBS TO REMAIN

EXISTING TREE TO REMAIN

GENERAL NOTES

1. All landscape areas, except 5' next to building, shall receive a minimum 3" layer of organic mulch. 2"-3" cobble shall be placed within 5' of building envelope.
2. All existing trees and shrubs(to remain) shall be protected in place during construction. Any damaged of dying plant material shall be replaced in kind.
3. Existing irrigation system shall remain in place. Repair, add, modify,existing irrigation to accommodate new plant material. Controller shall be weather based with an on-site weather sensor. Irrigation system shall comply with Oregon City irrigation standards..



PREPARED FOR:

CHASE

CHASE OVP # C1201600396
LINEAR MEDIUM
(STANDARD PALETTE)
1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD

KEN McCRACKEN, ARCHITECT
Architecture •Program Management •Permitting

6930 DESTINY DRIVE
SUITE 100
ROCKLIN, CA 95677
PROJECT CONTACT: ARIANE SANDERS
PHONE: 707.655.4320
EMAIL: ASANDERS@MDGINC.COM

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ISSUE	DATE	DESCRIPTION
	2-7-23	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	2/7/2023
DRAWN BY:	-
CHECKED BY:	-

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

PROPOSED LANDSCAPE PLAN

SHEET NUMBER

L1

REGISTERED LANDSCAPE ARCHITECT
Rodney L. Scaccalosi
No. 0760
Exp. 11/30/2023
STATE OF OREGON

PLANT SCHEDULE

TREES	QTY	BOTANICAL / COMMON NAME	CONT
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EXISTING SHRUBS TO REMAIN

EXISTING TREE TO REMAIN

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1. All landscape areas, except 5' next to building, shall receive a minimum 3" layer of organic mulch. 2"-3" cobble shall be placed within 5' of building envelope.
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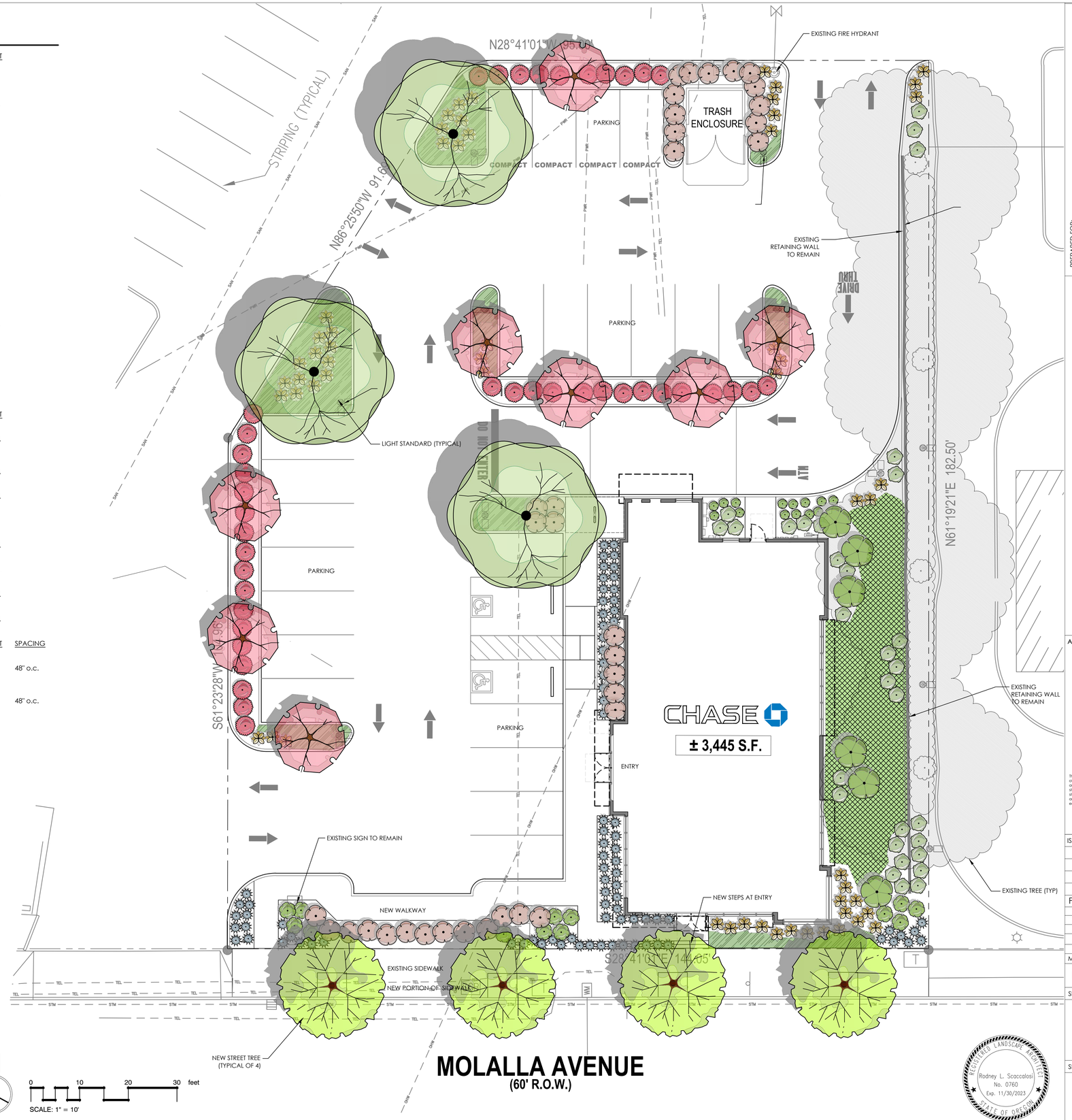
3. Existing irrigation system shall remain in place. Repair, add, modify,existing irrigation to accommodate new plant material. Controller shall be weather based with an on-site weather sensor. Irrigation system shall comply with Oregon City irrigation standards..



PREPARED FOR:

CHASE

CHASE OVP # C1201600396
LINEAR MEDIUM
(STANDARD PALETTE)
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ISSUE	DATE	DESCRIPTION
	2-7-23	PRE-APPLICATION SUBMITTAL

PROJECT INFORMATION BLOCK

JOB #	JPM21015.0
DATE:	2/7/2023
DRAWN BY:	-
CHECKED BY:	-

MODEL

DRAWING STANDARDS v20.5

SHEET TITLE

PROPOSED LANDSCAPE PLAN

SHEET NUMBER

L1

REGISTERED LANDSCAPE ARCHITECT
Rodney L. Scaccalosi
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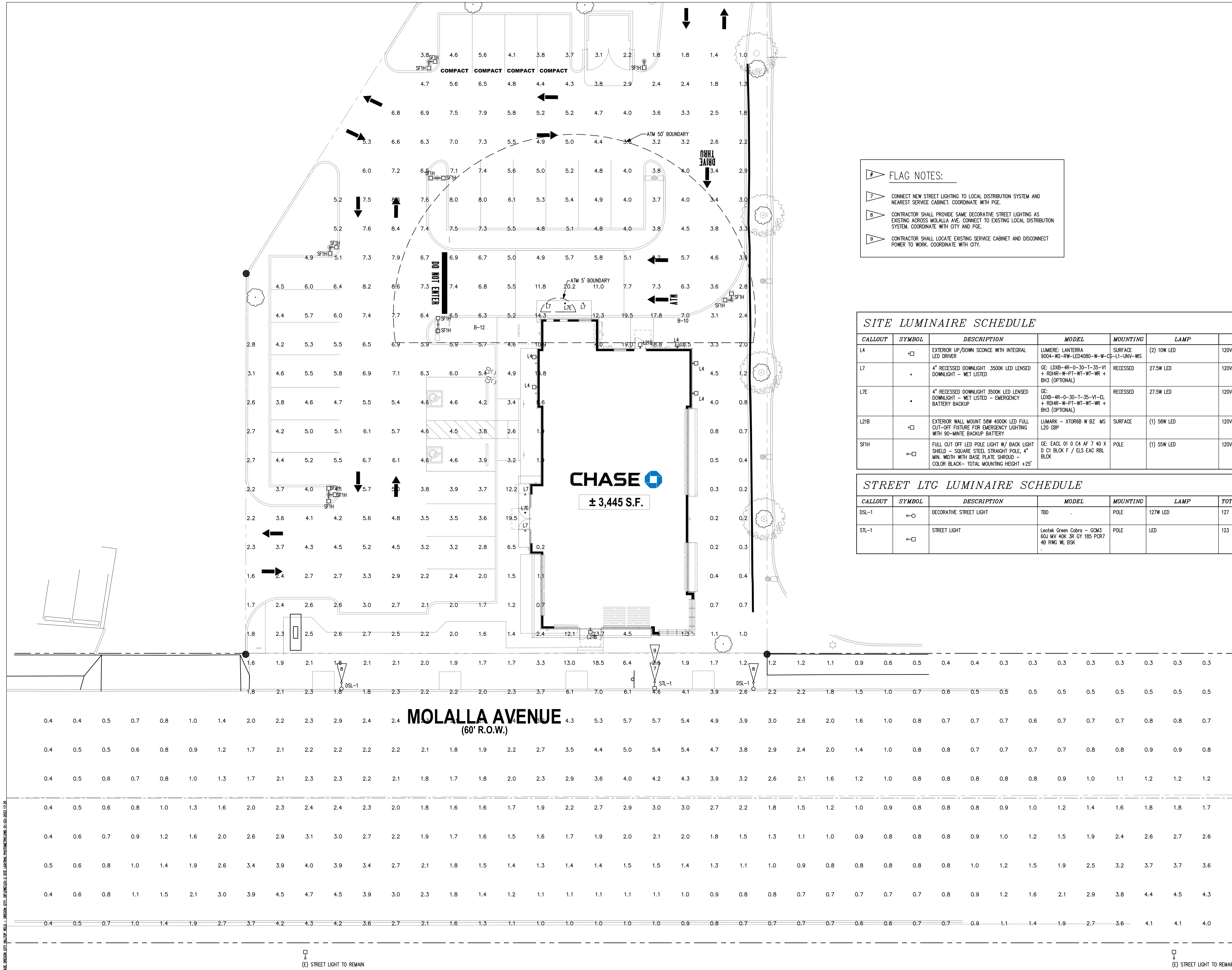
Exp. 11/30/2023
STATE OF OREGON



PHOTOMETRIC PLAN
SCALE: 1" = 10'

FLAG NOTES:

7. CONNECT NEW STREET LIGHTING TO LOCAL DISTRIBUTION SYSTEM AND NEAREST SERVICE CABINET. COORDINATE WITH PGE.
8. CONTRACTOR SHALL PROVIDE SAME DECORATIVE STREET LIGHTING AS EXISTING ACROSS MOLALLA AVE. CONNECT TO EXISTING LOCAL DISTRIBUTION SYSTEM. COORDINATE WITH CITY AND PGE.
9. CONTRACTOR SHALL LOCATE EXISTING SERVICE CABINET AND DISCONNECT POWER TO WORK. COORDINATE WITH CITY.

SITE LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	DESCRIPTION	MODEL	MOUNTING	LAMP	VOLTS	TOTAL VA
L4		EXTERIOR UP/DOWN SCONCE WITH INTEGRAL LED DRIVER	LUMIERE: LANTERRA 9004-W2-RW-LED4080-W-W-CS-L1-UNV-WS	SURFACE	(2) 10W LED	120V 1P 2W	20
L7		4" RECESSED DOWNLIGHT 3500K LED LENSED DOWNLIGHT - WET LISTED	GE: LDXB-4R-0-30-T-35-V1 + RDI4R-W-PT-WT-WT-WR + BH3 (OPTIONAL)	RECESSED	27.5W LED	120V 1P 2W	27.5
L7E		4" RECESSED DOWNLIGHT 3500K LED LENSED DOWNLIGHT - WET LISTED - EMERGENCY BATTERY BACKUP	GE: LDXB-4R-0-30-T-35-V1-EL + RDI4R-W-PT-WT-WT-WR + BH3 (OPTIONAL)	RECESSED	27.5W LED	120V 1P 2W	27.5
L21B		EXTERIOR WALL MOUNT 58W 4000K LED FULL CUT-OFF FIXTURE FOR EMERGENCY LIGHTING WITH 90-MINTE BACKUP BATTERY	LUMARK - XTOR6B W BZ MS L20 CBP	SURFACE	(1) 58W LED	120V 1P 2W	58
SF1H		FULL CUT OFF LED POLE LIGHT W/ BACK LIGHT SHIELD - SQUARE STEEL STRAIGHT POLE, 4" MIN. WIDTH WITH BASE PLATE SHROUD - COLOR BLACK- TOTAL MOUNTING HEIGHT +25'	GE: EACL 01 0 C4 AF 7 40 X D C1 BLCK F / ELS EAC RBL BLCK	POLE	(1) 55W LED	120V 1P 2W	55

STREET LTG LUMINAIRE SCHEDULE

CALLOUT	SYMBOL	DESCRIPTION	MODEL	MOUNTING	LAMP	TOTAL VA	VOLTS
DSL-1		DECORATIVE STREET LIGHT	TBD .	POLE	127W LED	127	120V 1P 2W
STL-1		STREET LIGHT	Leotek Green Cobra - GCM3 60J MV 40K 3R GY 185 PCR7 4B RWG WL BSK .	POLE	LED	123	120V 1P 2W

PREPARED FOR:

CHASE

CHASE OVP # C11201600396
LINEAR MEDIUM
(STANDARD PALETTE)

1689 MOLALLA AVENUE
OREGON CITY, OR 97045

ARCHITECT/ ENGINEER OF RECORD
KEN McCRACKEN, ARCHITECT
Architecture · Program Management · Permitting
6930 DESTINY DRIVE
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SEAL

02/23/23

ROBISON ENGINEERING, INC
19401 40th Ave W Suite 302, Lynnwood, WA 98036
Tel: 206-364-3343 Fax: 425-835-0098
REI Project No.: 424-1830 / Contact: Shane McClure

ISSUE	DATE	DESCRIPTION

PROJECT INFORMATION BLOCK

JOB #	CBR22017.0
DATE:	9/29/2022
DRAWN BY:	BK
CHECKED BY:	SM

MODEL
DRAWING STANDARDS v20.5

SHEET TITLE
SITE & STREET LIGHTING PHOTOMETRIC PLAN

SHEET NUMBER
E0.2

COPYRIGHT 2023, ROBISON ENGINEERING, INC.
BKONG F:_PEDRO-MCCRACKEN_CHASE BANKS\424-1738 CHASE OREGON CITY HILLTOP RELO - OREGON CITY, OR\DWG\E0-2 SITE LIGHTING PHOTOMETRIC.DWG 01-03-2023 17:25

TYPE II –SITE PLAN AND DESIGN REVIEW
Applicant's Submittal
3.28.23

APPLICANT: Ariane Sanders, PM Design Group
3860 Broadway St., Suite 100; American Canyon, CA 94503

OWNER: Josh Amoroso
2099 Mt Diablo Blvd., Suite 206; Walnut Creek, CA 94596

REQUEST: New bank building with site improvements and tenant improvements

LOCATION: 1689 Molalla Ave
Clackamas County Map 3-2E-05D-01205

I. BACKGROUND:

1. **Existing Conditions: Existing vacant Bank building on lot with 17 parking stalls incl. 1 Ada stall and a drive-thru with canopy in existing shopping center.**

2. **Project Description: Proposing new Bank building with drive-up ATM at rear of building and site improvement incl. landscaping and 24 parking stalls incl. 2 ada stalls.**

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

CHAPTER PAGE

Chapter 12.04 -Streets, Sidewalks and Public Places 5
Chapter 12.08 - Public And Street Trees 5
Chapter 13.12 - Stormwater Management 7
Chapter 15.48 - Grading, Filling And Excavating 11
Chapter 16.12 - Minimum Public Improvements And Design Standards For Development 12
Chapter 17.35 – C General Commercial District 30
Chapter 17.41 - Tree Protection, Preservation, Removal And Replanting Standards .. **Error! Bookmark not defined.**
Chapter 17.44 - Us—Geologic Hazards ..... **Error! Bookmark not defined.**
Chapter 17.50 - Administration And Procedures 40
Chapter 17.52 - Off-Street Parking And Loading 41
Chapter 17.54 - Supplemental Zoning Regulations And Exceptions 50
Chapter 17.60 - Variances 2

Chapter 17.62 - Site Plan And Design Review.....55

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

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

REQUIRED CODE RESPONSES:

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Applicant's Response: Acknowledged. Public side walk in front of the lot will be updated to comply with current zoning ordinance and per requirements by engineering departments. Proper permits will be acquired, fees and bonds will be paid as required.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Applicant's Response: The lot has its drive aisles onto the shopping center drive aisle. The shopping center driveway entering onto the Mollala Ave are not on the property that will have new construction. If city requires updates to the driveway coordination with the shopping center property owner of that lot will need to be requested.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Applicant's Response: Acknowledged.

12.04.032 - Required sidewalk repair.

A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.

C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

Applicant's Response: The sidewalk in front of the lot will be constructed to meet current zoning requirements/ city standards. See plans. An encroachment permit will be acquired.

12.04.050 - Retaining walls—Required.

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

Applicant's Response: Acknowledged. The project is currently not proposing new retaining walls.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Applicant's Response: Acknowledged. GC will be restoring any pavement per city standards.

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

a. Site plan showing right-of-way, utilities, driveways as directed by staff;

b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;

c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, road or alley for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers and debris dumpsters.

2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:

a. Site plan showing right-of-way, utilities, driveways as directed by staff;
b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
d. Alternative routes if necessary;
e. Minimizing obstruction area; and
f. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:

a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
c. No alternative locations are available that would not require use of the public right-of-way; and
d. Any other factor that the City Engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Applicant's Response: Acknowledged. A traffic control plan will be presented for review and approval. ROW permits will be acquired and fees paid.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Applicant's Response: Acknowledged. Currently no vacations are proposed.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Applicant's Response: Acknowledged. Currently no new street design is proposed, only upgrades to the public sidewalk in front of the property.

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.

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 to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

Applicant Response: Please see landscaping plan. (4) trees with approx. 35 ft distance are proposed as street trees in front of the lot on the public sidewalk.

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. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

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.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.

H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).

Applicant Response: please see civil, landscaping and photometric plan. Trees are located per requirements above. The only utility close to the trees are the telephone lines. Fire hydrant is further down the street not close to the lot. The intersection is more than 20 ft away from the lot.

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

A. A diseased or hazardous street tree, as determined by a registered arborist and approved by the City, may be removed, if replaced with one new tree for each diseased or hazardous tree. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without approval of an arborist.

B. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All replaced street trees shall have a minimum 1.5-inch caliper trunk measured six inches above the root crown.

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*

C. For the purposes of this chapter, removed trees shall be replaced by trees within the right-of-way abutting the frontage subject to the clearance distances required under OCMC 12.08.015(B). If a sufficient location to replant tree(s) is not available, the Community Development Director may allow:
1. Off-site installation of replacement trees within the right-of-way or on public property;
2. Planting of replacement trees or designation of existing trees on the abutting property within ten feet of the right-of-way as street trees. Designated street trees shall be a minimum of two inches in caliper and shall comply with the requirements in section B. In order to assure protection and replacement of the trees on private property, a covenant shall be recorded identifying the tree(s) as subject to the protections and replacement requirements in this chapter; or
3. If sufficient space to replant tree(s) is not available, the Community Development Director may allow a fee in-lieu of planting the tree(s) to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.
D. Trees that are listed as invasive or nuisance species as defined in OCMC 17.04.605 may be removed without replacement.

Applicant Response: There are no street trees in the existing public sidewalk.

12.08.045 – Gifts, fee-in-lieu of planting, and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the City. The Community Development Director may allow a fee -in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The Community Development Director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the Community Development Director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The Natural Resources Committee shall have authority on behalf of the City to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the City pursuant to this section.

Applicant Response: The project is proposing to provide trees as required. No in-lieu fees should be applicable.

CHAPTER 13.12 STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.
A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:
1. The conveyance facilities are located entirely on one privately owned parcel;
2. The conveyance facilities are privately maintained; and
3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.
Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.

Applicant Response: The project is adhering to the City Stormwater Management codes. All onsite conveyance is for only the site generated flows, and the conveyance system should fall under exception A of the above code.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:
1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Applicant Response: The project is adhering to the water quality and flow control standards through the use of rain gardens before the stormwater is discharged into the City systems. This design is detailed on the drainage plans and drainage report included in this submittal.

C. Exemptions. The following exemptions to subsection B of this section apply:
1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
a. Stream enhancement or restoration projects approved by the City.
b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.

f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
g. Maintenance or repair of existing utilities.
D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:
1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;
4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.
Applicant Response: Noted. Section C is not applicable to this project.

13.12.060 - Abrogation and greater restrictions.
Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, state or federal law, the provisions of this chapter shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.
Compliance with this chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City adopted Public Works Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgment to protect the health, safety and welfare of the public. It is not the intent of this chapter to make the City a guarantor or protector of public or private property in regard to land development activity.
Applicant Response: Noted. The site grading and drainage has been designed per City standards and with sound professional judgement.

13.12.080 - Submittal requirements.
A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.
B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.
Applicant Response: The above referenced drainage plans, drainage report, and drainage calculations have been prepared per City standards and are included in this submittal.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.
An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:
A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.
C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.
Applicant Response: Noted. The proposed stormwater design should satisfy these conditions.

13.12.100 - Alternative materials, alternative design and methods of construction.
The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.
Applicant Response: Noted. No alternative methods are proposed at this point.

13.12.110 - Transfer of engineering responsibility.
Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.
Applicant Response: Understood. The City will be notified if the project engineer changes.

13.12.120 - Standard construction specifications.
The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.
Applicant Response: Understood. The construction notes will specify the applicable standards in compliance with this requirement.

13.12.140 - Maintenance of public stormwater facilities.
A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.
Applicant Response: Understood. No such facilities are anticipated as part of this project at this time.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.
Applicant Response: Understood

C. The City will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.

Applicant Response: Understood. As stated above, no public facilities are anticipated on this project

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

Applicant Response: Understood. An operation and maintenance plan will be submitted once the drainage plans have been approved by the City.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

Applicant Response: Understood.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Applicant Response: Noted.

13.12.150 - Penalties and enforcement.

A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The City has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this chapter) within ten calendar days. This plan (and drawings, if required) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if required) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a grading permit, then the City shall collect the appropriate grading permit fee.

C. Any person, firm, corporation or entity violating any of the provisions of this chapter, whether they be the property owner, the applicant, the contractor or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Applicant Response: Understood.

13.12.160 - Hazardous conditions.

A. Determination and Notification. If the City Engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to OCMC 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the City Engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

B. Order to Correct. The City Engineer will order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the City Engineer, and will specify the time periods within which the

hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person shall be subject to the code enforcement procedures of OCMC 1.16, 1.20, and 1.24.

Applicant Response: Understood.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Applicant Response: Understood. The proposed development is less than 1 acre.

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Applicant Response: Understood. No such permits are anticipated to be required for this project.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Applicant Response: Understood. No such permits are anticipated to be required for this project.

13.12.180 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Applicant Response: Noted.

CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

1. Grading activities in excess of ten cubic yards of earth;

2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;

3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;

4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or

5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.

Applicant Response: Understood. As part of this project, we will be applying for a grading permit.

15.48.090 Submittal requirements.

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

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to Chapter 17.42, the unstable soils and hillside constraints overlay district pursuant to Chapter 17.44, or a water quality resource area pursuant to Chapter 17.49; and

2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

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

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

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

2. When an embankment for a stormwater pond is created by the placement of fill;

3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D .Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Applicant Response: As part of this application a engineered grading plan and a geotechnical report are being submitted.

CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Applicant Response: Acknowledged. Policies and design standards are intended to be met as applicable to the project. All utilities are to reconnect to existing facilities and are to be reviewed and approved by city engineer prior to construction.

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements. Minor Site

Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way.
B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable single and two -family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.
The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.
Applicant Response: Per pre-application meeting notes/comments the public sidewalk is proposed to be improved per current zoning standards. The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

16.12.012 - Jurisdiction and management of the public rights-of-way.
The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.
Applicant Response: Acknowledged.

16.12.013 - Modifications.
The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:
Applicant Response: No modifications are proposed.

A. The modification meets the intent of the standard;
Applicant Response: N/A

B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
Applicant Response: N/A

C. The modification is consistent with an adopted transportation or utility plan; and
Applicant Response: N/A

D. The modification is complementary with a surrounding street design; or, in the alternative;
Applicant Response: N/A

E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.
Applicant Response: N/A

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:
A. Pre-Design Meeting;
B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;
D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
F. Plan Check and Inspection Fees (as set by City resolution);
G. Certificate of Liability Insurance for city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
H. Preconstruction Meeting Notes;
I. Financial Guarantee(s) per OCMC 17.50.140;
J. Applicable Approvals/Permits from other agencies or entities;
K. Developer/Engineer Agreement for public works improvements.

Applicant Response: Acknowledged. All will be provided as required. Pre-design mtg has been done. Geotech report is included in the application.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:
L. Project Engineer's Certificate of Completion;
M. Stormwater Operation and Maintenance Easement (if applicable);
N. Deed of Dedication (Bargain and Sale Deed);
O. Recorded Plat and/or Easements (if applicable);
P. Recorded Non-Remonstrance Covenant Agreement;
Q. Land Division Compliance Agreement (if applicable);
R. Permanent Stabilization and/or Restoration of the impact from the development;
S. Fulfillment of all Conditions of Approval;
T. Payment of all Outstanding Fees;
U. Maintenance Guarantee(s). per OCMC 17.50.141;
V. Indemnity Agreement (if applicable);
W. Completed Punchlist;
X. As-Built Drawings;

Applicant Response: Acknowledged. All will be provided as required.

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Applicant Response: Acknowledged. All will be provided as required.

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic

to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:
A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

Applicant Response: Acknowledged. Per pre-application meeting notes/comments the public sidewalk is proposed to be improved per current zoning standards. Any easements and dedications are to be coordinated and implemented as directed by the city engineer. The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Applicant Response: The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Major Arterial	*Mixed Use, Commercial or Public/Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*

	Industrial	*120 ft.*	*88 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*N/A*	*(5) 14 ft. Lanes*	*6 ft.*
	Residential	*126 ft.*	*94 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Minor Arterial	*Mixed Use, Commercial or Public/Quasi Public*	*116 ft.*	*94 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(5) 12 ft. Lanes*	*6 ft.*
	Industrial	*118 ft.*	*86 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(5) 12 ft. Lanes*	*N/A*
	Residential	*100 ft.*	*68 ft.*	*0.5 ft.*	*5 ft.*	*10.5 ft.*	*6 ft.*	*7 ft.*	*(3) 12 ft. Lanes*	*6 ft.*

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Collector	*Mixed Use, Commercial or Public/Quasi Public*	*86 ft.*	*64 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*6 ft.*	*8 ft.*	*(3) 12 ft. Lanes*	*N/A*
	Industrial	*88 ft.*	*62 ft.*	*0.5 ft.*	*5 ft.*	*7.5 ft.*	*6 ft.*	*7 ft.*	*(3) 12 ft. Lanes*	*N/A*
	Residential	*85 ft.*	*59 ft.*	*0.5 ft.*	*5 ft.*	*7.5 ft.*	*6 ft.*	*7 ft.*	*(3) 11 ft. Lanes*	*N/A*

Road Classification	*Comprehensive Plan Designation*	*Right-of-Way Width*	*Pavement Width*	*Public Access*	*Sidewalk*	*Landscape Strip*	*Bike Lane*	*Street Parking*	*Travel Lanes*	*Median*
Local	*Mixed Use, Commercial or Public/Quasi Public*	*62 ft.*	*40 ft.*	*0.5 ft.*	*10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells*		*N/A*	*8 ft.*	*(2) 12 ft. Lanes*	*N/A*
	Industrial	*60 ft.*	*38 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 19 ft. Shared Space*			*N/A*

	Residential	*54 ft.*	*32 ft.*	*0.5 ft.*	*5 ft.*	*5.5 ft.*	*(2) 16 ft. Shared Space*	*N/A*

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.

Applicant Response: The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Applicant Response: The public sidewalk along the frontage of the lot is proposed to be updated per current zoning standards including street trees and streetlights as required by city engineer.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Applicant Response: The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Applicant Response: The street improvements along Mollala Ave were done recently. No improvements to the street itself are proposed.

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Applicant Response: One streetlight and two decorative lights are proposed to match up with the improvements across Mollala Ave. City engineer to review and approve specifications and exact locations.

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Applicant Response: No new street is proposed.

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Applicant Response: Per pre-application meetings the building shall be located close to the street with entry onto the public sidewalk. Due to the street being higher than the current lot some areas will only have two-three feet of landscaping between the building and the back of curb at sidewalk. Tree wells are proposed. See submitted plans.

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

Applicant Response: N/A

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

Applicant Response: N/A

16.12.017 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

Applicant Response: N/A

B. The City may grant a permit for the adjoining owner to access through the access control.

Applicant Response: N/A

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

Applicant Response: N/A

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Applicant Response: N/A

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

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

Applicant Response: No new street improvements are proposed.

16.12.019 - Traffic sight obstructions.
All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.
Applicant Response: N/A

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

16.12.021 - Street design—Grades and curves.
Grades and center line radii shall conform to standards approved by the City Engineer.
Applicant Response: N/A

16.12.022 - Street design—Development abutting arterial or collector street.
Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.
Applicant Response: N/A

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

16.12.024 - Street design—Half street.
Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

Applicant Response: N/A

16.12.025 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Applicant Response: N/A

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

Applicant Response: N/A

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and city adopted street standards.

Applicant Response: N/A

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

Applicant Response: N/A

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

Applicant Response: N/A

16.12.026 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Applicant Response: N/A

16.12.027 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to

make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.
Applicant Response: N/A

16.12.028 - Street design—Transit.
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.
Applicant Response: N/A

16.12.029 - Excavations—Restoration of pavement.
Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.
Applicant Response: Acknowledged. No excavation in street are proposed.

16.12.030 - Blocks—Width.
The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.
All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.
Applicant Response: N/A

16.12.031 - Street design—Street names.
Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.
Applicant Response: N/A

16.12.032 – Public off-street pedestrian and bicycle accessways.
Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.
Applicant Response: Acknowledged. Sidewalk is continuous in front of lot.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.
Applicant Response: N/A

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
1. Accessways shall have a fifteen- foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a - sixteen foot paved surface between four-foot planter strips on either side.
Applicant Response: No new accessway is proposed.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
Applicant Response: No new accessway is proposed.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
Applicant Response: No new accessway is proposed.

E. Accessways shall comply with Americans with Disabilities Act (ADA).
Applicant Response: No new accessway is proposed.

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
3. A two-inch minimum caliper tree for every thirty-five -feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and
4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
Applicant Response: No new accessway is proposed.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
Applicant Response: No new accessway is proposed.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
Applicant Response: No new accessway is proposed.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
Applicant Response: No new accessway is proposed.

J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
Applicant Response: Acknowledged. No new accessway is proposed.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.
Applicant Response: No new accessway is proposed.

16.12.033 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.
A. For intersections within the regional center, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:

1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
I-205/OR 99E Interchange
State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
b. Only those trips approved by a detailed development plan review are vested.
2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.
Applicant Response: No new intersection is proposed.

16.12.035 - Driveways.
A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	*Minimum Driveway Spacing Standards*	*Distance*
Major Arterial Streets	*Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings*	*175 ft.*
Minor Arterial Streets	*Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings*	*175 ft.*
Collector Streets	*Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings*	*100 ft.*
Local Streets	*Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings*	*25 ft.*

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.
Applicant Response: No new driveway is proposed. Existing driveway into the shopping center is not located on the property.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
Applicant Response: No new driveway is proposed. Existing to remain as it is not located on the lot.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways be allowed for any single-family attached or detached residential property, duplex, 3-4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.

Applicant Response: No new driveway is proposed. Existing to remain as it is not located on the lot.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
Applicant Response: N/A.

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	*Minimum Driveway Approach Width*		*Maximum Driveway Approach Width*
Single-Family Attached	*10 feet*		*12 feet*
Single-Family Detached in R-5 & R-3.5	*10 feet*		*12 feet*
Single-Family Detached in R-10, R-8, & R-6	*12 feet*		*24 feet*
Duplexes	*12 feet*		*24 feet*
3-4 Plexes	*12 feet*		*24 feet*
Multi-Family	*18 feet*		*30 feet*
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	*One-Way 12 feet*	*Two-Way 20 feet*	*40 feet*

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.
Applicant Response: No new driveway is proposed. Existing to remain as it is not located on the property.

F. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
2. To facilitate street tree planting requirements;
3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
4. To assure that adequate sight distance requirements are met.
a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
Applicant Response: Acknowledged. No new driveway is proposed. Existing to remain as it is not located on the lot.

G. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.
2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.
Applicant Response: No new driveway is proposed. Existing to remain as it is not located on the lot.

H. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.
Applicant Response: Acknowledged. No new driveway is proposed. Existing to remain as it is not located on the lot.

16.12.065 - Building site—Grading.
Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12,15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.
Applicant Response: Grading plan is designed to comply with standards. Engineering is to review and approve.

16.12.085 - Easements.
The following shall govern the location, improvement and layout of easements:
A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions. Specific utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans.
Applicant Response: All utilities are connecting to existing systems onsite except the gas. We are still coordinating with gas company on exact connection location and requirements. City engineer to review plans and indicate if easements are required.

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
Applicant Response: No such facilities are proposed.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
Applicant Response: N/A

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Applicant Response: To be coordinated if needed. None proposed currently. Existing to remain.

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Applicant Response: N/A. No natural or historic features are onsite.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide franchise utility easement within private property.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Applicant Response: Acknowledged.

16.12.095 - Minimum improvements—Public facilities and services.

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

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Applicant Response: No new street improvements are proposed. Only public sidewalk is proposed to be updated to comply with city design requirements.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.

Applicant Response: Stormdrain system is designed to connect to existing within shopping center.

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Applicant Response: Sewer piping is designed to connect to existing within shopping center.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Applicant Response: Water meter is existing. Building water is designed to connect to existing within shopping center.

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Applicant Response: The project proposes four street trees from the list and 35 ft apart in tree wells along the public sidewalk on Mollala Ave frontage.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Applicant Response: Location to be determined per instructions by City engineer.

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Applicant Response: Dry Utility consultant and GC will be coordinating with appropriate utility companies to underground any utilities. Currently there is only a phone lines connected to the existing building that is proposed to be removed. New phone lines will come underground to the new building.

H. Oversizing of Facilities. All facilities and improvements shall be designed to City standards as set out in the City's facility master plan, public works design standards, or other City ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.

Applicant Response: Acknowledged. This doesn't appear to be applicable.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.
Applicant Response: An erosion control plan is included for review and approval.

16.12.100 - Same—Road standards and requirements.
A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
Applicant Response: Not applicable. No new street design or land parcels are proposed. New building is proposed on existing lot.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
Applicant Response: Not applicable.

16.12.105 - Same—Timing requirements.
A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.
Applicant Response: Acknowledged.

16.12.110 -Public improvements—Financial guarantees.
To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.
After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.
Applicant Response: Acknowledged. Documents will be submitted and coordinated with city as required.

16.12.120 Waiver of Remonstrance
The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

Applicant Response: Acknowledged. Documents will be submitted and coordinated with city as required.

16.12.125 - Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

Applicant Response: Acknowledged.

CHAPTER 17.32 C GENERAL COMMERCIAL DISTRICT

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

Applicant Response: The site is zoned C.

17.32.020 Permitted uses.

A. Banquet, conference facilities and meeting rooms.

B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities.

C. Child care centers and/or nursery schools.

D. Drive-in or drive-through facilities.

E. Gas stations.

F. Indoor entertainment centers and arcades.

G. Health and fitness clubs.

H. Motor vehicle and recreational vehicle sales and/or incidental service.

I. Motor vehicle and recreational vehicle repair and/or service.

J. Custom or specialized vehicle alterations or repair wholly within a building.

K. Medical and dental clinics, outpatient; infirmary services.

L. Museums, libraries and cultural facilities.

M. Offices, including finance, insurance, real estate and government.

N. Outdoor markets, such as produce stands, craft markets and farmers markets.

O. Postal services.

P. Passenger terminals (water, auto, bus, train).

Q. Parks, playgrounds, play fields and community or neighborhood centers.

R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.

S. Multi-family residential, triplexes, quadplexes, or one or two units in conjunction with a nonresidential use.

T. Restaurants, eating and drinking establishments without a drive-through.

U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.

V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet.

W. Seasonal sales.

X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state.

Y. Studios and galleries, including dance, art, photography, music and other arts.

Z. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.

AA. Veterinary clinics or pet hospitals, pet day care.

BB. Home occupations.

CC. Research and development activities.

DD. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed.

EE. Residential care facility licensed by the state.

FF. Transportation facilities.

GG. Live/work dwellings.

Applicant Response: Offices, including finance, use and drive-through is a permitted. use.

17.32.030 Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in OCMC 17.56:

A. Religious institutions;

B. Hospitals;

C. Self-service storage facilities;

D. Public utilities, including sub-stations (such as buildings, plants and other structures);

E. Public and/or private educational or training facilities;

F. Parking structures and lots not in conjunction with a primary use;

G. Emergency service facilities (police and fire), excluding correctional facilities.

Applicant Response: Not applicable.

17.32.040 Prohibited uses in the general commercial district.

The following uses are prohibited in the general commercial district:

A. Distribution, wholesaling and warehousing;

B. Outdoor sales or storage, except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the site plan and design review process. This area may not exceed fifteen percent of the building footprint of the primary building;

C. General manufacturing or fabrication;

D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);

E. Marijuana production, processing, wholesaling, research, testing, and laboratories;

F. Mobile food units, except with a special event permit.

Applicant Response: Not applicable.

17.32.050 Dimensional standards.

A. Minimum lot area: None.

B. Maximum building height: Sixty feet.

C. Minimum required setbacks if not abutting a residential zone: None.

D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.

E. Maximum Allowed Setbacks.

1. Front yard setback: Five feet.

2. Interior side yard setback: None.

3. Corner side yard setback abutting street: None.

4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

F. Maximum site coverage of building and parking lot: Eighty-five percent.

G. Minimum landscaping requirement (including parking lot): Fifteen percent.

H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

Applicant Response: The building height is 21'-6" at the tower and 17'-6" at main parapet. Building is setback 5 ft setback from the back of public sidewalk along Mollala Ave. Site coverage is 14%. Landscaping area is 22%.

CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

**Only applicable if the project includes the removal of trees. If no trees are proposed to be removed—delete this section. No trees are proposed to be removed.*

17.41.020 Tree protection—Applicability.

A. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.

B. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type I process.

C. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.

D. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.

E. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.

Applicant Response: The

17.41.030 Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Applicant Response: The

17.41.040 Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the natural resource overlay district (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations to not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection

shall have the meaning as set out in ORS 30.930. The community development director has the authority to modify or waive compliance in this case.

Applicant Response: The

17.41.050 Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060;*

B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080;*

C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*

D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Applicant Response: The

17.41.060 Tree removal and replanting—Mitigation (Option 1).

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the city may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08, Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

B. The applicant shall determine the number of trees to be mitigated on the site by counting all of the trees six-inch DBH (minimum four and one-half feet from the ground) or larger on the entire site and either:

1. *Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or*

2. *Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the community development director or by a certified arborist at the applicant's expense, when the community development director cannot make a determination. To the extent that the community development director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.*

Table 17.41.060-1 Tree Replacement Requirements

Size of Tree Removed (DBH)	*Column 1 Number of Trees to be Planted (If removed outside of construction area)*	*Column 2 Number of Trees to be Planted (If removed within the construction area)*
6 to 12"	*3*	*1*
13 to 18"	*6*	*2*
19 to 24"	*9*	*3*
25 to 30"	*12*	*4*
31 and over"	*15*	*5*

Steps for calculating the number of replacement trees:

1. *Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.*
2. *Designate the size (DBH) of all trees pursuant to accepted industry standards.*
3. *Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.*
4. *Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.*
5. *Identify the construction area (as defined in OCMC 17.04.230).*
6. *Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.*
7. *Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.*
8. *Determine the total number of replacement trees from steps 6 and 7.*

C. Planting Area Priority for Mitigation. Development applications which opt for removal of trees with subsequent replanting pursuant to OCMC 17.41.050.A shall be required to mitigate for tree cutting by complying with the following priority for replanting standards below:

1. *First Priority. Replanting on the development site.*
2. *Second Priority. Off-site replacement tree planting locations. If the community development director determines that it is not practicable to plant the total number of replacement trees on-site, a suitable off-site planting location for the remainder of the trees may be approved that will reasonably satisfy the objectives of this section. Such locations may include either publicly owned or private land and shall be approved by the community development director.*

D. Replacement Tree Planting Standards.

1. *All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.*

2. *Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the city's native plant or street tree lists.*

3. *Due to their diminishing range in the region, Oregon white oak (Quercus garryana) trees, if removed, shall be replaced by the same species.*

E. *All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the city.*

F. *Alternative Mitigation Plan. The community development director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the natural resource overlay district alternative mitigation plan in OCMC 17.49.190.*

Applicant Response: The

17.41.080 Tree preservation within subdivisions and partitions—Dedicated tract (Option 2).

A. *An applicant for a new subdivision and partition may delineate and show the regulated trees or groves as either a separate tract or part of a larger tract that meets the requirements of subsection D of this section. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the city.*

B. *The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to OCMC 17.41.080.F below.*

C. *Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D of this section, which shall not be a part of any parcel used for construction of a dwelling. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.*

D. *Prior to final plat approval, ownership of the regulated tree or grove tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:*

1. *Private open space held by the owner or a homeowner's association;*

2. *For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document;*

3. *Public open space where the tract has been dedicated to the city or other governmental unit; or*

4. *Any other ownership proposed by the owner and approved by the community development director.*

E. *Density Transfers Incentive for Tree Protection Tracts.*

1. *The purpose of this section is to allow dimensional adjustments within a regulated tree protection tract to be transferred outside said tract to the remainder of the site. Density shall not be transferred beyond the boundaries of the development site.*

2. *Development applications for subdivisions and minor partitions that request a density transfer shall:*

a. *Provide a map showing the net buildable area of the tree protection tract;*

b. *Provide calculations justifying the requested dimensional adjustments;*

c. *Demonstrate that the minimum lot size requirements can be met based on an average of all lots created, including the tree protection tract created pursuant to this section;*

d. *Demonstrate that, with the exception of the tree protection tract, no parcels have been created which would be unbuildable in terms of minimum yard setbacks;*

e. *Meet all other standards of the base zone except as modified in this section.*

3. *The area of land contained in a tree protection tract may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.*

F. *Permitted Modifications to Dimensional Standards.*

1. *An applicant proposing to protect trees in a dedicated tract may request, and the community development director, pursuant to a Type II procedure, may grant a reduction to, the lot size, width, depth, and setbacks of the underlying zone district in approving a subdivision or partition if necessary to retain a regulated tree or grove in a tract, as long as the calculation of average lot size, including tree protection tracts, meet the minimum lot size for the zone. The applicant may choose to make the adjustments over as many lots as required. For example, the lot reduction could be spread across all the remaining lots in the proposed subdivision or partition or could be applied to only those needed to incorporate the area of the tree tract.*

Table 17.41.080.A Lot Size Reduction

Zone	*Min. Lot Size [square feet]*	*Min. Lot Width*	*Min. Lot Depth*
R-10	*5,000 sq. feet*	*50'*	*65'*
R-8	*4,000 sq. feet*	*45'*	*60'*
R-6	*3,500 sq. feet*	*35'*	*55'*
R-5	*3,000 sq. feet*	*30'*	*50'*
R-3.5	*1,800 sq. feet*	*20'*	*45'*

Table 17.41.080.B
Reduced Dimensional Standards for Detached Single-Family Residential Units

Size of Reduced Lot	*Front Yard Setback*	*Rear Yard Setback*	*Side Yard Setback*	*Corner Side*	*Lot Coverage*
8,000—9,999 square feet	*15 feet*	*20 feet*	*7/9 feet*	*15 feet*	*40%*
6,000—7,999 square feet	*10 feet*	*15 feet*	*5/7 feet*	*15 feet*	*40%*

4,000—5,999 square feet	*10 feet*	*15 feet*	*5/5 feet*	*10 feet*	*40%*
1,800—3,999 square feet	*5 feet*	*15 feet*	*5/5 feet*	*10 feet*	*55%*

Table 17.41.080.C
Reduced Dimensional Standards for Single-Family: Attached or Two-Family Residential Units

Size of Reduced Lot	*Front Yard Setback*	*Rear Yard Setback*	*Side yard Setback*	*Corner Side*	*Lot Coverage*
3,500—7,000 square feet	*10 feet*	*15 feet*	*5/0* feet*	*10 feet*	*40%*
1,800—3,499 square feet	*5 feet*	*15 feet*	*5/0* feet*	*10 feet*	*55%*

** 0 foot setback is only allowed on single-family attached units*

17.41.110 Tree protection by restrictive covenant (Option 3).

Any regulated tree or grove which cannot be protected in a tract pursuant to Section 17.41.080 above shall be protected with a restrictive covenant in a format to be approved by the community development director. Such covenant shall be recorded against the property deed and shall contain provisions to permanently protect the regulated tree or grove unless such tree or grove, as determined by a certified arborist and approved by the community development director, are determined to be diseased or hazardous.

A. Permitted Adjustments.

1. *The community development director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a regulated tree or grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.*
2. *The city engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.*
3. *The community development director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.*

17.41.120 Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to compliance Options 1 through 3. In this case, the community development director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include one hundred fifty percent of the cost of materials, transportation and planting.

17.41.130 Regulated tree protection procedures during construction.

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

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

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

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not

conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.055 - Neighborhood association meeting.

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

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.

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

Applicant Response: A neighborhood meeting was held. Documents are included in the application.

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 Response: Not applicable. If required by city official noticing will be posted.

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 Response: Acknowledged. Drawings are submitted for planning review.

17.52.015 - Planning commission adjustment of parking standards.

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

B. Procedure: A request for a Planning Commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.

C. Approval criteria for the adjustment are as follows:

1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.

2. Parking analysis for surrounding uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.

a. For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.

b. The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:

i. Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and

ii. Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.

3. Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.

4. Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.

5. Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.

6. Services: The proposal will not create a significant impact to public services, including fire and emergency services.

Applicant Response: The project is proposing 24 stalls. This amount exceeds the max allowed which is counted at 16 stalls. The applicant is asking for an adjustment to the maximum allowed standard amount. The above describes procedure for reduction but the client is in need for more parking. The

parking stalls and parking layout is not in conflict with any functions required onsite or within the shopping center. Per the shopping center's CCRs document outlines cross access and the parking is shared. Any reduction would be counter to the agreement. The additional spaces will be a benefit to the entire center.

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		
LAND USE	*PARKING REQUIREMENTS*	
	MINIMUM	*MAXIMUM*
Multifamily Residential	*1.00 per unit*	*2.5 per unit*
3-4 Plex Residential	*2.00*	*4*
Hotel, Motel	*1.0 per guest room*	*1.25 per guest room*
Correctional Institution	*1 per 7 beds*	*1 per 5 beds*
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	*1 per 7 beds*	*1 per 5 beds*
Hospital	*2.00*	*4.00*
Preschool Nursery/Kindergarten	*2.00*	*3.00*
Elementary/Middle School	*1 per classroom*	*1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium*
High School, College, Commercial School for Adults	*0.20 per # staff and students*	*0.30 per # staff and students*
Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,	*.25 per seat*	*0.5 per seat*
Retail Store, Shopping Center, Restaurants	*4.10*	*5.00*
Office	*2.70*	*3.33*
Medical or Dental Clinic	*2.70*	*3.33*
Sports Club, Recreation Facilities	*Case Specific*	*5.40*
Storage Warehouse, Freight Terminal	*0.30*	*0.40*
Manufacturing, Wholesale Establishment	*1.60*	*1.67*
Light Industrial, Industrial Park	*1.3*	*1.60*

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 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.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.
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.
2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.
3. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.
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;
2. Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;
3. Ninety-degree (perpendicular) parking: Twelve feet of curb.
4. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.
C. Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.
1. Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.
2. Transit Oriented Development. For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:
a. In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or
b. When adjacent to multi-family development with over eighty units or
c. Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).
3. Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.
4. Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer

demonstrates 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 further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include 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.

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 Response: The required parking is calculated for office area and retail area and comes out to 16 stalls max. The parking lot design is proposing 24 stalls. The applicant is asking for adjustments / variance to allow 24 spaces.

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 and meet requirements of OCMC 16.12.035. 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.

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

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.

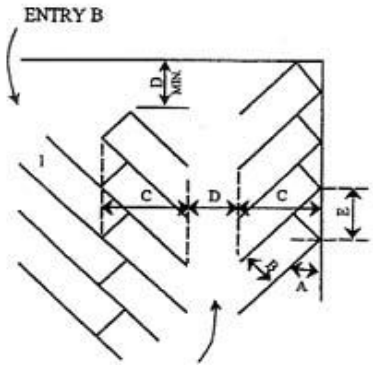
PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

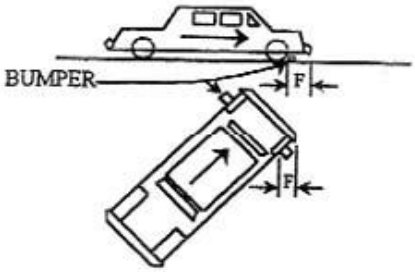
A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	

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.



TYPICAL PARKING LAYOUT
ENTRY A



NOTE: SPACE 1 CONTINGENT UPON ENTRY B
OVERHANG
NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.
E. Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential , and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Applicant Response: The project proposes 18 stalls at 9’x19’ and 4 compact stalls at 9’x18’. In addition one accessible stall at 12’x19’ and one at 9’x19’.

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 exclusively residential use with less than five dwellings onsite (excluding cluster housing).
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.*

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 Response: The design proposes a rack for 2 bicycles.

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 Response: The rack is visible from the street.

3. All bicycle racks shall be designed so that:

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

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

c. The user is not required to lift the bicycle onto the bicycle rack.
d. Each bicycle parking space is accessible without moving another bicycle.
e. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.
f. Provides an area of six feet by two feet per bicycle.
g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.
Applicant Response: The design proposes a rack with area around as described above.

17.52.060 - Parking lot landscaping.
Purpose. The purpose of this code section includes the following:
1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.
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 Response: The design proposes planters with landscaping and trees within the parking lot. Landscaped area has been increased in comparison to current existing condition.

B. Development Standards.
1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.
4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;
5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;
7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
Applicant Response: The landscaping design is adding three more larger trees and five more smaller trees in comparison to the existing condition. The trees between the adjacent lot (Wells Fargo) will remain but trimmed.

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. P*arking lots shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.*
1. The perimeter parking lot are[a] shall include:

a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.
Applicant Response: No hedges are proposed. Added trees are spaces less than 30 ft apart.

D. Parking Area/Building Buffer. *Except for parking lots with fewer than five parking stalls, parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:*
1. Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:
2. Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.
Applicant Response: The building is set back with 5 ft. Landscaping strip is proposed except at pedestrian connection to entry.

E. Interior Parking Lot Landscaping.
Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:
a. A minimum of one tree per four parking spaces.
b. A minimum of 1.5 shrubs per parking space.
c. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.
Applicant Response: These requirements are met. Contiguous parking is designed are at 7 spaces.

F. Alternative landscaping plan.
Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.
Applicant Response: Not applicable.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015- Modifications that will better meet design review requirements.
Applicant Response: Not applicable.

2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Applicant Response: Not applicable.

17.52.080 - Maintenance.

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

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard due to reduced visibility.

Applicant Response: Acknowledged. Tenant will maintain landscaping.

17.52.090 - Loading areas.

A. Purpose.

The purpose of this section is to provide adequate loading areas for commercial, office, retail and industrial uses that do not interfere with the operation of adjacent streets.

B. Applicability.

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

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Applicant Response: No specific loading stall is proposed.

2. Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.

Applicant Response: Not applicable.

3. The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:

a. Short in duration (i.e., less than one hour);

b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);

c. Does not obstruct traffic during peak traffic hours;

d. Does not interfere with emergency response services; and

e. Is acceptable to the applicable roadway authority.

Applicant Response: Not applicable.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.
2. A fence, hedge, wall, located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:
a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or
b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.
3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.
4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.
5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
Applicant Response: The existing retaining wall is proposed to remain.

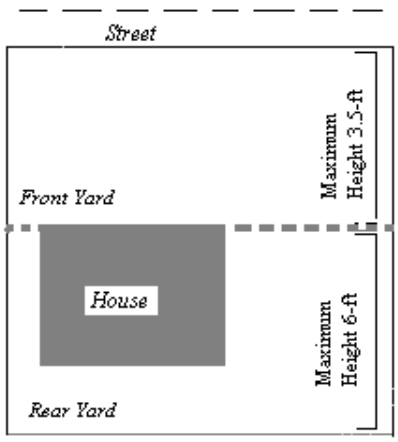
B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:
1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;
2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.
3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
Applicant Response: Not applicable.

C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.
Applicant Response: Acknowledged.

Residential Height Requirements

Any fence, hedge or wall located in front of may be up to 3.5-feet in total height.

A fence, hedge or wall located next to and behind your home may be up to 6-feet in total height.



Applicant Response: The

17.54.115 - Mobile Food Carts

A. Applicability. The following provisions apply to mobile food carts not located within a building. The provisions do not apply to indoor mobile food carts or mobile food carts allowed pursuant to a special event permit issued by the City.

Applicant Response: Not applicable.

B. General Requirements.
1. Mobile food carts may only sell food items;
2. Mobile food carts may not sell cannabis, in any form;
3. Mobile food carts shall have a valid Oregon City business license; and
4. Mobile food carts may not be located within the right-of-way, except as approved by the City Engineer.

Applicant Response: Not applicable.

C. Design Standards.
1. Transitory Mobile Food Carts. Mobile food carts that remain on a property for five hours or less in a twenty-four hour period shall:
i. Be limited to three food carts on a property at any one time;
ii. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;
iii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;
iv. Maintain continuous compliance with applicable federal, state, and city standards;
v. Comply with the Stormwater and Grading Design Standards;
vi. Screen mechanical equipment per OCMC 17.62.050.G;
vii. Comply with materials standards in OCMC 17.62.050.H;
viii. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);
ix. Connect to individual wastewater holding tanks at all times;
a. Mobile food unit waste water tanks shall be at least ten percent larger in capacity than the water supply tank and sloped to a drain that is one inch in inner diameter or greater, equipped with a shut-off valve. However, if a mobile food unit only sells beverages, such as coffee, espresso, or soda, where most of the potable water supply is used in the product, they may have a waste water retention tank that is at least half of the volume of the potable water storage tank.
b. All connections on the mobile food unit for servicing the mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit.
x. Connect to a potable water tank at all times; and
xi. Communal discharge tanks shall be owned and serviced by an Oregon Department of Environmental Quality licensed pumper.

Applicant Response: Not applicable.

2. Non-Transitory Mobile Food Carts. Mobile food carts that remain on a property for more than five hours at a time shall:
i. Maintain the minimum number of parking stalls and minimum drive aisle widths onsite;
ii. Not result in the reduction of landscaping less than the minimum site and parking lot requirements;
iii. Maintain continuous compliance with applicable federal, state, and city standards;
iv. Comply with the Stormwater and Grading Design Standards;
v. Screen mechanical equipment per OCMC 17.62.050.G;
vi. Comply with materials standards in OCMC 17.62.050.H;
vii. Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);
viii. Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;
ix. Connect to public sewer. This may be achieved through a communal system; and
x. Connect to a permanent power source.

3. Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.
4. All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.
5. Power connections may not be connected by overhead wires to the individual mobile food carts.
6. Non-transitory mobile food carts shall comply with the minimum setbacks and maximum height of the zoning designation.
7. Mobile food carts, equipment, customer service areas, or any associated item may not be located within the right of way.
8. Sites with more than ten mobile food carts at any time shall have a designated loading area.
Applicant Response: Not applicable.

D. Process
1. Transitory mobile food carts in compliance with OCMC 17.54.115.C.1 shall be processed as a Type I Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.
2. Non-transitory mobile food carts and vendors which do not comply with 17.54.115.C.1 shall be processed as a Type II Minor Site Plan and Design Review and shall include a wastewater / water operations and maintenance plan.
Applicant Response: Not applicable.

17.54.120 - Home Occupations
Home occupations shall comply with all of the following:
A. No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;
B. All business conducted on site shall be conducted within the home or accessory structure;
C. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and
D. Not more than one-half of the square-footage of the primary dwelling is devoted to such use.
Applicant Response: Not applicable.

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: A variance is applied for exceeding the max. parking stall count.

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: Acknowledged. Team is prepared to attend public hearing if required.

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: admin variance is applied for to get entry design along Mollala approved.

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: Design is not causing damage.

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

Applicant's Response: Design is minimum to alleviate hardship.

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

Applicant's Response: Design is compromising to equal the purpose of the regulations.

D. Any impacts resulting from the adjustment are mitigated;

Applicant's Response: No impacts are anticipated from the adjustment.

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

Applicant's Response: No practical alternative can be designed for due to drive-up location regulations and tenant operation needs.

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

Applicant's Response: **The comprehensive plan is mainly followed. Entry is provided onto Mollala street and parking is provided to shopping center needs.**

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

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.
h. Parking Lot Landscaping in OCMC 17.52.060.
Applicant Response: Not applicable.

2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.
Applicant Response: Not applicable.

3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.
Applicant Response: Variance is applied for exceeding the max parking amount.

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 Response: Not applicable.

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 Response: Not applicable.

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, 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.

Applicant Response: Not applicable.

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 Response: Not applicable.

2. The following projects may be processed as a Type I application:
a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
c. Temporary structures, excluding mobile vendors.
d. Removal, replacement or addition of awnings, or architectural projections to existing structures.
e. Addition, modification, or relocation of refuse enclosure.
f. Changes to amount, location, or design of bicycle parking.
g. Installation of mechanical equipment.
h. Repaving of previously approved parking lots with no change to striping.
i. Replacement of exterior building materials.
j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
k. Addition or alteration of parapets or rooflines.
l. Modification of building entrances.

m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
n. Change to parking lot circulation or layout, excluding driveway modifications.
o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
p. Adoption of shared parking agreements.
q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.
r. New or changes to existing pedestrian accessways, walkways or plazas.
s. Installation of or alterations to ADA accessibility site elements.
t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
u. Addition of or alterations to outdoor lighting.
v. Demolition of any structure or portion of a structure
w. Tree removal
x. Type I Master Plan Amendments under OCMC 17.65.080.
y. Mobile food carts in one location for five hours or less as identified in OCMC 17.54.115
z. 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.
aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
Applicant Response: Not applicable.

3. Submittal Requirements. A Type I application shall include:
a. A narrative describing the project.
b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
d. A completed application form.
e. Any other information determined necessary by the Community Development Director.
Applicant Response: Not applicable.

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 thousandsquare 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 carts 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 Response: Not applicable.

2. Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:
a. The submittal requirements of OCMC 17.50.
b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.

e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.
Applicant Response: Not applicable.

17.62.040 – Items required.
A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:
A. A site plan or plans, to scale, containing the following:
1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
3. Contour lines at twofoot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,
b. Unstable slopes, as defined in OCMC 17.44.020,
c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
12. Site access points for automobiles, pedestrians, bicycles and transit;
13. On-site pedestrian and bicycle circulation;
14. Outdoor common areas proposed as open space;
15. Total impervious surface created (including buildings and hard ground surfaces);
16. The proposed location, dimensions and materials of fences and walls.
Applicant Response: Site plan and Design review is applied for. All items are shown on plans except item 4, 5, 6, 7, 9, 14 as they are not applicable to this project.

B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

Applicant Response: A landscaping plan is added in the submittal.

C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
Applicant Response: Architectural drawings are including the floor plan and elevations.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. .
Applicant Response: The colored elevations drawings are showing a material board.

E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
Applicant Response: A control plan engineered by civil engineer is included in the submittal.

F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
Applicant Response: A photometric plan is included in the submittal.

G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.
If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.
Applicant Response: Not applicable.

H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
Applicant Response: Not applicable.

I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:

1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;

Applicant Response: Acknowledged. Not applicable.

2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.

Applicant Response: Acknowledged. Not applicable.

J. One full-sized copy of all architectural and site plans.

Applicant Response: Included in the submittal.

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.

2. 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.

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.

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.

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

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 Response: A landscaping plan is included for review, designed by licensed landscape architect.

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.

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.

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

4. Parking garage entries shall not be more than half of the streetscape.
Applicant Response: Parking is proposed behind and to the side of the building. Vehicular connectivity is through shopping center on access easements.

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 Response: The sidewalk is shown with hatched connecting the entries/exit with parking and public sidewalk.

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 Response: The sidewalk is shown with hatched connecting the entries/exit with parking and public sidewalk.

3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
Applicant Response: The sidewalk is shown with hatched connecting the entries/exit with parking and public sidewalk.

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 Response: a small stair with 2 steps is connecting the entry on Mollala Ave to the public sidewalk.

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 Response: Sidewalks are concrete and min 5 feet wide. No crossing is proposed.

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

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 Response: The existing building to be removed is similar in size. Water and sewer is proposed to connect to existing onsite.

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 Response: OK. No request was mentioned in the pre-application.

G. Screening of Mechanical Equipment:

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

Applicant Response: Roof top units are proposed to be located / screened on roof area with 4-5 ft parapet at the back of house area.

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

Applicant Response: Not applicable.

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.

Applicant Response: Not applicable.

4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment or wind power generating equipment.

Applicant Response: Not applicable.

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, 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 Response: None 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.

Applicant Response: The building design proposed block veneer, siding, metal panels for exterior materials.

J. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:
1. 12.04 Streets, Sidewalks and Public Places
2. 12.08 Public and Street Trees
3. 13.04 Water Service System
4. 13.08 Sewer Regulations
5. 13.12 Stormwater Management
6. 16.12 Minimum Improvements and Design Standards for Development
7. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks
8. 17.40 Historic Overlay District
9. 17.41 Tree Protection Standards
10. 17.42 Flood Management Overlay District
11. 17.44 Geologic Hazards
12. 17.47 Erosion and Sediment Control
13. 17.48 Willamette River Greenway

14. 17.49 Natural Resource Overlay District
15. 17.50 Administration and Procedures
16. 17.52 Off-Street Parking and Loading
17. 17.54 Supplemental Zoning Regulations and Exceptions
18. 17.58 Lawful Nonconforming Uses, Structures, and Lots
19. 17.65 Master Plans and Planned Unit Development

Applicant Response: Acknowledged.

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

A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety though informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.

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. .

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 Response: The standards are followed, for review and approval submitted to the city.

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.

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 Response: The frontage is 140 ft. The building is set back by 5 ft as required to comply with frontage easements. Due to grade differences to the street building entry is set back to 7 ft.

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 Response: An administrative variance is applied for proposing the entry along Mollala Ave with less significant design as the entry facing the parking.

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 Response: The entries have storefront on each side and a canopy. One entry is projected from the building. Both have landscaping planters on each side.

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 multi-family buildings or multi-family portions of residential mixed-use buildings.

Applicant Response: Not applicable.

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 Response: Not applicable.

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 Response: The proposed design has no blank walls. Changes of material are proposed less than 20 ft in length.

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 Response: The street façade has canopy at entry and change of plane with material change.

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 Response: The

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%*

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 Response: Acknowledged. Glazing proposed will comply with parameters.

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 Response: Not applicable.

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

Applicant Response: Not applicable.

K . Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.

Applicant Response: Façade is less than 75 ft.

L. Drive-through facilities shall:
1. Be located at the side or rear of the building.
2. Be designed to maximize queue storage on site.
Applicant Response: Drive-up ATM is located at rear of building.

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.
Applicant Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

17.62.057 - Multifamily Usable Open Space Requirements

A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.

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 Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

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:
Applicant Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

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 Response: Not applicable.

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.
Applicant Response: Not applicable.

a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.
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 Response: Not applicable.

17.62.065 - Outdoor lighting.
A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
6. Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
B. Applicability.
1. General.
a. All exterior lighting for any type of commercial, mixed-use, industrial, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
Applicant Response: Exterior lighting is designed to include these parameters. A photometric plan are included in the application. The light poles are LED fixture types.

b. The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior

building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Applicant Response: A photometric plan is included in the application for review. The public street lights are to match existing across street.

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

Applicant Response: Acknowledged.

C. Design and Illumination Standards.
1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
2. Lighting shall be provided in parking lots and vehicular circulation areas.
3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
4. Lighting shall be provided at all building entrances.
5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.
8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

Applicant Response: The proposed design is showing light poles throughout the site. The building has recessed lights at the canopies and security light at the exit door. Some decorative up/down wall sconces are proposed at the back of house area.

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

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

A. Fully enclosed and visually screened;

B. Located in a manner easily and safely accessible by collection vehicles;

C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;

D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;

E. Maintained by the property owner;

F. Used only for purposes of storing solid waste and recyclable materials;

G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

H. 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 Response: A trash enclosure is proposed onsite. It will be maintained by tenant. Chase bank has their own recycle/shredding program and will have only small amount of refuse for disposal.

17.62.090 – Implementation.

A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The Building Official may issue a certificate of occupancy only after the improvements required by Site Plan and Design Review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.

Applicant Response: Acknowledged.

B. In performing Site Plan and Design Review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.

Applicant Response: Acknowledged.

C. The Site Plan and Design Review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:

1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or

2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.

Applicant Response: Not applicable.

STORMWATER NARRATIVE

FOR

Chase Oregon City

1689 Molalla Avenue

Oregon City, OR 97045

PREPARED FOR:

PM DESIGN GROUP, INC.

3860 BROADWAY STREET

SUITE 110

AMERICAN CANYON, CA 94503

PREPARED BY:

REBECCA VINTER, PE

KHA PROJECT #: 093638012

Kimley»Horn

Expect More. Experience Better.

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STORMWATER NARRATIVE

CHASE OREGON CITY
1689 MOLALLA AVENUE
OREGON CITY, OR 97045

PREPARED FOR:

PM DESIGN GROUP, INC.
3860 BROADWAY STREET
SUITE 110
AMERICAN CANYON, CA 94503

PREPARED BY:

KIMLEY-HORN AND ASSOCIATES, INC.
1 SW COLUMBIA STREET, SUITE 650
PORTLAND, OR 97204

KHA #093638012

Disclosure Statement:

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

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OVERVIEW

EXISTING CONDITIONS

This report contains the approach and results of a stormwater impact analysis conducted for the proposed Chase Bank in Oregon City, OR. This project site consists of the 0.56 acre parcel located at 1689 Molalla Avenue, Oregon City, OR 97045, located southeast of the intersection between Molalla Avenue and Beavercreek Road.

A Geotechnical report was provided by NV5, dated December 22, 2022. The soils on site were found to be native clay with varying amounts of sand and gravel. Infiltration testing was conducted resulting in a field infiltration rate of 1.4 in/hr. This value was higher than what is anticipated for clay soils. On-site stormwater infiltration and retention are not recommended for this site. The NRCS soil report provided a Hydrologic Soil Group rating of C.

The property is not within a defined floodplain area and is identified as zone X, area of minimal flood hazard, per the FEMA FIRM presented within Appendix A. Per the Oregon City Natural Resource Overlay District (NROD) Map (Appendix B), the site is not located in an NROD and there are no existing streams or wetlands on site.

PROPOSED DEVELOPMENT

The project site is currently developed, with an existing 4,371 SF bank building and a total impervious area of 21,148 SF. The proposed project includes construction a 3,445 SF bank building and associated parking area for a total impervious area of 18,509 SF, for a net reduction of impervious area by 2,639 SF. See the tables in the Pre- and Post- Development Impervious Area Maps (Appendix C) for an impervious coverage takeoff in the pre- and post-development conditions

STORMWATER ANALYSIS

Stormwater management measures shall be designed in accordance with the City of Oregon City Stormwater and Grading Design Standards. Because this site replaces greater than 5,000 SF of impervious surface it meets the City of Oregon City Thresholds for Stormwater Management (SGDS 1.2.1) and is subject to both water quality and flow control requirements. Because these General Thresholds are triggered, stormwater must also be conveyed to an approved discharge point and a downstream analysis must be conducted to demonstrate that stormwater discharges will not have adverse effects downstream.

WATER QUALITY AND FLOW CONTROL

Using Table 4.1 in the Oregon City Stormwater and Grading Design Standards, stormwater planters were selected for onsite stormwater management for both water quality and flow control requirements. Water quality facilities are required to capture and treat 80% of the average annual runoff volume of the water quality design storm (1” over 24 hours). The facilities must be designed such that the post-development peak flows are less than or equal to the pre-development peak flows between 42% of the 2-year peak flow up to the 10-year peak flow rate. The BMP Sizing tool was used to size these facilities to ensure they meet the water quality and flow control requirements set forth by the City, the results are attached in Appendix D.

DOWNSTREAM ANALYSIS

This site is located within the Newell Creek Basin. The 2020 Oregon City Stormwater Master Plan documents Newell Creek Basin, at Beavercreek Road and Molalla Avenue, as an area under capacity

(Appendix E). The pipes along Molalla Avenue that our site will tie into, that drain to Beavercreek Road, have capacity, however smaller pipes along Beavercreek Road that tie into the trunk line as well, are documented to surcharge. The master plan has no current proposed improvements to address the capacities downstream of our project site due to increased concerns of erosion at Newell Canyon.

This site will not increase any downstream capacity issues. The onsite filtration planters and reduction in impervious area will help to slow and reduce the flows entering the downstream conveyance system. No further analysis is proposed at this time and no changes to the downstream stormwater conveyance are proposed.

CONCLUSION

The calculations indicate that the proposed Chase Bank will comply with local and state stormwater requirements. To meet Oregon City stormwater quality and flow control requirements, this site will utilize stormwater filtration planters throughout the site.

APPENDIX

APPENDIX A: FEMA FLOOD INSURANCE RATE MAP

APPENDIX B: NROD MAP

APPENDIX C: IMPERVIOUS AREA MAPS

APPENDIX D: PRELIMINARY PLANTER SIZING CALCULATIONS

APPENDIX E: NEWELL CREEK BASIN HYDRAULIC MODEL

APPENDIX A: FEMA FLOOD INSURANCE RATE MAP

National Flood Hazard Layer FIRMette

FEMA

122°35'33"W 45°20'12"N

122°34'56"W 45°19'47"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

Item #1.

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR UT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- B 20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/7/2023 at 1:09 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, commu FIRM panel number, and FIRM effective date unmapped and unmodernized areas cannot regulatory purposes.

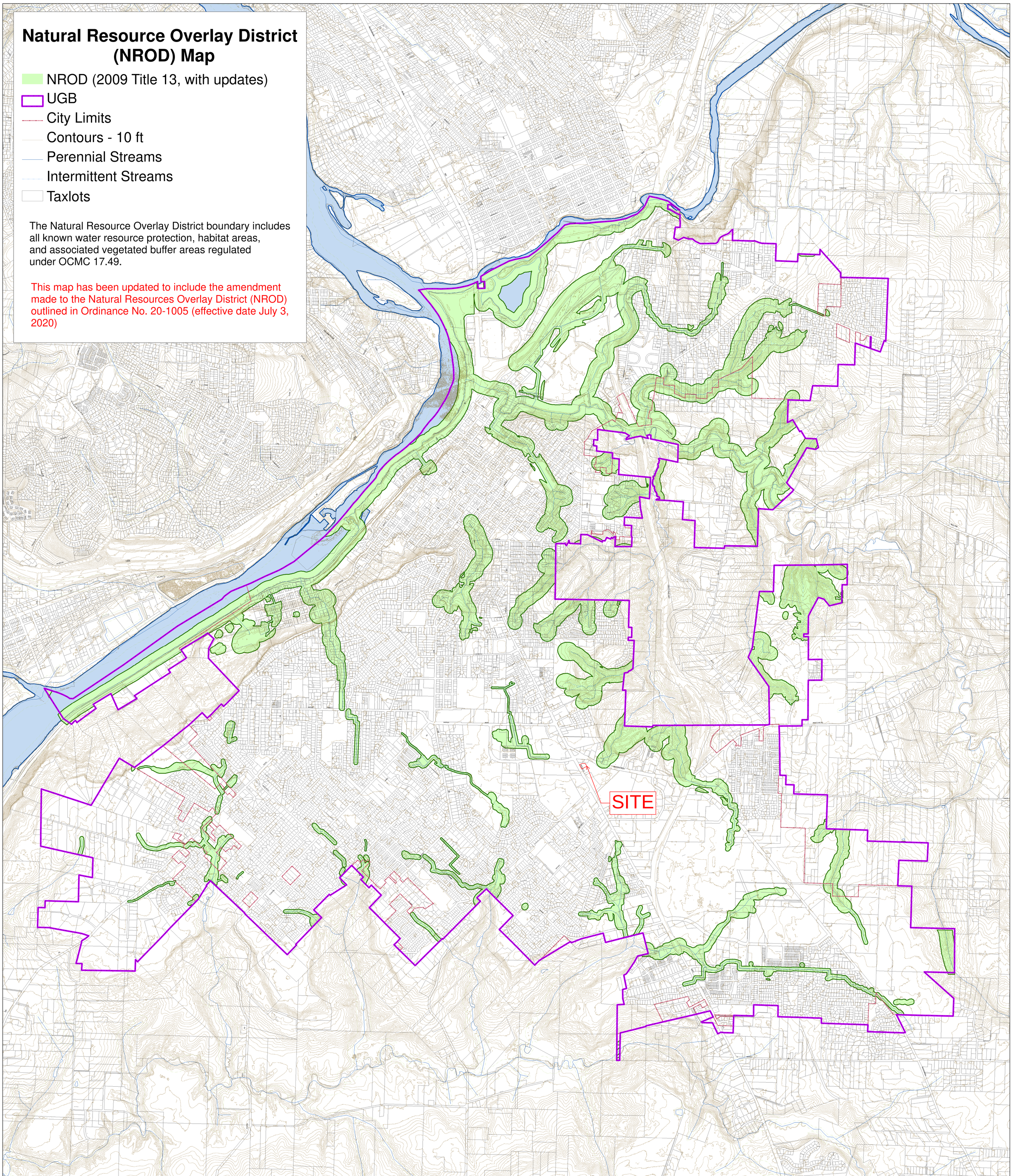
APPENDIX B: NROD MAP

Natural Resource Overlay District (NROD) Map

- NROD (2009 Title 13, with updates)
- UGB
- City Limits
- Contours - 10 ft
- Perennial Streams
- Intermittent Streams
- Taxlots

The Natural Resource Overlay District boundary includes all known water resource protection, habitat areas, and associated vegetated buffer areas regulated under OCMC 17.49.

This map has been updated to include the amendment made to the Natural Resources Overlay District (NROD) outlined in Ordinance No. 20-1005 (effective date July 3, 2020)



Natural Resource Overlay District

City of Oregon City
Geographic Information Systems
PO Box 3040
625 Center St
Oregon City, Oregon 97045
www.orcity.org | maps.orcity.org

The information in this map is detailed in Chapter 17.49 -- Municipal Code of the City of Oregon City

N
W E
S

Project: Title-13-NROD-map_20090716-no_aerial.mxd
Plot:Title 13 NROD Map as of 20200703 - 36x48P.pdf

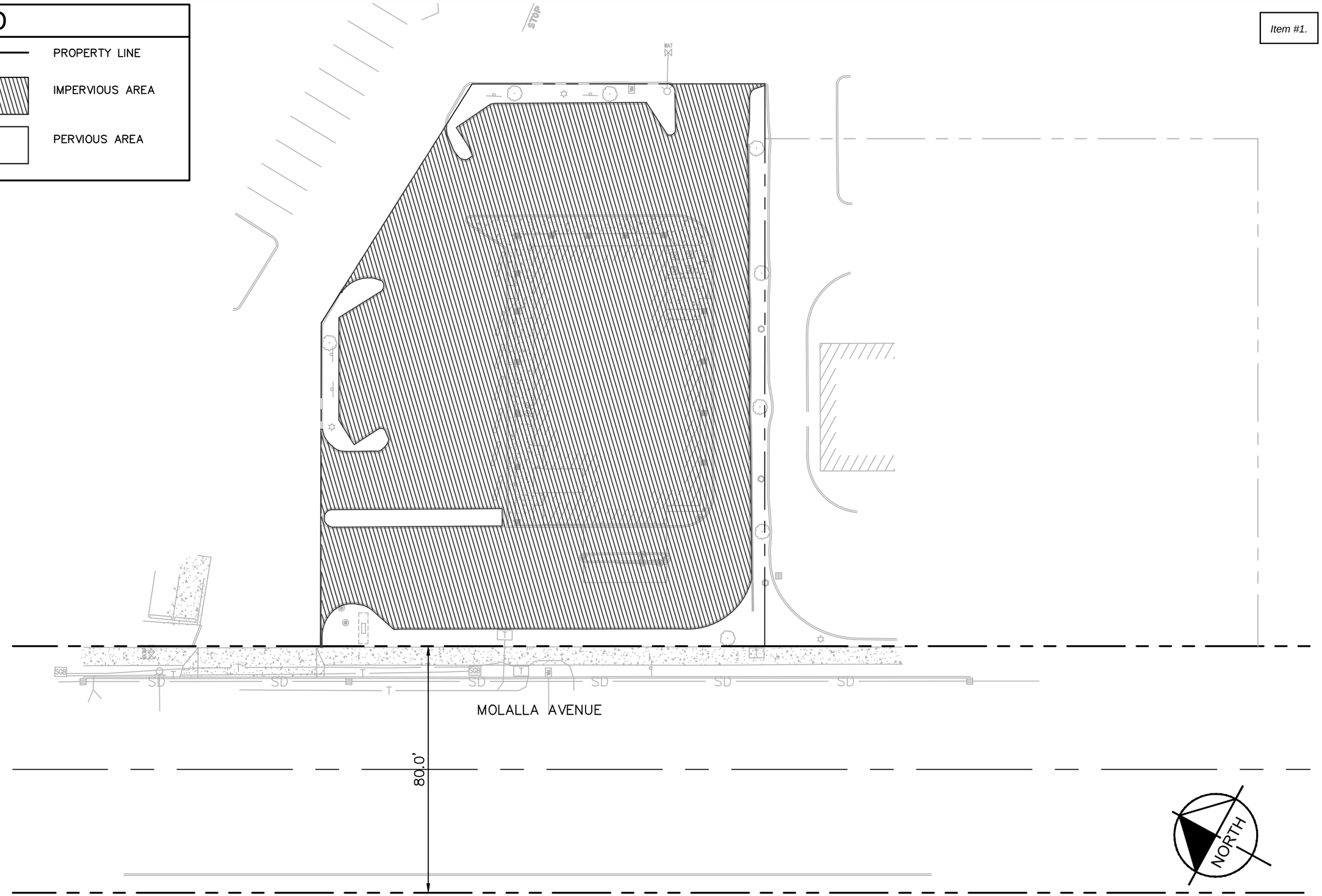
APPENDIX C: IMPERVIOUS AREA MAPS

SITE LEGEND

PROPERTY LINE

IMPERVIOUS AREA

PERVIOUS AREA



Kimley»Horn

PRE DEVELOPMENT IMPERVIOUS AREA

DATE: 03/07/2023

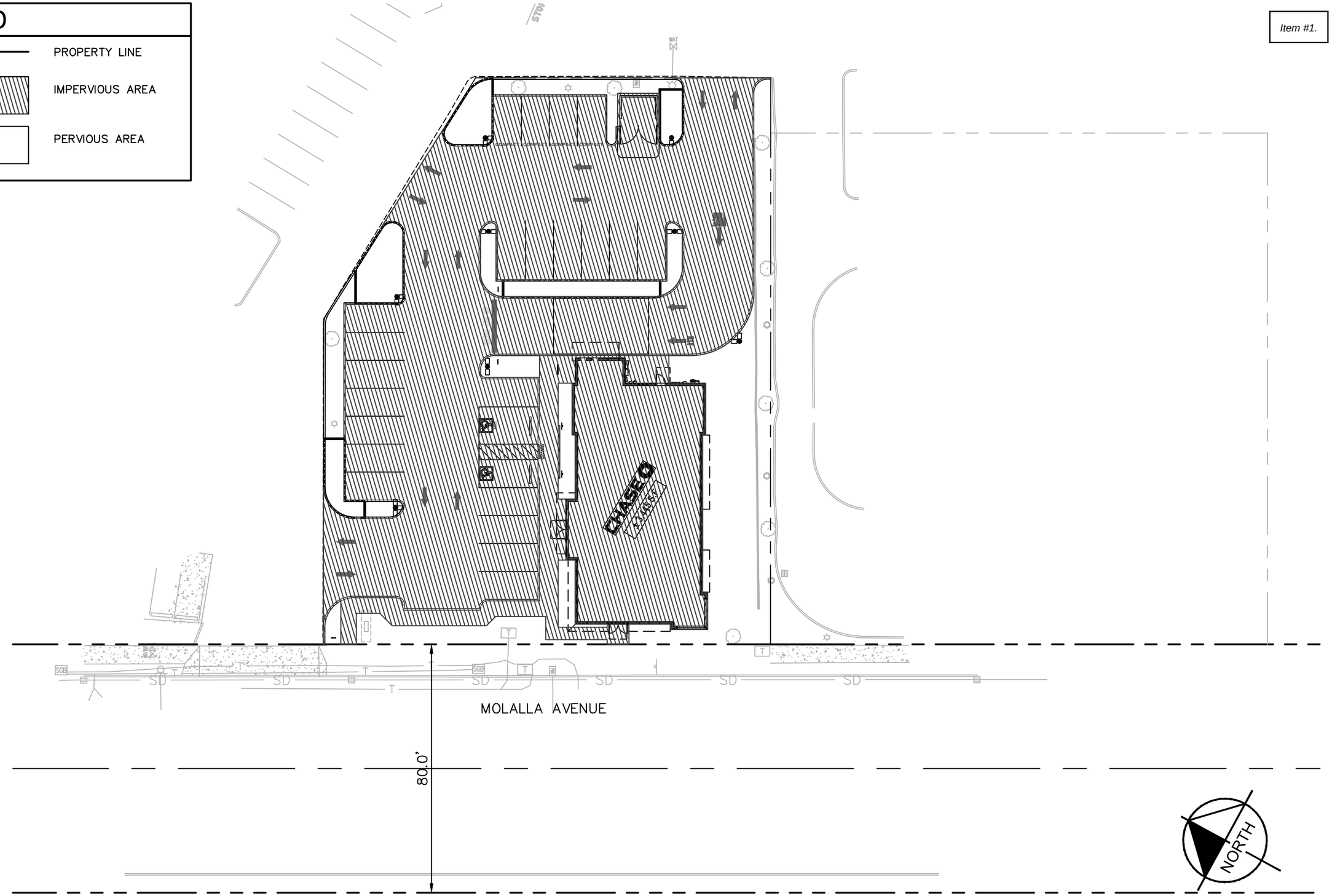
GRAPHIC SCALE IN FEET
0 15 30 60

SITE LEGEND

PROPERTY LINE

IMPERVIOUS AREA

PERVIOUS AREA



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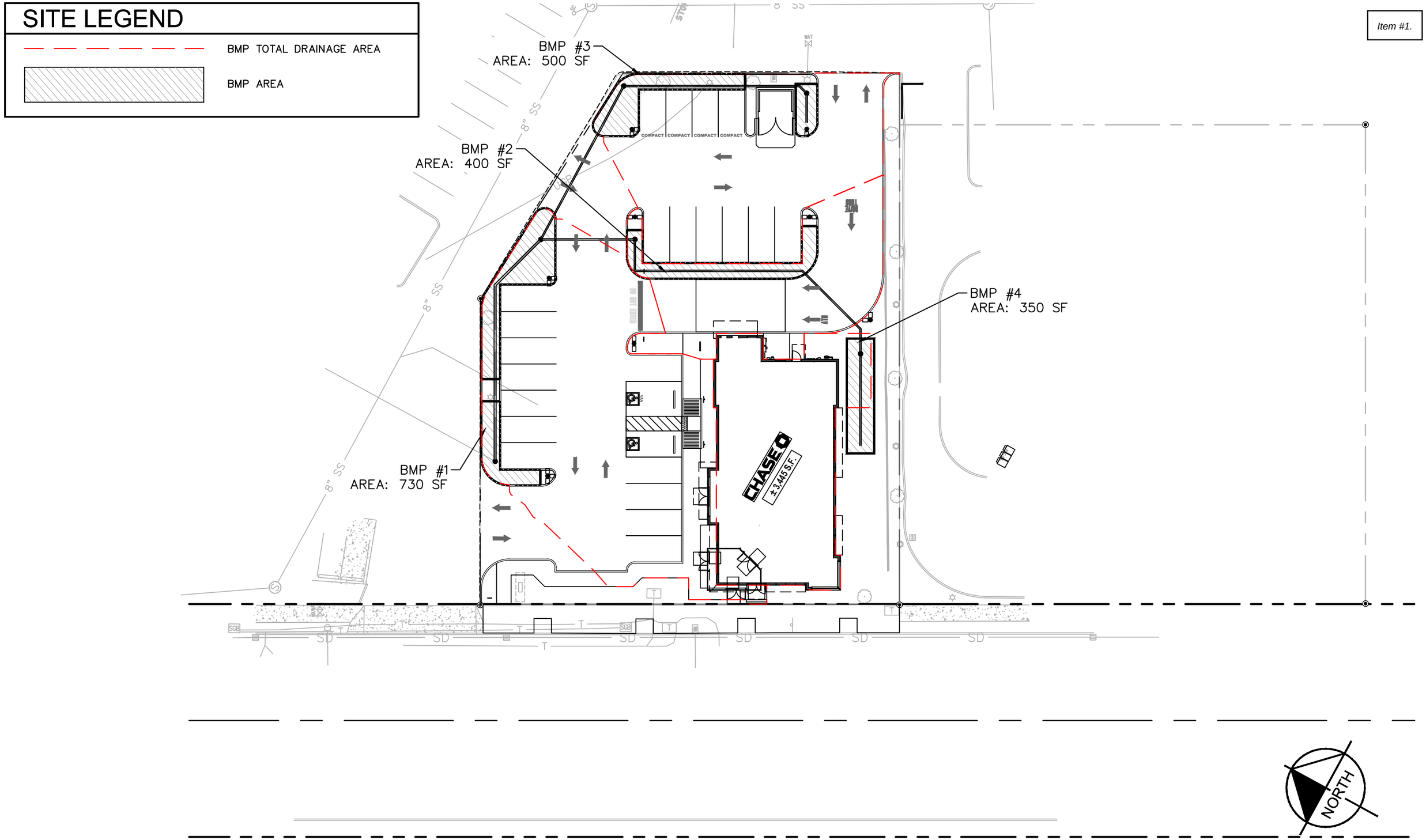
POST DEVELOPMENT IMPERVIOUS AREA

DATE: 03/07/2023

GRAPHIC SCALE IN FEET
0 15 30 60



Kimley»Horn

BMP DRAINAGE AREA MAP

DATE: 03/28/2023

GRAPHIC SCALE IN FEET
0 15 30 60

APPENDIX D: PRELIMINARY PLANTER SIZING CALCULATIONS

WES BMP Sizing Software Version 1.6.0.2, May 2018

WES BMP Sizing Report

Project Information

Project Name	Chase - Oregon City
Project Type	Commercial
Location	1689 Molalla Avenue, Oregon City, OR
Stormwater Management Area	2132.53
Project Applicant	
Jurisdiction	OutofDistrict

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
Parking Lot #1 to BMP #1	2,308	Forested	ConventionalConcrete	C	BMP #1
Parking Lot #2 to BMP #1	4,241	Forested	ConventionalConcrete	C	BMP #1
Building to BMP #4	3,398	Forested	Roofs	C	BMP #4
Pervious to BMP #1	1,496	Forested	LandscapeCsoil	C	BMP #1
Parking Lot #3 to BMP #2	2,340	Forested	ConventionalConcrete	C	BMP #2
Pervious to BMP #2	3,093	Forested	LandscapeCsoil	C	BMP #2
Parking Lot #4 to BMP #3	4,488	Forested	ConventionalConcrete	C	BMP #3
Pervious to BMP #3	834	Forested	LandscapeCsoil	C	BMP #3

LID Facility Sizing Details

LID ID	Design Criteria	BMP Type	Facility Soil Type	Minimum Area (sq-ft)	Planned Areas (sq-ft)	Orifice Diameter (in)
BMP #1	FlowControlAndTreatment	Stormwater Planter - Filtration	C1	729.6	730.0	0.6
BMP #2	FlowControlAndTreatment	Stormwater Planter - Filtration	C1	388.6	400.0	0.5
BMP #3	FlowControlA	Stormwater	C1	490.5	500.0	0.5

	ndTreatment	Planter - Filtration				
BMP #4	FlowControlAndTreatment	Stormwater Planter - Filtration	C1	339.8	350.0	0.4

Pond Sizing Details

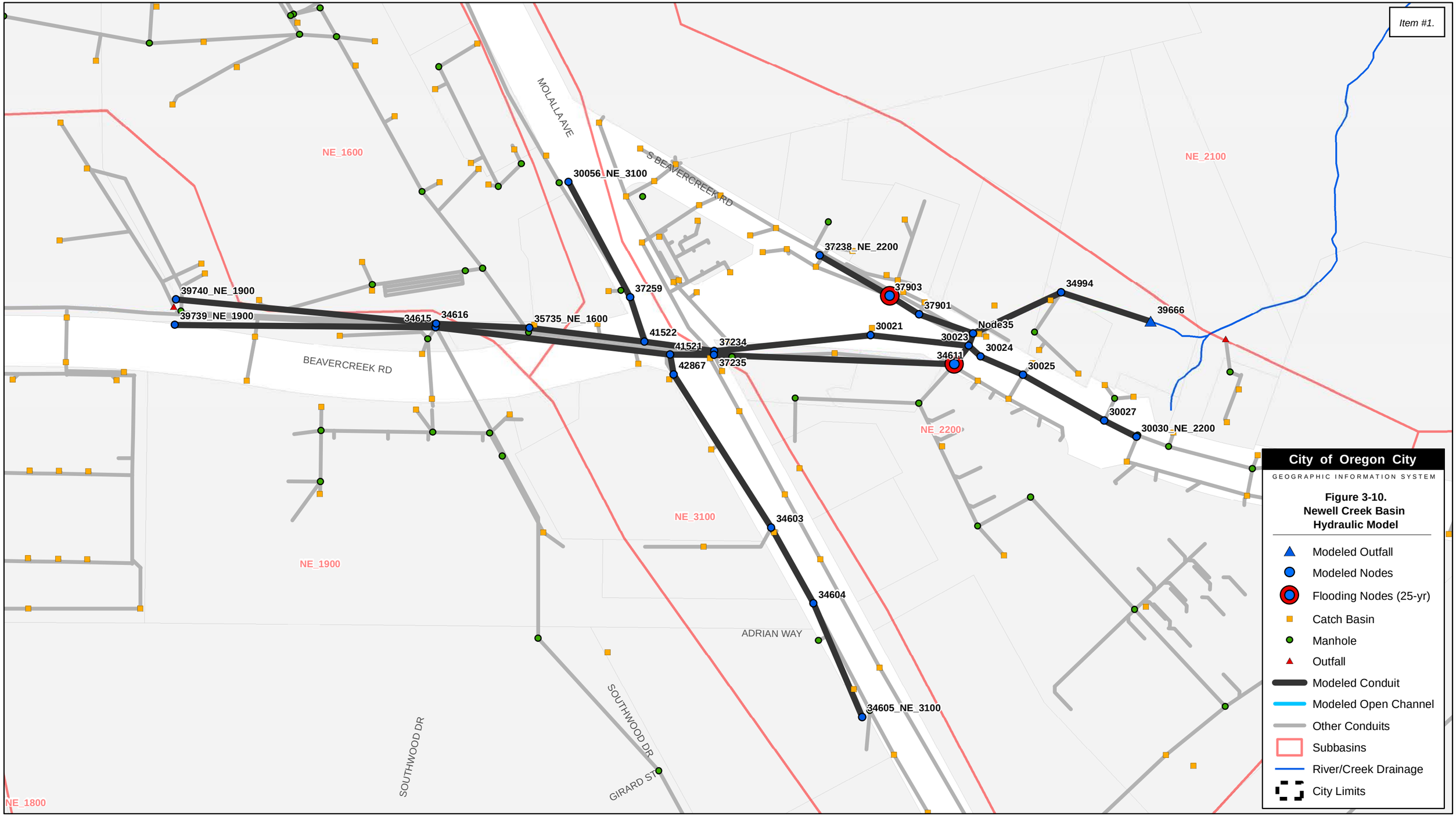
1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only

2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).

3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.

4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

APPENDIX E: NEWELL CREEK BASIN HYDRAULIC MODEL



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, or surveying purposes. Notification of any errors is appreciated.

N W E S

0 150 300 600 900 Feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.orcity.org

Plot date: June 20, 2017
Plot name: Figure 3-10
Map name: Figure 3-10 Newell Creek Basin.mxd

3.6.8 Newell Creek Basin: Beavercreek Road and Molalla Avenue

The modeling has shown that pipes are under capacity at the Beavercreek Road crossing east of Molalla Avenue. One undersized pipe, across Beavercreek Road, is a restriction thought to be constructed to aid in filling upstream pipes as a form of detention. Regardless of the reason, the pipe is now a restriction and the cause of minor flooding starting with the 2-year design event. The pipes along Molalla Avenue that drain to Beavercreek Road have capacity while the smaller pipes along Beavercreek Road that contribute to the trunk line are surcharged for short periods of time during the 2-year event (see Table 3-9).

Replacement of the existing 40 feet of 12-inch-diameter pipe and 10 feet of 42-inch-diameter pipe, across Beavercreek Road, to match the upstream and downstream pipe sizes, which are 48 inches in diameter, will likely remove most of the capacity issues within the trunk line of this system. However, the flow restrictions in this system are likely serving as flow attenuation and mitigating peak flows downstream. This conveyance system is located upstream of Newell Canyon where erosion is a significant concern (see Section 6).

Upsizing the conveyance system will result in downstream erosion impacts that were determined to be of greater concern than the current flooding. For this reason, the capacity problem identified was not addressed in the potential project recommendations at this time. Instead, ongoing monitoring of the flooding in this area is recommended to determine the impacts to surrounding properties.

As opposed to upsizing conduits, and potentially causing further erosion issues, the City should investigate upstream opportunities to install green infrastructure or additional detention systems that would slow down the time-to-peak in the watershed. The retention systems can reduce flooding, improve water quality, and lower peak flows, which will in turn mitigate erosion issues.

Table 3-9. Newell Creek Basin Hydraulic Model Results for 25-yr Storm

Link ID	Node name		Ground elevation (ft)		Existing max water surface elevation (ft)	
	US	DS	US	DS	US	DS
800688	34994	39666	430.02	415.38	418.97	412.81
800690	34611	30023	429.34	430.16	429.34	426.31
800854	39740_NE_1900	34616	436.51	436.91	433.41	429.90
801962	34604	34603	441.90	437.52	439.19	433.95
801965	34605_NE_3100	34604	444.01	441.90	442.26	439.59
801981	30056_NE_3100	37259	439.36	433.77	436.07	432.43
803140	30021	30023	431.51	430.16	427.60	426.31
803172	30030_NE_2200	30027	434.39	433.37	434.39	432.69
803176	30027	30025	433.37	430.71	432.69	429.54
803179	30025	30024	430.71	430.26	429.54	427.50
803180	30024	30023	430.26	430.16	427.50	426.31
806619	37234	37235	433.20	433.20	429.40	429.40
806620	37234	30021	433.20	431.51	429.40	427.60
807452	37903	37901	427.94	430.44	427.94	426.94
807453	37238_NE_2200	37903	430.54	427.94	430.54	427.94
808393	39739_NE_1900	34615	436.49	436.91	434.75	430.93

Use of contents on this sheet is subject to the limitations specified at the end of this document.

Table 3-9. Newell Creek Basin Hydraulic Model Results for 25-yr Storm						
Link ID	Node name		Ground elevation (ft)		Existing max water surface elevation (ft)	
	US	DS	US	DS	US	DS
Link18	34615	41521	436.91	432.42	430.86	429.46
Link19	41521	37235	432.42	433.20	429.46	429.40
Link20	37235	34611	433.20	429.34	429.40	429.34
Link21	30023	Node35	430.16	429.89	426.31	424.58
Link22	Node35	34994	429.89	430.02	424.58	418.97
Link23	37901	Node35	430.44	429.89	426.94	424.58
Link24	34603	42867	437.52	432.33	433.95	430.46
Link25	42867	41521	432.33	432.42	430.46	429.46
Link26	34616	35735_NE_1600	436.91	434.20	429.90	429.89
Link27	35735_NE_1600	41522	434.20	432.04	429.89	429.64
Link28	41522	37234	432.04	433.20	429.64	429.40
Link29	37259	41522	433.77	432.04	432.43	429.64

**Shaded rows indicate a flooded link during simulation of the 25-year design event.*

The hydraulic model extents for the Newell Creek Basin are shown on Figure 3-10.

Use of contents on this sheet is subject to the limitations specified at the end of this document.

REPORT OF GEOTECHNICAL ENGINEERING SERVICES

Proposed Oregon City Chase Bank
1689 Molalla Avenue
Oregon City, Oregon

For
PM Design Group, Inc.
December 22, 2022

Project: PMDesign-5-01

NV5

December 22, 2022

PM Design Group, Inc.
3860 Broadway Street, Suite 110
American Canyon, CA 94503

Attention: Ariane Sanders

Report of Geotechnical Engineering Services
Proposed Oregon City Chase Bank
1689 Molalla Avenue
Oregon City, Oregon
Project: PMDesign-5-01

NV5 is pleased to submit this report of geotechnical engineering services for the proposed Chase Bank in Oregon City, Oregon. Our services were conducted in accordance with our proposal dated November 14, 2022.

We appreciate the opportunity to be of continued service to you. Please contact us if you have questions regarding this report.

Sincerely,

NV5

Scott McDevitt, P.E., G.E.
Principal Engineer

JJP:SPM:kt
Attachments
One copy submitted
Document ID: PMDesign-5-01-122222-geor.docx
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EXECUTIVE SUMMARY

Based on our understanding of the proposed development and the results of our explorations, laboratory testing, and analyses, it is our opinion the project is feasible from a geotechnical perspective. The following provides a summary of pertinent geotechnical considerations for the project. The main body of the report should be referenced for a thorough description of subsurface conditions and geotechnical recommendations for the project.

- ☐ The planned development will require demolition of the existing building and some pavement. Demolition should include complete removal of floor slabs, buried foundation elements, and AC within planned improvement areas. After evaluation, the excavations should be backfilled with compacted structural fill.

- ☐ Based on the results of our explorations, laboratory testing, and analysis, it is our opinion that the proposed structure can be supported by conventional spread footings founded on undisturbed native soil or structural fill overlying undisturbed native soil.

- ☐ The fine-grained soil present at the ground surface can be sensitive to small changes in moisture content and difficult, if not impossible, to adequately compact during wet weather or when the moisture content of the soil is more than a couple of percent above the optimum required for compaction. Depending on the time of year, significant drying will likely be required before using on-site fine-grained soil as structural fill. Accordingly, the on-site clayey and fine-grained soil can typically only be placed as structural fill during dry summer months.

- ☐ Auger refusal was encountered in boring B-3 at a depth of 4 feet BGS and drilling action inferred that boulders may be present within the on-site soil. If boulders are encountered in the foundation subgrade, they should be removed to a depth of at least 12 inches below the bottom of footings and the excavation backfilled with structural fill.

- ☐ Trench excavations may require removal of some boulders. Excavation volumes for utility trenches may be greater than anticipated due to sloughing and the need to remove oversized material. If difficult excavations are encountered, trenches may be wider than anticipated, increasing the amount of backfill material needed.

- ☐ Due to the fine-grained nature of the native soil and low infiltration test rate, stormwater infiltration is not recommended as the primary means for managing stormwater from the site.

- ☐ The fine-grained soil present below the pavement section is easily disturbed during the wet season. If not carefully executed, site earthwork can create soft areas and moderate repair costs can result. To the extent possible, construction traffic should operate on the existing pavement. Where native soil is exposed, subgrade protection is essential and may include placing 12 to 18 inches of granular material over subgrade for staging and haul road areas.

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ACRONYMS AND ABBREVIATIONS

AASHTO	American Association of State Highway and Transportation Officials
AC	asphalt concrete
ACP	asphalt concrete pavement
ASCE	American Society of Civil Engineers
ASTM	American Society for Testing and Materials
BGS	below ground surface
g	gravitational acceleration (32.2 feet/second^2)
H:V	horizontal to vertical
in/hr	inch(es) per hour
MCE	maximum considered earthquake
OSHA	Occupational Safety and Health Administration
OSSC	2021 Oregon Standard Specifications for Construction
pcf	pounds per cubic foot
pci	pounds per cubic inch
PG	performance grade
psf	pounds per square foot
psi	pounds per square inch
SOSSC	State of Oregon Structural Specialty Code
SPT	standard penetration test

1.0 INTRODUCTION

This geotechnical engineering report presents the results of our subsurface explorations and provides recommendations for the proposed Chase Bank located at 1689 Molalla Avenue in Oregon City, Oregon. The site is shown relative to surrounding features on Figure 1. Existing conditions are shown on Figure 2, along with our subsurface exploration locations. Acronyms and abbreviations used herein are defined above, immediately following the Table of Contents.

2.0 PROJECT UNDERSTANDING

We understand that project plans include demolishing the existing retail building and pavement and constructing a new single-story bank building, drive-through, and associated parking and hardscapes. We have assumed the building will be constructed at grade and will not have a basement. Foundation loads were not available at the time of this report; however, we have assumed the maximum column and wall loads will be less than 100 kips and 4 kips per lineal foot, respectively, based on our experience with similar structures. If final design loads exceed our assumptions, we should be contacted to determine if recommendations in this report require revisions. We anticipate that mass cut and fill will likely be less than a few feet each.

3.0 PURPOSE AND SCOPE

The purpose of our scope was to explore subsurface conditions at the site and provide geotechnical engineering recommendations for design and construction. Our specific scope of services is summarized as follows:

- ☐ Reviewed readily available, published geologic data and our in-house files for existing information on subsurface conditions in the site vicinity.
- ☐ Coordinated and managed the field explorations, including utility locates, access preparation, and scheduling subcontractors and NV5 field staff.
- ☐ Explored subsurface conditions by drilling four borings to depths between 4 and 26.5 feet BGS.
- ☐ Maintained a continuous log of the explorations and collected soil samples at representative intervals.
- ☐ Performed a falling head infiltration test at depth of 4 feet BGS in one of the borings and provided test results and general recommendations for on-site stormwater disposal.
- ☐ Conducted a laboratory testing program consisting of the following:
  - Fourteen moisture content determinations in general accordance with ASTM D2216
  - Five particle-size analyses in general accordance with ASTM D1140
  - One Atterberg limits test in general accordance with ASTM D4318
- ☐ Provided recommendations for site preparation and grading, including temporary and permanent slopes, fill placement criteria, suitability of on-site soil for fill, trench excavation and backfill, subgrade preparation, and wet weather construction.
- ☐ Provided foundation support recommendations for the proposed structure, including preferred foundation type, allowable bearing capacity, and lateral resistance parameters.
- ☐ Provided recommendations for construction of AC pavement for on-site access roads and parking areas, including subbase, base course, and AC paving thickness.

- ☐ Evaluated groundwater conditions at the site and provided general recommendations for dewatering during construction and subsurface drainage.
- ☐ Provided seismic design recommendations in accordance with the procedures outlined in the 2019 SOSSC. We have assumed that a site-specific seismic hazard evaluation is not required.
- ☐ Prepared this geotechnical engineering report that presents our findings, conclusions, and recommendations.

4.0 SITE CONDITIONS

4.1 GEOLOGY

Oregon City is located on the southeast side of the Portland Basin, a fault-bounded basin situated between the Coast Range to the west and the Cascade Range to the east (Orr and Orr, 1999). Basaltic bedrock flows in the area occurred approximately 15 million years ago as part of the Columbia River Basalt Group. This bedrock is exposed throughout portions of the hills in West Linn, across the Willamette River from the site (Schlicker and Finlayson, 1979). Bedrock is overlain by silts, sands, and gravels of Miocene to Pleistocene age (14.5 million to 1 million years old), which form the majority of the basin-fill in the area. The basin-fill sediments generally are mapped as the Sandy River Mudstone toward the lower portion of the assemblage (mostly fine-grained sandstone and mudstone) overlain by the Troutdale Formation, a series of gravels, sands, and silts deposited by the ancestral Columbia River and smaller rivers running out of the Cascade Mountains (Schlicker and Finlayson, 1979). The basin-fill sediments are overlain by late Pleistocene silts, sands, and gravels deposited during glacial outburst floods from Lake Missoula approximately 15,000 to 12,000 years ago (Yeats et al., 1991). Missoula flood silt and sand form many of the relatively flat, elevated areas east of the Willamette River in the region surrounding the site (Schlicker and Finlayson, Madin, 1990). Along the Willamette River floodplain and its tributaries, the Missoula flood deposits and older geologic units are unconformably overlain by more recent alluvial gravel, sand, and silt. The basin deposits can reach from approximately 30 feet thick to approximately 150 feet thick (Madin, 1990; Gannett and Caldwell, 1998).

4.2 SURFACE CONDITIONS

The site is bordered by Molalla Avenue to the west and retail buildings and associated pavement to the north, east, and south. The site is currently occupied by a retail building and associated pavement and landscaping. Based on Google Earth topographic information, the site is relatively flat to gently sloped at an elevation of approximately 430 feet.

4.3 SUBSURFACE CONDITIONS

We explored subsurface conditions at the site by drilling four borings (B-1 through B-4) to depths between 4 and 26.5 feet BGS. Figure 2 shows the approximate exploration locations. The exploration logs and results of our laboratory testing are presented in the Appendix.

Subsurface conditions encountered in our explorations generally consist of clay with varying proportions of sand to the depths explored. The following sections provide a detailed description of the subsurface conditions encountered.

4.3.1 Pavement Section

Our explorations encountered 2 to 3 inches of AC underlain by approximately 4 inches of aggregate base. The pavement section is generally underlain by native clay.

4.3.2 Native Clay

Native clay was generally encountered beneath the pavement section to the maximum depths explored. The clay has varying proportions of sand and gravel. Drilling action inferred the potential presence of boulders in the native clay, particularly in boring B-1 at 15 feet BGS. Boring B-2 encountered a layer of clayey sand from approximately 7.5 to 10 feet BGS. This soil is likely part of the same geologic unit, but with a higher sand content. SPT results indicate that the clay is generally stiff to hard with some isolated very soft to soft zones. Laboratory testing on select samples indicates a moisture content of 30 to 80 percent and a fines content ranging from 50 to 85 percent. Atterberg limits testing on a select sample indicates the clay has high plasticity.

4.3.3 Gravel

Boring B-3 encountered gravel with silt and sand below the pavement section to a depth of 4 feet BGS where auger refusal was encountered on an obstruction. It is possible that the obstruction is a boulder. The gravel soil is not consistent with our findings in the other borings and is possibly fill that was placed during construction of the existing building. SPT results indicate that the gravel is very dense.

4.3.4 Groundwater

Groundwater was not encountered at the time of our explorations. The depth to groundwater may fluctuate in response to seasonal changes, prolonged rainfall, changes in surface topography, and other factors not observed in this study.

4.4 INFILTRATION TESTING

Infiltration testing was completed to assist in the evaluation and design of potential stormwater infiltration facilities for the development. We conducted infiltration testing in boring B-4 at a depth of 4 feet BGS. Infiltration testing was performed using the encased falling head method using a 6-inch-inside diameter casing with approximately 24 to 30 inches of water head.

Laboratory testing was performed on a soil sample collected at the infiltration test depth to determine the fines content. Table 1 summarizes the unfactored infiltration test results and the proportion of fines present at the depth of the infiltration test.

Table 1. Unfactored Infiltration Rates

Location	Depth (feet BGS)	Material	Infiltration Rate (in/hr)	Fines Content[1] (percent)
B-4	4	CLAY with sand	1.4	84

1. Fines content: material passing the U.S. Standard No. 200 sieve

5.0 DESIGN

5.1 GENERAL

Based on our understanding of the proposed development and the results of our explorations, laboratory testing, and analyses, it is our opinion that the proposed development can be constructed at the site. The primary geotechnical considerations for the project are summarized in the "Executive Summary" section. Our specific recommendations are provided in the following sections.

5.2 FOUNDATION SUPPORT

5.2.1 General

Based on the results of our explorations, laboratory testing, and analysis, it is our opinion that the proposed structure with the anticipated loads discussed in the "Project Understanding" section can be supported by conventional spread footings founded on undisturbed native soil or on structural fill overlying undisturbed native soil. As discussed in the "Subgrade Observation" section, we recommend that NV5 observe all foundation subgrade. If undocumented fill is encountered, NV5 can provide an opinion on suitability of undocumented fill for foundation support and provide recommendations on removal depths, if required. During periods of wet weather, we recommend that foundation subgrade be covered by 3 to 4 inches of compacted crushed rock to protect it from disturbance from foot traffic.

Continuous wall and isolated spread footings should be at least 12 and 18 inches wide, respectively. The bottom of exterior column or continuous footings should be at least 18 inches below the lowest adjacent exterior grade. The bottom of interior footings should be established at least 12 inches below the base of the slab.

A boulder was possibly encountered at approximately 4 feet BGS in boring B-3. If boulders are encountered in foundation subgrade, they should be removed to a depth of at least 12 inches below the bottom of footings and the excavation backfilled with structural fill in accordance with the "Structural Fill" section.

5.2.2 Bearing Capacity

Column and continuous footings established on undisturbed on-site soil or structural fill over undisturbed on-site soil and prepared as recommended should be sized based on an allowable bearing pressure of 2,500 psf. The weight of the footing and overlying backfill can be ignored in calculating footing sizes. The recommended allowable bearing pressure applies to the total of dead plus long-term live loads and can be increased by one-third for short-term loads such as those resulting from wind or seismic forces.

5.2.3 Settlement

Based on our analysis and experience with similar soil, total post-construction consolidation-induced settlement under static conditions should be less than 1 inch, with differential settlement of less than ½ inch between footings bearing on similar soil types.

5.2.4 Resistance to Sliding

Lateral loads on foundations can be resisted by passive earth pressure on the sides of the structure and by friction on the base of the footings. Our analysis indicates that the available passive earth pressure for footings is 300 pcf. Adjacent floor slabs, pavement, or the upper 12-inch depth of adjacent, unpaved areas should not be considered when calculating passive resistance. In addition, in order to rely on passive resistance, a minimum of 10 feet of horizontal clearance must exist between the face of the footings and any adjacent downslopes.

For foundations in contact with native soil, a coefficient of friction equal to 0.35 should be used when calculating resistance to sliding. This value can be increased to 0.45 for foundations established on at least 4 inches of imported granular soil.

5.2.5 Subgrade Observation

All footing and floor subgrade should be evaluated by a representative of NV5 to evaluate the bearing conditions. Observations should also confirm that all loose or soft material, organic material, unsuitable fill, prior topsoil zones, and softened subgrade (if present) have been removed. Localized deepening of footing excavations may be required to penetrate deleterious material.

5.3 SEISMIC DESIGN CONSIDERATIONS

5.3.1 Seismic Design Parameters

The soil profile is consistent with Site Class D in accordance with the 2019 SOSSC, which refers to ASCE 7-16. The values presented in Table 2 can be used to compute design levels of ground shaking.

Seismic design parameters for the 2019 SOSSC are based on ASCE 7-16. ASCE 7-16 Section 11.4.8 requires a ground motion hazard study in accordance with Section 21.2 for structures on Site Class D sites with S_1 greater than or equal to 0.2 g (S_1 at the site is 0.365 g). Exception 2 of ASCE 7-16 Section 11.4.8 indicates a ground motion hazard study is not required, provided the value of the seismic response coefficient C_S is determined by Eq. (12.8-2) for values of $T \leq 1.5T_s$ and taken as equal to 1.5 times the value computed in accordance with either Eq. (12.8-3) for $T_L \geq T > 1.5T_s$ or Eq. (12.8-4) for $T > T_L$.

Table 2. Seismic Design Parameters

Seismic Design Parameter	Short Period (T_s)	1-Second Period (T_1)
MCE Spectral Acceleration	S_s = 0.809 g	S_1 = 0.365 g
Site Class	D	
Site Coefficient	F_a = 1.176	F_v = 1.935
Adjusted Spectral Acceleration	S_{MS} = 0.952 g	S_{M1} = 0.706 g
Design Spectral Response Acceleration Parameters	S_{DS} = 0.634 g	S_{D1} = 0.471 g

5.3.2 Liquefaction

Liquefaction is a phenomenon caused by a rapid increase in pore water pressure that reduces the effective stress between soil particles to near zero. The excessive buildup of pore water pressure results in the sudden loss of shear strength in a soil. Granular soil, which relies on interparticle friction for strength, is susceptible to liquefaction until the excess pore pressures can dissipate. Sand boils and flows observed at the ground surface after an earthquake are the result of excess pore pressures dissipating upwards, carrying soil particles with the draining water. In general, loose, saturated sand soil with low silt and clay content is the most susceptible to liquefaction. Low plasticity, sandy silt may be moderately susceptible to liquefaction under relatively high levels of ground shaking. Non-plastic and low plasticity, fine-grained material may be subject to cyclic softening from an increase in pore water pressure and a reduction in strength during seismic shaking; however, the relatively poor drainage characteristics of silt deposits inhibit the occurrence of a rapid decrease in volume.

Based on the high plasticity of the native soil encountered at the site, it is our opinion that the risk of liquefaction at this site is low.

5.4 FLOOR SLABS

Satisfactory subgrade support for building floor slabs supporting up to 150 psf areal loading can be achieved on the existing undisturbed native soil or structural fill overlying on-site soil. A minimum 6-inch-thick layer of aggregate base should be placed and compacted over the prepared soil subgrade. Imported granular material placed beneath building floor slabs should meet the requirements for aggregate base in the “Structural Fill” and “Fill Placement and Compaction” sections. A subgrade reaction modulus of 150 pci can be used to design floor slabs that bear on the on-site soil, prepared as recommended.

Flooring manufacturers often require vapor barriers to protect flooring and flooring adhesives. Many flooring manufacturers will warrant their product only if a vapor barrier is installed according to their recommendations. Selection and design of an appropriate vapor barrier, if needed, should be based on discussions among members of the design team. We can provide additional information to assist you with your decision.

5.5 RETAINING STRUCTURES

5.5.1 Assumptions

Our retaining wall design recommendations are based on the following assumptions: (1) the walls are conventional, cantilevered retaining walls; (2) the walls are less than 9 feet in height; and (3) drains are provided behind the retaining walls to prevent hydrostatic pressures from developing. Re-evaluation of our recommendations will be required if the retaining wall design criteria for the project vary from these assumptions.

5.5.2 Wall Design Parameters

Permanent retaining structures free to rotate slightly around the base should be designed for active earth pressures using an equivalent fluid unit pressure of 35 pcf. If retaining walls are restrained against rotation during backfilling, they should be designed for an at-rest earth pressure of 55 pcf.

Seismic lateral forces can be calculated using a dynamic force equal to $7H^2$ pounds per linear foot of wall, where H is the wall height. The seismic force should be applied as a distributed load with the centroid located at 0.6H from the wall base. Footings for retaining walls should be designed as recommended for shallow foundations.

The design equivalent fluid pressure should be increased for walls that retain sloping soil. We recommend the above lateral earth pressures be increased using the factors presented in Table 3 when designing walls that retain sloping soil.

Table 3. Lateral Earth Pressure Increase Factors for Sloping Soil

Slope of Retained Soil (degrees)	Lateral Earth Pressure Increase Factor
0	1.00
5	1.06
10	1.12
20	1.33
25	1.52
30	2.27

If other surcharges (i.e., slopes steeper than 2H:1V, foundations, vehicles, etc.) are located within a horizontal distance of twice the height of the wall from the back of the wall, additional pressures will need to be accounted for in the wall design. Our office should be contacted for appropriate wall surcharges based on the actual magnitude and configuration of the applied loads.

5.5.3 Wall Drainage and Backfill

The above design parameters have been provided assuming drains will be installed behind walls to prevent buildup of hydrostatic pressures behind all walls. If a drainage system is not installed, our office should be contacted for revised design forces.

Backfill material placed behind the walls and extending a horizontal distance of ½H, where H is the height of the retaining wall, should consist of retaining wall select backfill placed and compacted in conformance with the “Structural Fill” and “Fill Placement and Compaction” sections.

A minimum 6-inch-diameter, perforated collector pipe should be placed at the base of the walls. The pipe should be embedded in a minimum 2-foot-wide zone of angular drain rock that is wrapped in a drainage geotextile fabric and extends up the back of the wall to within 1 foot of the finished grade. The drain rock and drainage geotextile fabric should meet the specifications provided in the “Materials” section. The perforated collector pipes should discharge at an appropriate location away from the base of the wall. The discharge pipe(s) should not be tied directly into stormwater drain systems, unless measures are taken to prevent backflow into the drainage system of the wall.

Settlement of up to 1 percent of the wall height commonly occurs immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures. Consequently, we recommend that construction of flatwork adjacent to retaining walls be postponed at least four weeks after backfilling of the wall, unless survey data indicate that settlement is complete sooner.

5.6 PAVEMENT

The proposed project includes the construction of new AC parking lots and access roads. New pavement should be installed on subgrade prepared in conformance with the "Construction" section. Our pavement recommendations are based on the following assumptions:

- ☐ The top 12 inches of soil subgrade below the pavement section is compacted to at least 92 percent of its maximum density, per ASTM D1557, or until observations indicate that it is in a firm, unyielding condition.
- ☐ A resilient modulus of 4,500 psi was used for the prepared subgrade based on the results of our subsurface explorations.
- ☐ A resilient modulus of 20,000 psi was estimated for the aggregate base rock.
- ☐ Initial and terminal serviceability indices of 4.2 and 2.5, respectively.
- ☐ Reliability of 75 percent and standard deviation of 0.45.
- ☐ Structural coefficients of 0.42 and 0.10 for the AC and aggregate base rock, respectively.
- ☐ A 20-year design life.
- ☐ The majority of traffic will be light passenger vehicles.
- ☐ Heavy traffic generally consists of two-axle delivery and garbage trucks.

Design traffic loading was not available at the time of this report. Based on our experience, we estimate that light traffic will consist of up to 200 passenger vehicles per day and heavy truck traffic will consist of up to 4 delivery/garbage trucks per day. Our recommended pavement sections are presented in Table 4. The recommended sections are suitable to support an occasional 80,000-pound fire truck.

Table 4. Recommended Standard Pavement Sections

Pavement Use	Trucks per Day	AC Thickness[1] (inches)	Aggregate Base Thickness[1,] (inches)
Passenger Vehicles Only	0	2.5	6
Heavy Traffic	4	3	8

1. All thicknesses are intended to be the minimum acceptable values. Additional thickness will be necessary if construction traffic is allowed on the pavement or on aggregate base layer during the wet season.

All recommended pavement thicknesses are intended to be the minimum acceptable. Pavement design is based on the assumption that construction will be completed during an extended period of dry weather. Wet weather construction could require an increased thickness of aggregate base as discussed in the "Subgrade Protection" section.

The AC and aggregate base should meet the requirements outlined in the “Materials” section. The pavement sections recommended above are designed to support post-construction traffic. If construction traffic is allowed on new pavement, allowance for the additional loading and wear should be included in the design section.

5.7 DRAINAGE

5.7.1 Temporary

During mass grading at the site, the contractor should be made responsible for temporary drainage of surface water as necessary to prevent standing water and/or erosion at the working surface. During rough and finished grading of the site, the contractor should keep all pads and subgrade free of ponding water.

5.7.2 Surface

Where possible, the finished ground surface surrounding the building should be sloped away from the structure at a minimum 2 percent gradient for a distance of at least 5 feet. Downspouts or roof scuppers should discharge into a storm drain system that carries the collected water to an appropriate stormwater system. Trapped planter areas should not be created adjacent to the building without providing means for positive drainage (e.g., swales or catch basins).

5.7.3 Subsurface

Assuming the site grades surrounding the building will be sloped as discussed previously, it is our opinion that perimeter footing drains will not be required around the proposed building. However, the use of these drains should be considered in areas where landscaping planters are placed proximate to the foundations or where surface grades cannot be completed as outlined above.

If installed, the foundation drains should be constructed at a minimum slope of approximately ½ percent and pumped or drained by gravity to a suitable discharge. The perforated drainpipe should not be tied to a stormwater drainage system without backflow provisions. Foundation drains should consist of 4-inch-diameter, perforated drainpipe embedded in a minimum 2-foot-wide zone of crushed drain rock that extends to the ground surface. The invert elevation of the drainpipe should be installed at least 18 inches below the elevation of the floor slab.

The drain rock and geotextile should meet the requirements specified in the “Materials” section. The drain rock and geotextile should extend up the side of embedded walls to within a foot of the ground surface with geotextile wrapped over the top of the drain rock as recommended in the “Retaining Structures” section.

5.8 PERMANENT SLOPES

Permanent cut and fill slopes should not exceed 2H:1V. Access roads and pavement should be located at least 5 feet from the tops of cut and fill slopes. The setback should be increased to 10 feet for buildings. The slopes should be planted with appropriate vegetation to provide protection against erosion as soon as possible after grading. Surface water runoff should be collected and directed away from slopes to prevent water from running down the face of a slope.

5.9 INFILTRATION SYSTEMS

The results of our infiltration testing indicate the on-site soil has low infiltration rates. The field infiltration rate of 1.4 in/hr presented in Table 1 is higher than expected for a clay soil. We suspect that a fissure in the soil may have contributed to the higher than expected test rate. In general, clay soil has very low infiltration capacity, and it is our opinion that on-site stormwater disposal is not suitable for this site.

6.0 CONSTRUCTION

6.1 SITE PREPARATION

6.1.1 Demolition, Grubbing, and Stripping

Demolition includes complete removal of the existing structure (including buried foundations), AC pavement, abandoned utilities, and any subsurface elements within 5 feet of areas to receive new pavement, buildings, retaining walls, or engineered fills. Our explorations encountered approximately 2 to 3 inches of AC. Demolished material should be transported off site for disposal. In general, this material will not be suitable for reuse as engineered fill. The contractor should assume that buried foundations and slabs from the existing structure likely exists below the ground surface. The project budget should include a contingency for removal.

Excavations remaining from removing foundations, utilities, and other subsurface elements should be backfilled with structural fill where below planned site grades. The base of the excavations should be excavated to expose firm subgrade before filling. The sides of the excavations should be cut into firm material and sloped a minimum of 1H:1V. Utility lines abandoned under new structural components should be completely removed and backfilled with structural fill or grouted full if left in place. Soft or disturbed soil encountered during demolition should be removed and replaced with structural fill.

Considerable subgrade damage can occur during demolition activities. We recommend that the subgrade protection measures discussed in the “Subgrade Protection” section be implemented.

Trees and shrubs should be removed from development areas. In addition, root balls should be grubbed out to the depth of the roots, which could exceed 3 feet BGS. Depending on the methods used to remove the root balls, considerable disturbance and loosening of the subgrade could occur during site grubbing. We recommend that soil disturbed during grubbing operations be removed to expose firm, undisturbed subgrade. The resulting excavations should be backfilled with structural fill.

6.1.2 Subgrade Evaluation

A member of our geotechnical staff should observe exposed structural subgrades and foundation excavations after demolition and site cutting have been completed to determine if there are areas of unsuitable or unstable soil. Our representative should observe a proof roll of structural fill, pavement, and slab subgrades with a fully loaded dump truck or similar heavy, rubber tire construction equipment to identify soft, loose, or unsuitable areas. In areas not accessible to proof rolling equipment, the subgrade should be evaluated by probing. Areas identified as soft, unstable, or otherwise unsuitable should be over-excavated and replaced with compacted

material recommended for structural fill. Areas that appear too wet or soft to support proof rolling or compaction equipment should be evaluated by probing and prepared in accordance with the "Subgrade Protection" section.

6.2 SUBGRADE PROTECTION

The fine-grained soil present below the pavement section is easily disturbed. If not carefully executed, site preparation, utility trench work, and roadway excavation can create extensive soft areas and significant repair costs can result where the native soil is exposed. Earthwork planning, regardless of the time of year, should include considerations for minimizing subgrade disturbance. To the extent possible, construction equipment should work off of the existing pavement section.

If construction occurs during the dry season, or if foundation excavations are allowed to sit open for extended periods of time, subgrade shrinkage and cracking may occur. If shrinking and cracking develops, surficial subgrade will need to be removed and replaced with crushed rock. The contractor may also elect to place crushed rock over subgrades as protection from excessive drying.

If construction occurs during the wet season or if the moisture content of exposed native soil is more than a couple percentage points above optimum, site stripping and cutting may need to be accomplished using track-mounted equipment. The use of granular haul roads and staging areas will be necessary for support of construction traffic during the rainy season or when the moisture content of the surficial soil is more than a few percentage points above optimum. The aggregate base thickness for pavement and slab areas is intended to support post-construction design traffic loads and may not support construction traffic or paving equipment when the subgrade soil is wet. Accordingly, if construction is planned for periods when the subgrade soil is wet, staging and haul roads with increased thicknesses of base rock will be required.

The size of staging and haul road areas, as well as the required thickness of granular material, will vary with the contractor's sequencing of a project and exposure to construction equipment. Based on our experience, between 12 and 18 inches of imported granular material is generally required in staging areas and between 18 and 24 inches in haul roads areas. Stabilization material may be used as a substitute, provided the top 4 inches of material consists of imported granular material. The actual thickness will depend on the contractor's means and methods and, accordingly, should be the contractor's responsibility. In addition, a geotextile fabric can be placed as a barrier between fine-grained subgrades and imported granular material in areas of repeated construction traffic, such as site entrances. The imported granular material, stabilization material, and geotextile fabric should meet the specifications in the "Materials" section.

6.3 EXCAVATION

6.3.1 General

Excavations will be required for the installation of new footings, utilities, and other earthwork. A boulder was possibly encountered in one of our explorations at an approximate depth of 4 feet BGS and boulders may be present at varying depths in the native soil. Boulders may result in difficult excavation with conventional equipment, resulting in slowed excavation and larger

backfill volumes. Larger excavation equipment or special excavation techniques (such as hydraulic breakers) may be required to excavate large boulders, if encountered. We recommend that project bid documents include a contingency for boulder removal, as well as the associated increased trench volumes for backfilling.

6.3.2 Excavation and Shoring

Temporary excavation sidewalls in the native soil should stand vertical to a depth of approximately 4 feet, provided groundwater seepage is not observed in the sidewalls. Open excavation techniques may be used to excavate trenches with depths between 4 and 8 feet, provided the walls of the excavation are cut at a slope of 1H:1V and groundwater seepage is not present. At this inclination, the slopes may ravel and require some ongoing repair. Excavations in gravel soil should be cut at a slope of 1.5H:1V or flatter. Excavations should be flattened if excessive sloughing or raveling occurs. In lieu of large and open cuts, approved temporary shoring may be used for excavation support. A wide variety of shoring and dewatering systems are available. Consequently, we recommend the contractor be responsible for selecting the appropriate shoring and dewatering systems.

If box shoring is used, it should be understood that box shoring is a safety feature used to protect workers and does not prevent caving. If excavations are left open for extended periods of time, caving of the sidewalls will likely occur. The presence of caved material will limit the ability to properly backfill and compact the trenches. The contractor should be prepared to fill voids between the box shoring and the sidewalls of the trenches with sand or gravel before caving occurs.

If shoring is used, we recommend that the type and design of the shoring system be the responsibility of the contractor, who is in the best position to choose a system that fits the overall plan of operation.

6.3.3 Dewatering

Groundwater was not encountered in our explorations and should not be a critical construction consideration. If perched groundwater is encountered in excavations, it can likely be removed using sumps and pumps. More intense use of pumps may be required at certain times of the year and where more intense seepage occurs. Dewatering systems are best designed by the contractor. Removed water should be routed to a suitable discharge point.

If groundwater is present at the base of utility trench excavations, we recommend placing 12 inches of stabilization material at the base of the excavations. Trench stabilization material should meet the requirements provided in the “Structural Fill” section.

We note that these recommendations are for guidance only. Dewatering of excavations is the sole responsibility of the contractor, as the contractor is in the best position to select these systems based on their means and methods.

6.3.4 Safety

All excavations should be made in accordance with applicable OSHA requirements and regulations of the state, county, and local jurisdiction. While this report describes certain

approaches to excavation and dewatering, the contract documents should specify that the contractor is responsible for selecting excavation and dewatering methods, monitoring the excavations for safety, and providing shoring (as required) to protect personnel and adjacent structural elements.

6.4 MATERIALS

6.4.1 Structural Fill

6.4.1.1 General

Fill should be placed on subgrade that has been prepared in conformance with the "Site Preparation" section. A variety of material may be used as structural fill at the site. However, all material used as structural fill should be free of organic material or other unsuitable material. A brief characterization of some of the acceptable materials and our recommendations for their use as structural fill are provided below.

6.4.1.2 On-Site Soil

The material at the site should be suitable for use as general structural fill, provided it is properly moisture conditioned and free of debris, organic material, and particles over 6 inches in diameter. Moisture conditioning (drying) will likely be required to use on-site fine-grained soil for structural fill. Accordingly, extended dry weather will be required to adequately condition and place the soil as structural fill and given the site constraints, will possibly not be feasible. It will be difficult, if not impossible, to adequately compact on-site soil during the rainy season or during prolonged periods of rainfall. Therefore, on-site material should only be used as structural fill during the dry season.

When used as structural fill, native soil should be placed in lifts with a maximum uncompacted thickness of 8 inches and compacted to not less than 92 percent of the maximum dry density, as determined by ASTM D1557.

6.4.1.3 Imported Granular Material

Imported granular material used as structural fill should be pit- or quarry-run rock, crushed rock, or crushed gravel and sand. The imported granular material should also be angular and fairly well graded between coarse and fine material, should have less than 5 percent fines by dry weight passing the U.S. Standard No. 200 sieve, and should have at least two mechanically fractured faces.

Imported granular material should be placed in lifts with a maximum uncompacted thickness of 12 inches and compacted to not less than 95 percent of the maximum dry density, as determined by ASTM D1557. During the wet season or when wet subgrade conditions exist, the initial lift should be approximately 18 inches in uncompacted thickness and should be compacted by rolling with a smooth-drum roller without using vibratory action.

6.4.1.4 Stabilization Material

Stabilization material used in staging or haul road areas or in trenches should consist of 4- or 6-inch-minus pit- or quarry-run rock, crushed rock, or crushed gravel and sand. The material should have a maximum particle size of 6 inches, should have less than 5 percent by dry weight passing the U.S. Standard No. 4 sieve, and should have at least two mechanically fractured

faces. The material should be free of organic material and other deleterious material. Stabilization material should be placed in lifts between 12 and 24 inches thick and compacted to a firm condition.

6.4.1.5 Trench Backfill

Trench backfill placed beneath, adjacent to, and for at least 12 inches above utility lines (i.e., the pipe zone) should consist of durable, well-graded granular material with a maximum particle size of 1½ inches; should have less than 7 percent fines by dry weight; and should have at least two mechanically fractured faces. The pipe zone backfill should be compacted to at least 90 percent of the maximum dry density, as determined by ASTM D1557, or as required by the pipe manufacturer or local building department.

Within roadway alignments, the remainder of the trench backfill up to the subgrade elevation should consist of durable, well-graded granular material with a maximum particle size of 2½ inches; should have less than 8 percent fines by dry weight; and should have at least two mechanically fractured faces. This material should be compacted to at least 92 percent of the maximum dry density, as determined by ASTM D1557, or as required by the pipe manufacturer or local building department. The upper 3 feet of the trench backfill should be compacted to at least 95 percent of the maximum dry density, as determined by ASTM D1557.

Outside of structural improvement areas (e.g., roadway alignments or building pads), trench backfill placed above the pipe zone may consist of general fill material that is free of organic material and material over 6 inches in diameter. This general trench backfill should be compacted to at least 90 percent of the maximum dry density, as determined by ASTM D1557, or as required by the pipe manufacturer or local building department.

6.4.1.6 Drain Rock

Drain rock should consist of angular, granular material with a maximum particle size of 2 inches. The material should be free of roots, organic material, and other unsuitable material; should have less than 2 percent by dry weight passing the U.S. Standard No. 200 sieve (washed analysis); and should have at least two mechanically fractured faces. Drain rock should be compacted to a well-keyed, firm condition.

6.4.1.7 Aggregate Base

Imported granular material used as aggregate base for building floor slabs and pavement should consist of ¾- or 1½-inch-minus material (depending on the application). In addition, the aggregate should have less than 8 percent by dry weight passing the U.S. Standard No. 200 sieve and have at least two mechanically fractured faces. The aggregate base should be compacted to not less than 95 percent of the maximum dry density, as determined by ASTM D1557.

6.4.1.8 Retaining Wall Select Backfill

Backfill material placed behind retaining walls and extending a horizontal distance of ½H, where H is the height of the retaining wall, should consist of imported granular material as described

above and should have less than 8 percent fines by dry weight. We recommend the wall backfill be separated from general fill, native soil, and/or topsoil using a geotextile fabric that meets the specifications provided below for drainage geotextiles.

The wall backfill should be compacted to a minimum of 95 percent of the maximum dry density, as determined by ASTM D1557. However, backfill located within a horizontal distance of 3 feet from a retaining wall should only be compacted to approximately 90 percent of the maximum dry density, as determined by ASTM D1557. Backfill placed within 3 feet of the wall should be compacted in lifts less than 6 inches thick using hand-operated tamping equipment (such as a jumping jack or vibratory plate compactor). If flatwork (sidewalks or pavement) will be placed atop the wall backfill, we recommend that the upper 2 feet of material be compacted to 95 percent of the maximum dry density, as determined by ASTM D1557.

6.4.1.9 Retaining Wall Leveling Pad

Imported granular material placed at the base of retaining wall footings should consist of select granular material. The granular material should be 1"-0 to ¾"-0 aggregate size and should have at least two mechanically fractured faces. The leveling pad material should be placed in a 6- to 12-inch-thick lift and compacted to not less than 95 percent of the maximum dry density, as determined by ASTM D1557.

6.4.2 Geotextile Fabric

6.4.2.1 Subgrade Geotextile

Subgrade geotextile should conform to OSSC Table 02320-4 and OSSC 00350 (Geosynthetic Installation). A minimum initial aggregate base lift of 6 inches is required over geotextiles. All drainage aggregate and stabilization material should be underlain by a subgrade geotextile.

6.4.2.2 Drainage Geotextile

Drainage geotextile should conform to Type 2 material of OSSC Table 02320-1 and OSSC 00350 (Geosynthetic Installation). A minimum initial aggregate base lift of 6 inches is required over geotextiles.

6.4.3 AC

6.4.3.1 ACP

The AC should be Level 2, ½-inch, dense ACP according to OSSC 00744 (Asphalt Concrete Pavement) and compacted to 91 percent of the theoretical maximum density of the mix, as determined by AASHTO T 209. The minimum and maximum lift thicknesses are 2 and 3 inches, respectively, for ½-inch ACP. Asphalt binder should be performance graded and conform to PG 64-22 or better. The binder grade should be adjusted depending on the aggregate gradation and amount of recycled asphalt and/or recycled asphalt shingles in the contractor's mix design submittal.

6.4.3.2 Cold Weather Paving Considerations

In general, AC paving is not recommended during cold weather (temperatures less than 40 degrees Fahrenheit). Compacting under these conditions can result in low compaction and premature pavement distress.

Each asphalt mix design has a recommended compaction temperature range that is specific for the particular asphalt binder used. In colder temperatures, it is more difficult to maintain the temperature of the asphalt mix, as it can lose heat while stored in the delivery truck, as it is placed, and in the time between placement and compaction. In Oregon, the AC surface temperature during paving should be at least 40 degrees Fahrenheit for lift thicknesses greater than 2.5 inches and at least 50 degrees Fahrenheit for lift thicknesses between 2 and 2.5 inches.

If paving activities must take place during cold weather construction as defined above, the project team should be consulted and a site meeting should be held to discuss ways to lessen low compaction risks.

6.5 FILL PLACEMENT AND COMPACTION

Fill soil should be compacted at a moisture content that is within 3 percent of optimum. The maximum allowable moisture content varies with the soil gradation and should be evaluated during construction. Fill and backfill material should be placed in uniform, horizontal lifts and compacted with appropriate equipment. The maximum lift thickness will vary depending on the material and compaction equipment used but should generally not exceed the loose thicknesses provided in Table 5. Fill material should be compacted in accordance with the compaction criteria provided in Table 6. Due to inconsistent gravel content, compaction of the on-site sand and gravel soil may need to be evaluated by proof rolling with heavy construction equipment.

Table 5. Recommended Uncompacted Lift Thickness

Compaction Equipment	Recommended Uncompacted Lift Thickness (inches)		
	Silty/Clayey Soil	Granular and Crushed Rock Maximum Particle Size ≤1½ Inches	Crushed Rock Maximum Particle Size >1½ Inches
Hand Tools: Plate Compactor and Jumping Jack	4 to 8	4 to 8	Not recommended
Rubber Tire Equipment	6 to 8	10 to 12	6 to 8
Light Roller	8 to 10	10 to 12	8 to 10
Heavy Roller	10 to 12	12 to 18	12 to 16
Hoe Pack Equipment	12 to 16	18 to 24	18 to 24

The table is based on our experience and is intended to serve only as a guideline. The information provided in this table should not be included in the project specifications.

Table 6. Compaction Criteria

Fill Type	Compaction Requirements in Structural Zones		
	Percent Maximum Dry Density Determined by ASTM D1557		
	0 to 2 Feet Below Subgrade (percent)	Greater Than 2 Feet Below Subgrade (percent)	Pipe Zone (percent)
Area Fill (Granular)	95	95	--
Area Fill (Fine Grained)	92	92	--
Aggregate Base	95	95	--
Trench Backfill[1,2]	95	92	90[1,2]
Retaining Wall Backfill	95[3]	92[3]	--

1. Trench backfill above the pipe zone in non-structural areas should be compacted to 85 percent.
2. Or as recommended by the pipe manufacturer.
3. Should be reduced to 90 percent within a horizontal distance of 3 feet from the retaining wall.

6.6 EROSION CONTROL

The site soil is susceptible to erosion; therefore, erosion control measures should be carefully planned and in place before construction begins. Surface water runoff should be collected and directed away from slopes to prevent water from running down the slope face. Erosion control measures (such as straw bales, sediment fences, and temporary detention and settling basins) should be used in accordance with local and state ordinances.

7.0 OBSERVATION OF CONSTRUCTION

Satisfactory earthwork and foundation performance depends to a large degree on the quality of construction. Subsurface conditions observed during construction should be compared with those encountered during the subsurface explorations. Recognition of changed conditions often requires experience; therefore, qualified personnel should visit the site with sufficient frequency to detect whether subsurface conditions change significantly from those anticipated. In addition, sufficient observation of the contractor's activities is a key part of determining that the work is completed in accordance with the construction drawings and specifications.

We recommend NV5 be retained to observe earthwork activities, including stripping, proof rolling of the subgrade and repair of soft areas, footing subgrade and granular pad preparation, final proof rolling of the pavement subgrade and base rock, and AC placement and compaction, as well as to perform laboratory compaction and field moisture-density tests.

8.0 LIMITATIONS

We have prepared report for use by PM Design Group, Inc. and members of the design and construction teams for the proposed project. The data and report can be used for estimating

purposes, but our report, conclusions, and interpretations should not be construed as warranty of the subsurface conditions and are not applicable to other nearby building sites.

Exploration observations indicate soil conditions only at specific locations and only to the depths penetrated. They do not necessarily reflect soil strata or water level variations that may exist between exploration locations. If subsurface conditions differing from those described are noted during the course of excavation and construction, re-evaluation will be necessary.

The site development plans and design details were preliminary at the time this report was prepared. When the design has been finalized and if there are changes in the site grades or location, configuration, design loads, or type of construction, the conclusions and recommendations presented may not be applicable. If design changes are made, we request that we be retained to review our conclusions and recommendations and to provide a written modification or verification.

Our scope of services does not include services related to construction safety precautions, and our recommendations are not intended to direct the contractor's methods, techniques, sequences, or procedures, except as specifically described in this report for consideration in design.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with generally accepted practices in this area at the time this report was prepared. No warranty, express or implied, should be understood.

♦ ♦ ♦

We appreciate the opportunity to be of service to you. Please call if you have questions concerning this report or if we can provide additional services.

Sincerely,

NV5

Jessica Pence, E.I.T.
Project Manager

Scott McDevitt, P.E., G.E.
Principal Engineer

REGISTERED PROFESSIONAL ENGINEER
63094
OREGON
JULY 11, 2000
SCOTT P. McDEVITT
EXPIRES: 12/31/22

REFERENCES

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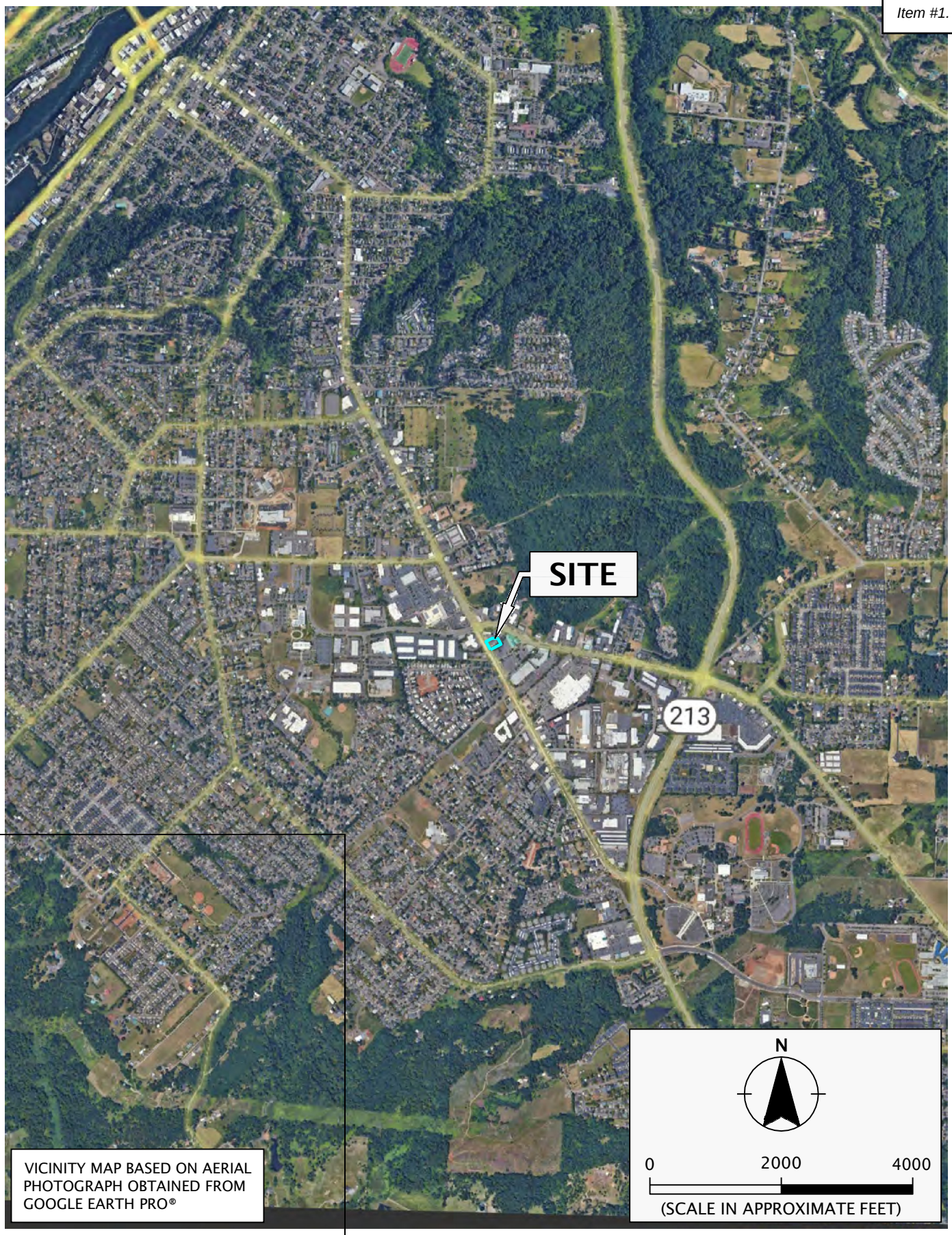
FIGURES



VICINITY MAP BASED ON AERIAL PHOTOGRAPH OBTAINED FROM GOOGLE EARTH PRO®

NV5	PMDESIGN-5-01	**VICINITY MAP**
	DECEMBER 2022	PROPOSED OREGON CITY CHASE BANK OREGON CITY, OR

FIG

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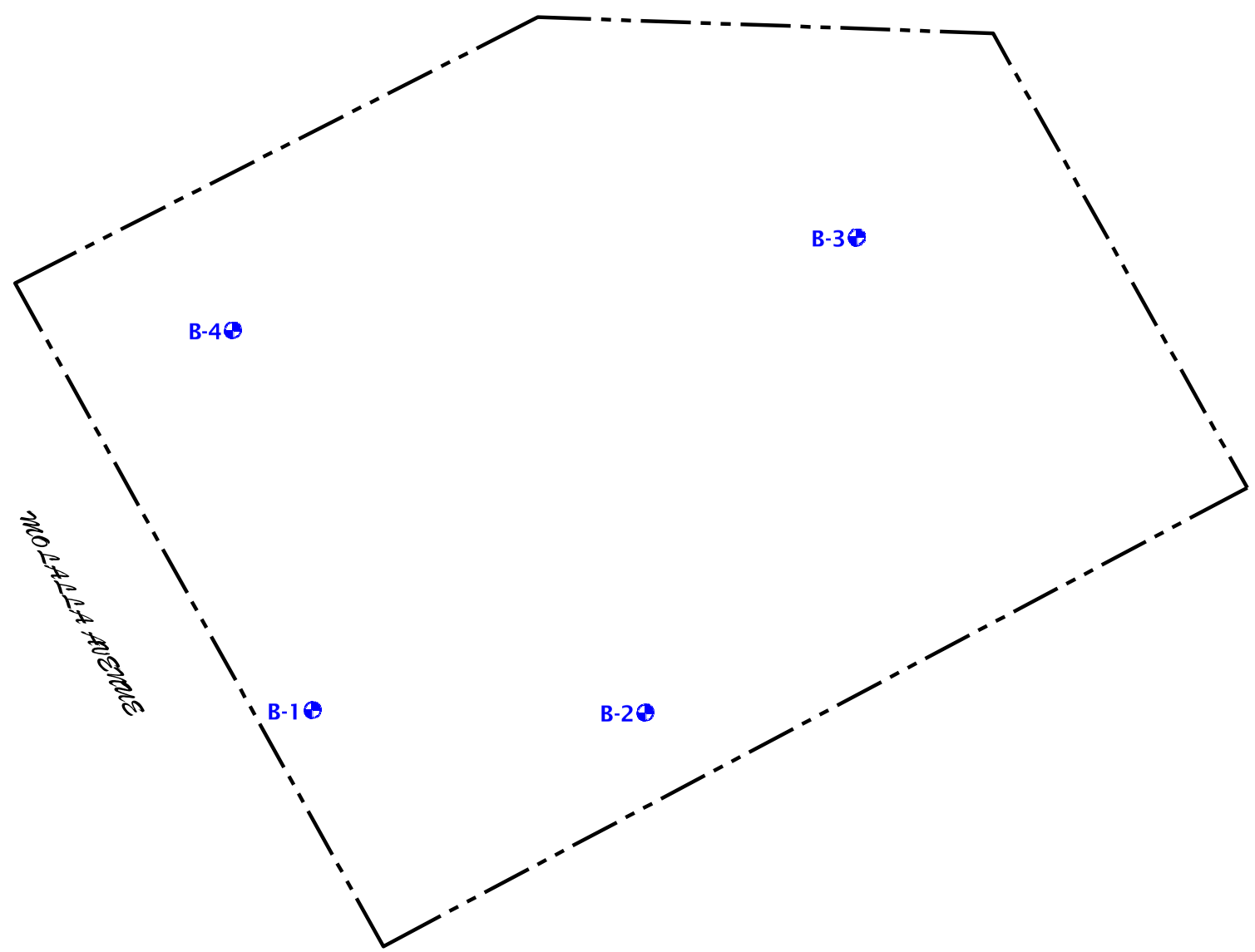

LEGEND:

SITE BOUNDARY

B-1 BORING

N

0 30 60

(SCALE IN FEET)

SITE PLAN BASED ON AERIAL PHOTOGRAPH DATED MAY 10, 2021, OBTAINED FROM GOOGLE EARTH PRO.

SITE PLAN

PROPOSED OREGON CITY CHASE BANK
OREGON CITY, OR

FIGURE 2

PMDESIGN-5-01

DECEMBER 2022

NV5

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APPENDIX

APPENDIX

FIELD EXPLORATIONS

GENERAL

We explored subsurface conditions at the site by drilling four borings (B-1 through B-4) to depths between 4 and 26.5 feet BGS. Drilling services were provided by Holt Services, Inc. on November 18, 2022, using a truck-mounted drill rig with mud rotary and hollow-stem auger methods. The exploration logs are presented in this appendix.

The locations of the explorations are shown on Figure 2. The exploration locations were determined by pacing from existing site features and should be considered accurate to the degree implied by the methods used. A member of our geology staff observed the explorations.

SOIL SAMPLING

We collected representative samples of the various soils encountered during drilling for geotechnical laboratory testing. Samples were collected from the borings using a 1½-inch-inside-diameter, split-spoon SPT sampler in general accordance with ASTM D1586. The sampler was driven into the soil with a 140-pound hammer free falling 30 inches. The sampler was driven a total distance of 18 inches. The number of blows required to drive the sampler the final 12 inches is recorded on the exploration logs, unless otherwise noted. Sampling methods and intervals are shown on the exploration logs.

The average efficiency of the automatic SPT hammer used by Holt Services, Inc. was 82.2 percent. The calibration testing results are presented at the end of this appendix.

SOIL CLASSIFICATION

The soil samples were classified in accordance with the “Exploration Key” (Table A-1) and “Soil Classification System” (Table A-2), which are presented in this appendix. The exploration logs indicate the depths at which the soils or their characteristics change, although the change actually could be gradual. If the change occurred between sample locations, the depth was interpreted. Classifications are shown on the exploration logs.

LABORATORY TESTING

CLASSIFICATION

The soil samples were classified in the laboratory to confirm field classifications. The laboratory classifications are shown on the exploration logs if those classifications differed from the field classifications.

MOISTURE CONTENT

We tested the natural moisture content of select soil samples in general accordance with ASTM D2216. The natural moisture content is a ratio of the weight of the water to soil in a test sample and is expressed as a percentage. The test results are presented in this appendix.

PARTICLE-SIZE ANALYSIS

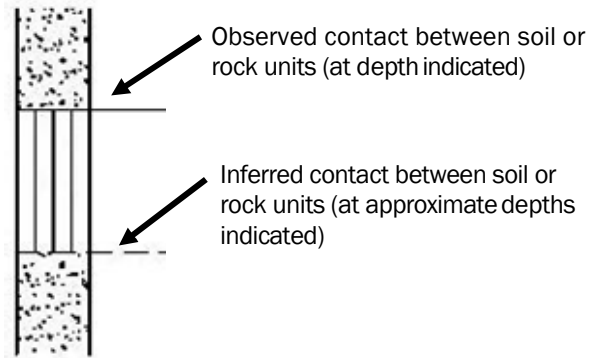
Particle-size analysis was completed on select soil samples in general accordance with ASTM D1140 (percent fines determination). The test results are presented in this appendix.

ATTERBERG LIMITS

Atterberg limits (plastic and liquid limits) testing was performed on a select soil sample in general accordance with ASTM D4318. The plastic limit is defined as the moisture content where the soil becomes brittle. The liquid limit is defined as the moisture content where the soil begins to act similar to a liquid. The plasticity index is the difference between the liquid and plastic limits. The test results are presented in this appendix.

SYMBOL	SAMPLING DESCRIPTION
	Location of sample collected in general accordance with ASTM D1586 using Standard Penetration Test (SPT) with recovery
	Location of sample collected using thin-wall Shelby tube or Geoprobe® sampler in general accordance with ASTM D1587 with recovery
	Location of sample collected using Dames & Moore sampler and 300-pound hammer or pushed with recovery
	Location of sample collected using Dames & Moore sampler and 140-pound hammer or pushed with recovery
	Location of sample collected using 3-inch-outside diameter California split-spoon sampler and 140-pound hammer with recovery
	Location of grab sample
	Rock coring interval
	Water level during drilling
	Water level taken on date shown

Graphic Log of Soil and Rock Types



GEOTECHNICAL TESTING EXPLANATIONS

ATT	Atterberg Limits	P	Pushed Sample
CBR	California Bearing Ratio	PP	Pocket Penetrometer
CON	Consolidation	P200	Percent Passing U.S. Standard No. 200 Sieve
DD	Dry Density		
DS	Direct Shear	RES	Resilient Modulus
HYD	Hydrometer Gradation	SIEV	Sieve Gradation
MC	Moisture Content	TOR	Torvane
MD	Moisture-Density Relationship	UC	Unconfined Compressive Strength
NP	Non-Plastic	VS	Vane Shear
OC	Organic Content	kPa	Kilopascal

ENVIRONMENTAL TESTING EXPLANATIONS

CA	Sample Submitted for Chemical Analysis	ND	Not Detected
P	Pushed Sample	NS	No Visible Sheen
PID	Photoionization Detector Headspace Analysis	SS	Slight Sheen
		MS	Moderate Sheen
ppm	Parts per Million	HS	Heavy Sheen

RELATIVE DENSITY - COARSE-GRAINED SOIL

Relative Density	Standard Penetration Test (SPT) Resistance	Dames & Moore Sampler (140-pound hammer)	Dames & Moore Sampler (300-pound hammer)
Very loose	0 – 4	0 – 11	0 – 4
Loose	4 – 10	11 – 26	4 – 10
Medium dense	10 – 30	26 – 74	10 – 30
Dense	30 – 50	74 – 120	30 – 47
Very dense	More than 50	More than 120	More than 47

CONSISTENCY - FINE-GRAINED SOIL

Consistency	Standard Penetration Test (SPT) Resistance	Dames & Moore Sampler (140-pound hammer)	Dames & Moore Sampler (300-pound hammer)	Unconfined Compressive Strength (tsf)
Very soft	Less than 2	Less than 3	Less than 2	Less than 0.25
Soft	2 – 4	3 – 6	2 – 5	0.25 – 0.50
Medium stiff	4 – 8	6 – 12	5 – 9	0.50 – 1.0
Stiff	8 – 15	12 – 25	9 – 19	1.0 – 2.0
Very stiff	15 – 30	25 – 65	19 – 31	2.0 – 4.0
Hard	More than 30	More than 65	More than 31	More than 4.0

PRIMARY SOIL DIVISIONS			GROUP SYMBOL	GROUP NAME
COARSE-GRAINED SOIL (more than 50% retained on No. 200 sieve)	GRAVEL (more than 50% of coarse fraction retained on No. 4 sieve)	CLEAN GRAVEL (< 5% fines)	GW or GP	GRAVEL
		GRAVEL WITH FINES (≥ 5% and ≤ 12% fines)	GW-GM or GP-GM	GRAVEL with silt
			GW-GC or GP-GC	GRAVEL with clay
		GRAVEL WITH FINES (> 12% fines)	GM	silty GRAVEL
			GC	clayey GRAVEL
			GC-GM	silty, clayey GRAVEL
	SAND (50% or more of coarse fraction passing No. 4 sieve)	CLEAN SAND (<5% fines)	SW or SP	SAND
		SAND WITH FINES (≥ 5% and ≤ 12% fines)	SW-SM or SP-SM	SAND with silt
			SW-SC or SP-SC	SAND with clay
		SAND WITH FINES (> 12% fines)	SM	silty SAND
			SC	clayey SAND
			SC-SM	silty, clayey SAND
FINE-GRAINED SOIL (50% or more passing No. 200 sieve)	SILT AND CLAY	Liquid limit less than 50	ML	SILT
			CL	CLAY
			CL-ML	silty CLAY
			OL	ORGANIC SILT or ORGANIC CLAY
		Liquid limit 50 or greater	MH	SILT
			CH	CLAY
			OH	ORGANIC SILT or ORGANIC CLAY
HIGHLY ORGANIC SOIL			PT	PEAT

MOISTURE CLASSIFICATION		ADDITIONAL CONSTITUENTS					
		Secondary granular components or other materials such as organics, man-made debris, etc.					
			Silt and Clay In:			Sand and Gravel In:	
Term	Field Test	Percent	Fine-Grained Soil	Coarse-Grained Soil	Percent	Fine-Grained Soil	Coarse-Grained Soil
dry	very low moisture, dry to touch						
moist	damp, without visible moisture	< 5	trace	trace	< 5	trace	trace
		5 – 12	minor	with	5 – 15	minor	minor
wet	visible free water, usually saturated	> 12	some	silty/clayey	15 – 30	with	with
					> 30	sandy/gravelly	Indicate %

NV5

SOIL CLASSIFICATION SYSTEM

TABLE A-2

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	ELEVATION / DEPTH	TESTING	SAMPLE	BLOW COUNT / MOISTURE CONTENT % / RQD% / CORE REC% (0 – 50 – 100)	INSTALLATION COMMENTS
0.0		ASPHALT CONCRETE (3.0 inches).	0.3				
		AGGREGATE BASE (4.0 inches).	0.6				
		Stiff, brown with black mottled CLAY with sand (CL), trace gravel; moist.					
2.5						8	
5.0		very stiff at 5.0 feet				21	
7.5		without gravel at 7.5 feet		P200		18	P200 = 72%
10.0						17	
12.5							
15.0		trace gravel (boulder inferred) at 15.0 feet				20	
17.5							
20.0		stiff at 20.0 feet				9	
22.5							
25.0		very stiff at 25.0 feet		P200		21	P200 = 85%
		Exploration completed at a depth of 26.5 feet.	26.5				Surface elevation was not measured at the time of exploration.
27.5		Hammer efficiency factor is 82.2 percent.					
30.0							

DRILLED BY: Holt Services, Inc. LOGGED BY: S. Shub COMPLETED: 11/18/22

BORING METHOD: mud rotary (see document text) BORING BIT DIAMETER: 4 1/4 inches

NV5

PMDESIGN-5-01

DECEMBER 2022

BORING B-1

PROPOSED OREGON CITY CHASE BANK
OREGON CITY, OR

FIGU

BORING LOG - NV5 - 1 PER PAGE PMDESIGN-5-01-B1_4.GPJ GDI_NV5.GDT PRINT DATE: 12/22/22:SN:KT

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	ELEVATION / DEPTH	TESTING	SAMPLE	BLOW COUNT / MOISTURE CONTENT % / RQD% / CORE REC% (0 – 50 – 100)	INSTALLATION COMMENTS
0.0		ASPHALT CONCRETE (3.0 inches).	0.3				
		AGGREGATE BASE (4.0 inches).	0.6				
		Very stiff, brown with black mottled CLAY with sand (CL), trace gravel; moist.					
2.5						22	
5.0						29	
7.5		Very dense, gray-brown, clayey SAND (SC), trace gravel; moist, sand is medium to coarse.	7.5			45	
10.0		Very soft, black, sandy CLAY (CL); moist.	10.0			0	
12.5		hard, gray-brown with yellow and black mottles; sand is medium to coarse at 13.5 feet					
15.0						37	
17.5							
20.0		black at 20.0 feet		P200		12-18-50/3"	P200 = 58%
22.5							
25.0		very stiff at 25.0 feet				16	
		Exploration completed at a depth of 26.5 feet.	26.5				Surface elevation was not measured at the time of exploration.
27.5		Hammer efficiency factor is 82.2 percent.					
30.0							

DRILLED BY: Holt Services, Inc. LOGGED BY: S. Shub COMPLETED: 11/18/22

BORING METHOD: mud rotary (see document text) BORING BIT DIAMETER: 4 1/4 inches

NV5

PMDESIGN-5-01

BORING B-2

DECEMBER 2022

PROPOSED OREGON CITY CHASE BANK
OREGON CITY, OR

FIGU

BORING LOG - NV5 - 1 PER PAGE PMDESIGN-5-01-B1_4.GPJ GDI_NV5.GDT PRINT DATE: 12/22/22:SN:KT

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	ELEVATION / DEPTH	TESTING	SAMPLE	BLOW COUNT / MOISTURE CONTENT % / RQD% / CORE REC% (0 – 50 – 100)	INSTALLATION COMMENTS
0.0		ASPHALT CONCRETE (2.0 inches).	0.2				
		AGGREGATE BASE (4.0 inches).	0.5				
2.5		Very dense, brown GRAVEL with silt and sand (GP-GM); dry to moist - **POSSIBLE FILL**.				50/3"	
		Exploration terminated at a depth of 4.0 feet due to auger refusal.	4.0				Possible boulder at 4.0 feet.
5.0		Hammer efficiency factor is 82.2 percent.					Surface elevation was not measured at the time of exploration.
7.5							
10.0							
12.5							
15.0							
17.5							
20.0							
22.5							
25.0							
27.5							
30.0							

DRILLED BY: Holt Services, Inc. LOGGED BY: S. Shub COMPLETED: 11/18/22

BORING METHOD: hollow-stem auger (see document text) BORING BIT DIAMETER: 6 inches

NV5

PMDESIGN-5-01

BORING B-3

DECEMBER 2022

PROPOSED OREGON CITY CHASE BANK
OREGON CITY, OR

FIGU

BORING LOG - NV5 - 1 PER PAGE PMDESIGN-5-01-B1_4.GPJ GDI_NV5.GDT PRINT DATE: 12/22/22:SN:KT

DEPTH FEET	GRAPHIC LOG	MATERIAL DESCRIPTION	ELEVATION / DEPTH	TESTING	SAMPLE	BLOW COUNT / MOISTURE CONTENT % / RQD% / CORE REC% (0–50–100)	INSTALLATION COMMENTS
0.0		ASPHALT CONCRETE (3.0 inches).	0.3				
		AGGREGATE BASE (4.0 inches).	0.6				
		Stiff, brown CLAY with sand (CH), trace gravel; moist.					
2.5						8	
		brown with black mottles at 4.0 feet				14	
5.0				P200			P200 = 84%
							Infiltration test at 4.0 feet.
7.5		brown with black and orange mottles, with gravel at 7.5 feet		ATT		12	LL = 116% PL = 46%
10.0		soft, black at 10.0 feet				3	
12.5							
15.0		very stiff, sandy at 15.0 feet		P200		20	P200 = 50%
		Exploration completed at a depth of 16.5 feet.	16.5				Surface elevation was not measured at the time of exploration.
17.5		Hammer efficiency factor is 82.2 percent.					
20.0							
22.5							
25.0							
27.5							
30.0							

DRILLED BY: Holt Services, Inc. LOGGED BY: S. Shub COMPLETED: 11/18/22

BORING METHOD: hollow-stem auger and mud rotary (see document text) BORING BIT DIAMETER: 6 inches and 4 1/4 inches

NV5

PMDESIGN-5-01

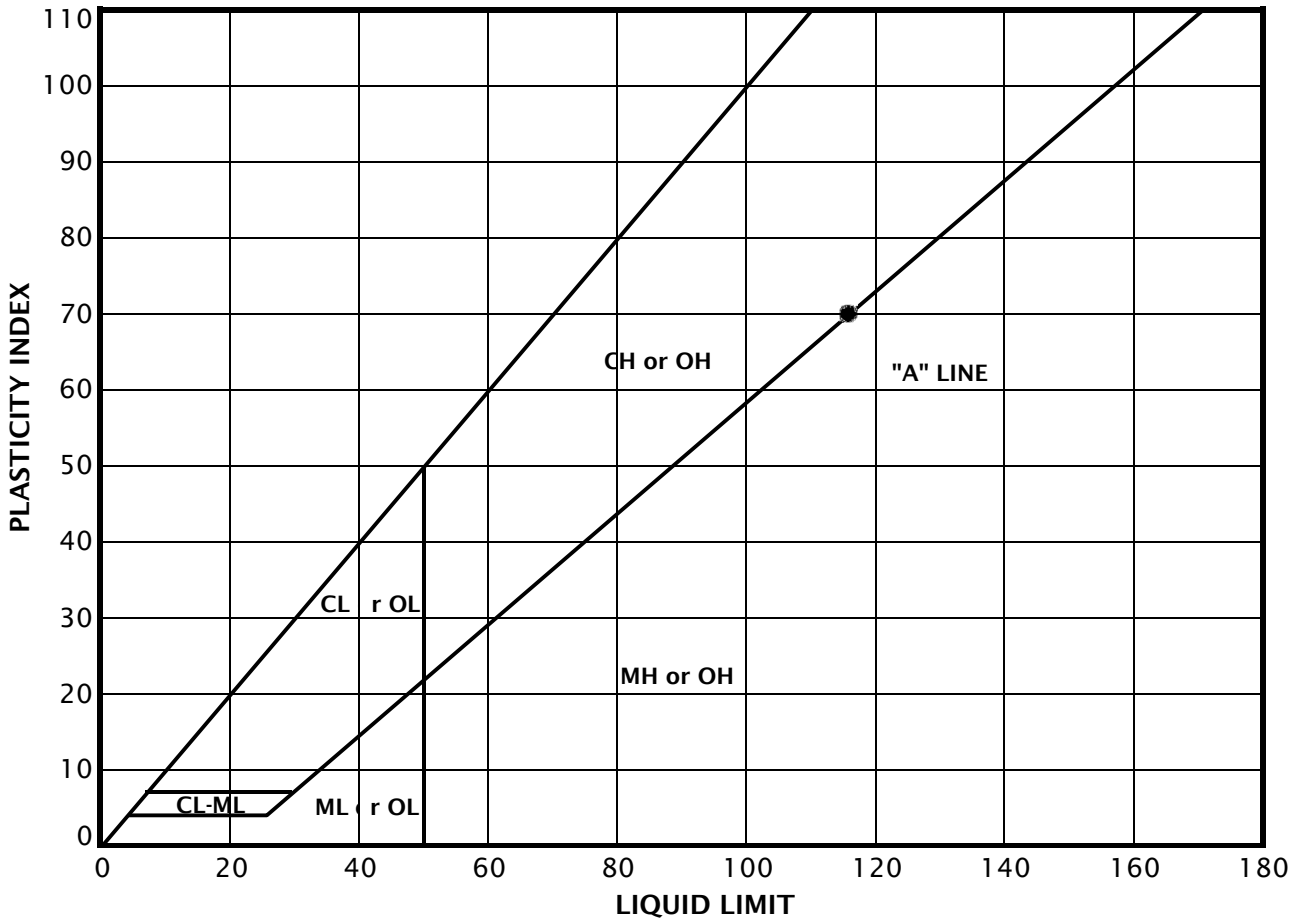
DECEMBER 2022

BORING B-4

PROPOSED OREGON CITY CHASE BANK
OREGON CITY, OR

FIGU

BORING LOG - NV5 - 1 PER PAGE PMDESIGN-5-01-B1_4.GPJ GDI_NV5.GDT PRINT DATE: 12/22/22:SN:KT



KEY	EXPLORATION NUMBER	SAMPLE DEPTH (FEET)	MOISTURE CONTENT (PERCENT)	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX
●	B-4	7.5	71	116	46	70

_ATTERBERG_LIMITS 7 HIGH LLS PMDESIGN-5-01-B1_4.GPJ GEODESIGN.GDT PRINT DATE: 12/22/22:KT

NV5	PMDESIGN-5-01	**ATTERBERG LIMITS TEST RESULTS**
	DECEMBER 2022	PROPOSED OREGON CITY CHASE BANK OREGON CITY, OR

FIGU

SAMPLE INFORMATION			MOISTURE CONTENT (PERCENT)	DRY DENSITY (PCF)	SIEVE			ATTERBERG LIMITS		
EXPLORATION NUMBER	SAMPLE DEPTH (FEET)	ELEVATION (FEET)			GRAVEL (PERCENT)	SAND (PERCENT)	P200 (PERCENT)	LIQUID LIMIT	PLASTIC LIMIT	PLASTICITY INDEX
B-1	5.0		32							
B-1	7.5		60				72			
B-1	15.0		54							
B-1	20.0		66							
B-1	25.0		63				85			
B-2	2.5		30							
B-2	7.5		39							
B-2	10.0		80							
B-2	20.0		44				58			
B-2	25.0		63							
B-4	4.0		31				84			
B-4	7.5		71					116	46	70
B-4	10.0		73							
B-4	15.0		50				50			

Pile Dynamics, Inc.
SPT Analyzer Results

RIG-916
PDA-S Ver. 2020.32 - Printed: 7/7/2021

Summary of SPT Test Results

Project: HOLTS-2-02, Test Date: 7/6/2021

FMX: Maximum Force
VMX: Maximum Velocity
BPM: Blows/Minute

EFV: Maximum Energy
ETR: Energy Transfer Ratio - Rated

Instr. Length ft	Blows Applied /6"	**N Value**	**N60 Value**	Average FMX kips	Average VMX ft/s	Average BPM bpm	Average EFV ft-lb	Average ETR %
12.50	**35-27-27**	**54**	**74**	41	14.3	50.1	281	80.4
12.50	**30-26-22**	**48**	**65**	38	16.2	49.9	286	81.7
12.50	**27-38-25**	**63**	**86**	43	15.1	50.0	287	81.9
12.50	**26-65-51**	**116**	**159**	44	14.7	50.2	292	83.5
			Overall Average Values:	42	15.0	50.1	288	82.2
			Standard Deviation:	2	0.9	0.4	6	1.7
			Overall Maximum Value:	45	18.3	51.0	303	86.6
			Overall Minimum Value:	34	13.3	48.8	267	76.2

NV5

Delivering Solutions
Improving Lives

DocuSign Envelope ID: 95F53ACD-B91F-45FA-8A23-F99B7037EDF1

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

File Number(s): _____

Proposed Land Use or Activity: "C" General Commercial (no change)

Project Name: Chase Bank - Oregon City Relo Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 1689 Molalla Ave.

Clackamas County Map and Tax Lot Number(s): Clamakas County Map 3-2E-05D, tax lot - 01205

Applicant(s):

Applicant(s) Signature: Ariane Sanders, PM Design Group

Applicant(s) Name Printed: Ariane Sanders Date: 01/19/23

Mailing Address: 3860 Broadway St., Ste 110, Amrican Canyon CA 94503

Phone: (707) 655-4320 Fax: _____ Email: asanders@pmdginc.com

Property Owner(s):

Property Owner(s) Signature: DocuSigned by: 4EC8A76FC091450...

Property Owner(s) Name Printed: Josh Amoroso Date: 2/21/2023

Mailing Address: 2099 Mt. Diablo Blvd., Suite 206, Walnut Creek, CA 94596

Phone: 650-224-9172 Fax: _____ Email: amo@lrginvestors.com

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: Alex MacLean Date: _____

Mailing Address: 733 SW 2nd Ave., Ste 200, Portland, OR 97204

Phone: (503) 595-7563 Fax: _____ Email: alex@cra-nw.com

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

Fidelity National Title
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Karleen Huggins

Fidelity National Title
Company of Oregon

900 SW 5th Avenue, Portland, OR 97204
(503)222-2424 FAX (503)227-2274

PRELIMINARY REPORT

ESCROW OFFICER: Shawnda Reszel
shawnda.reszel@fnf.com
503-222-2424

ORDER NO.: 45142210073
Supplement 1- Date and taxes and new document

TITLE OFFICER: Kim Alf

TO: Fidelity National Title Company of Oregon
900 SW 5th Avenue
Portland, OR 97204

ESCROW LICENSE NO.: 901000243
OWNER/SELLER: LRG 1689 Molalla LLC, a California limited liability company
BUYER/BORROWER: JPMorgan Chase
PROPERTY ADDRESS: 1689 Molalla Avenue, Oregon City, OR 97045

EFFECTIVE DATE: February 6, 2023, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	AMOUNT	PREMIUM
ALTA Owner's Policy 2021 **Leasehold Owner's Standard-Short Term Rate**	$ 2,500,000.00	$ 3,263.00
OTIRO Endorsement No. 110		$ 0.00
Government Lien Search		$ 35.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   LRG 1689 Molalla LLC, a California limited liability company

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF OREGON CITY, COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Order No.: 45142210073
Supplement 1- Date and taxes and new document

EXHIBIT "A"

Legal Description

Parcel 1:

A portion of the Samuel N. Vance Donation Land Claim No. 51 in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a brass disc located at the intersection of Oregon State Highway Department-State Route 213 and Clackamas County Market Road No. 11, said brass disc being the point of intersection of a 1° curve to the Southeast on said Highway 213 and Engineer's station 38+02.85; thence South 30°46'30" East 460 feet to a point; thence North 88°53'30" East 40.96 feet to a 5/8 inch iron rod on the Easterly right-of-way line of Oregon State Highway Department-State Route 213; thence South 30°46'30" East 350 feet along the Easterly right-of-way of the Oregon State Highway Department-State Route 213, or more commonly known as Molalla Avenue; thence North 59°13'30" East 5.0 feet to a point which is the true place of beginning of the tract herein described; thence North 59°13'30" East 182.5 feet; thence North 30°46'30" West, parallel with Molalla Avenue, 95 feet; thence North 88°28'18" West 91.69 feet; thence South 59°13'30" West 105 feet to a point which bears North 30°46'30" West from the true place of beginning; thence South 30°46'30" East 144 feet to the true place of beginning.

Parcel 2:

An easement, as an appurtenance to Parcel 1 above, for vehicular access and parking as created by and defined in the Instrument recorded March 2, 1978, as No. 78-008633, Records of Clackamas County, Oregon, and upon the terms and provisions embodied therein.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.

3. Easements, or claims thereof, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.

5. Any lien, or right to a lien, for services, labor, material or equipment rental, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. [Intentionally Deleted]

7. City lien in favor of the City of Oregon City,

Purpose:	Utilities
Amount:	$132.56, plus interest and penalties, if any
Reference No:	03-791601-02

8. Easement Agreement, for the purposes and upon the terms and provisions embodied therein, set forth in the instrument;

Reserved by:	Adjoining property owner
Purpose:	Parking and vehicular traffic
Recording Date:	March 2, 1978
Recording No.:	78-008633
Affects:	Exact location not disclosed

9. A Line of Credit Deed of Trust to secure an indebtedness in the amount shown below,

Amount:	$2,400,000.00
Dated:	September 22, 2021
Trustor/Grantor:	LRG 1689 Molalla LLC, a California limited liability company
Trustee:	Fidelity National Title
Beneficiary:	Stearns Bank National Association
Loan No.:	70020426
Recording Date:	September 23, 2021
Recording No.:	2021-086659

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: LRG 1689 Molalla LLC, a California limited liability company and Stearns Bank National Association
Recording Date: October 4, 2022
Recording No: 2022-053452

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: LRG 1689 Molalla LLC, a California limited liability company and Stearns Bank National Association
Recording Date: November 14, 2022
Recording No: 2022-058935

10. An assignment of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein

Amount:	$2,400,000.00
Assigned to:	Stearns Bank National Association
Assigned By:	LRG 1689 Molalla LLC, a California limited liability company
Recording Date:	September 23, 2021
Recording No:	2021-086660

11. A financing statement as follows:

Debtor:	LRG 1689 Molalla LLC
Secured Party:	Stearns Bank National Association
Recording Date:	September 23, 2021
Recording No:	2021-086661

12. Right, title and interest of Northwest Community Credit Union as disclosed by Multnomah County Tax Assessor, Tax Account No. P2220355

13. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

14. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:

a) The rights of tenants holding under unrecorded leases or tenancies
b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.
c) Any facts which would be disclosed by an accurate survey of the Land

ADDITIONAL REQUIREMENTS/NOTES:

A. NOTE: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2022-2023
Amount:	$13,148.89
Levy Code:	062-002
Account No.:	00848024
Map No.:	32E05D-01205

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final ALTA Policy unless removed prior to issuance.

C. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: JPMorgan Chase

D. NOTE: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

E. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

F. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

H. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

I. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1st through June 30th
Taxes become a lien on real property, but are not yet payable:	July 1st
Taxes become certified and payable (approximately on this date):	October 15th
First one third payment of taxes is due:	November 15th
Second one third payment of taxes is due:	February 15th
Final payment of taxes is due:	May 15th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply.
If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

J. Note: If an Owner's Title Insurance Policy is requested, the State of Oregon requires every ALTA Owner's Policy (07-01-2021) to include the OTIRO 110 Endorsement as a supplement to the definition of Insured in said Owner's Policy's Conditions to confirm coverage is the same for an Oregon Registered Domestic Partner as it is for a Spouse.

K. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	$86.00	$5.00
Washington	$81.00	$5.00
Clackamas	$93.00	$5.00

Note: When possible the company will record electronically. An additional charge of $5.00 applies to each document which is recorded electronically.

Note: Please send any documents for recording to the following address:
Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

EXHIBIT ONE

2021 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (07-01-2021)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
   i. the occupancy, use, or enjoyment of the Land;
   ii. the character, dimensions, or location of any improvement on the Land;
   iii. the subdivision of land; or
   iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extend the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any reason not stated in the Covered Risk 13.b
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2021 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (07-01-2021)
EXCLUSIONS FROM COVERAGE

The following matters are excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
   i. the occupancy, use, or enjoyment of the Land;
   ii. the character, dimensions or location of any improvement on the Land;
   iii. the subdivision of land; or
   iv. environmental remediation or protection;
   b. any governmental forfeiture, police, regulatory, or national security power
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed or agreed to by the Insured Claimant;
   b. not known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
   a. fraudulent conveyance or fraudulent transfer, or
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE

Effective August 1, 2021

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (*e.g.*, name, address, phone number, email address);
- demographic information (*e.g.*, date of birth, gender, marital status);
- identity information (*e.g.* Social Security Number, driver's license, passport, or other government ID number);
- financial account information (*e.g.* loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (https://fnf.com/pages/californiaprivacy.aspx) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888)714-2710 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, visit FNF's Opt Out Page or contact us by phone at (888) 714-2710 or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

FIDELITY NATIONAL FINANCIAL
CALIFORNIA PRIVACY NOTICE

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This California Privacy Notice explains how we collect, use, and disclose Personal Information, when and to whom we disclose such information, and the rights you, as a California resident ("Consumer"), have regarding your Personal Information ("California Privacy Rights"). Some subsidiaries maintain separate California Privacy Notices or privacy statements. If a subsidiary has a separate California Privacy Notice, it will be available on the subsidiary's website, and this California Privacy Notice does not apply.

Collection of categories of Personal Information:

In the preceding twelve (12) months FNF has collected, and will continue to collect, the following categories of Personal Information from you:

- Identifiers such as name, address, telephone number, IP address, email address, account name, social security number, driver's license number, state identification card, financial information, date of birth, or other similar identifiers;
- Characteristics of protected classifications under California or Federal law;
- Commercial information, including records of personal property, products or services purchased, or other purchasing or consuming histories;
- Internet or other electronic network activity information including, but not limited to browsing history, search history, and information regarding a Consumer's interaction with an Internet website;
- Geolocation data;
- Professional or employment information;
- Education Information.

This Personal Information is collected from the following sources:

- Information we receive from you on applications or other forms;
- Information about your transactions with FNF, our affiliates, or others;
- Information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others;
- Information from the use of our websites and mobile applications.

This Personal Information is collected for the following business purposes:

- To provide products and services to you or in connection with a transaction involving you;
- To perform a contract between FNF and the Consumer;
- To improve our products and services;
- To comply with legal obligations;
- To protect against fraudulent or illegal activity;
- To communicate with you about FNF or our affiliates;
- To maintain an account with FNF or our affiliates;
- To provide, support, personalize, and develop our websites, products, and services;
- As described to you when collecting your personal information or as otherwise set forth in the California Consumer Privacy Act.

Disclosures of Personal Information for a business purpose:

In the preceding twelve (12) months FNF has disclosed, and will continue to disclose, the categories of Personal Information listed above for a business purpose. We may disclose Personal Information for a business purpose to the following categories of third parties:

- FNF affiliates and subsidiaries;
- Non-affiliated third parties, as directed by you;
- Businesses in connection with the sale or other disposition of all or part of the FNF business and/or assets;
- Service Providers;
- Law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order.

Sale of Personal Information:

In the preceding twelve (12) months, FNF has not sold Personal Information. FNF does not sell Personal Information.

Personal Information of minors:

FNF does not knowingly collect the Personal Information of minors.

Right to know:

Consumers have a right to know about Personal Information collected, used, disclosed, or sold. Consumers have the right to request FNF disclose what personal information it collected, used, and disclosed in the past twelve (12) months.

Right to request deletion:

Consumers have a right to request the deletion of their personal information.

Right to non-discrimination:

Consumers have a right not to be discriminated against by exercising their consumer privacy rights. We will not discriminate against Consumers for exercising any of their California Privacy Rights.

Right to use an Authorized Agent:

A Consumer may use an Authorized Agent to submit a request to know or a request to delete his or her information. Should a Consumer utilize an Authorized Agent, FNF will require the Consumer provide the agent written permission to make the request and verify his or her identity with FNF.

To exercise any of your California Privacy Rights, please follow the link "*California Privacy Request*" or call Toll Free 888-413-1748.

Upon making a California Privacy Request, FNF will verify the consumer's identity by requiring an account, loan, escrow number, or other identifying information from the consumer.

The above-rights are subject to any applicable rights and obligations including both Federal and California exemptions rendering FNF, or Personal Information collected by FNF, exempt from certain CCPA requirements.

FNF website services for mortgage loans:

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice describing the categories, sources, and uses of your Personal Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Information. FNF does not share Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

California Privacy Notice - Effective Date:

This California Privacy Notice was last updated on August 1, 2021.

Contact for more information:

For questions or concerns about FNF's California Privacy Notice and privacy practices, or to exercise any of your California Privacy Rights, please follow the link "***California Privacy***," call Toll Free 888-413-1748, or by mail to the below address. We may use your Personal Information for our affiliates (companies owned by FNF) to directly market to you. If you do not want FNF affiliates to directly market to you, visit FNF's "***Opt Out Page***" or contact us by phone at (888) 714-2710, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

PM Design Group, Inc.
3860 Broadway Street, Suite 110
American Canyon, CA 94503

February 14, 2023

City of Oregon City
Planning Department
695 Warner Parrott Road
Oregon City, OR 97045

RE: **CHASE BANK OREGON CITY**
1689 Molalla Ave
Oregon City, OR 97045
PMDG JOB NO. CBR22019.0

Project Description:

Architectural drawings and documents are being submitted by PM Design Group on behalf of JP Morgan Chase and pertain to the property located at 1689 Molalla Ave, Oregon City, OR ID; APN: 3-2E-05D-01205, Zone C, General Commercial.

The project site is an existing vacant Northwest Community Credit Union building, on the SE corner of Molalla Ave. that was partially destroyed by fire. The site has 17 parking stalls for the previously approved credit union. There are +/- 15 other retails stores/services located within the overall shopping center. This site is zoned C- General Commercial, banking is permitted within this zone. A drive-up ATM is designated as a convenience use and permitted by right within this zoning district. The site is accessed from driveways on Molalla Ave. and Beavercreek Road.

Chase is proposing to remove the existing building and construct a new branch building with an attached drive-up convenience ATM. In addition, the scope is to upgrade the parking lot and the landscaping to accommodate the new building and drive-up aisle. The new site layout will have 24 parking stalls, 8 over the maximum allowed by code, and ATM drive aisle. The sites CCR document outlines cross access and parking across throughout the entire site, any reduction in parking would be counter to this agreement. The additional spaces will be a benefit to the entire center and reduce any impact from spillover parking at other businesses. The proposed building is rectangle in shape with some tower elements and glazing frontages. The design of the building has a modern look to it but includes tactile finishes such as synthetic wood siding and stone veneer. The colors are brown, cream and silver grey. The storefront is black anodized finish. The awnings and the canopy are of an aluminum finish.

As part of the design, a secondary building entrance was added along Molalla Ave. The building will be sitting about 2' below the street grade so stairs will need to be

installed at this location for direct access. The existing Credit Union layout had the drive thru lane directly visible from Molalla Ave. The new building layout pulls the ATM behind the building which greatly enhances the street side elevation.

The hours of operation are estimated to be on Monday through Saturday 8 am to 6 pm. The vestibule ATM and the Drive-up ATM can be accessed at any time. The employee count is about five.

Overall the branch is designed to minimize the use of bankers in the transitional work. While tellers will be available and in plain sight, the bank hopes to handle about 80% of routine needs with in-branch technology. Bankers are equipped with tablets and with easy access to other technology in order to interact with consumers as naturally as possible in multiple environments. The intent is for the customer to have a full experience not just a place for processing transactions. The experience is to include financial education as well.

The convenience of self-service is available as well with the ATMs inside, the walk-up ATM and the drive-up ATM. Despite the mobile technology, the ATM is still popular with customers nationwide. The convenience to do the transaction from the car is attractive to the customers as it is easier and more comfortable in case they have to wait in line.

The improvements will give a new enhanced experience to the customers. We are looking forward to coordinate with the city in the anticipation of a fast approval of the project.

Please let us know if you have any questions.

Respectfully,

Ariane Sanders, Architect
Project Manager
PM Design Group, Inc.
3860 Broadway Drive Suite #110
American Canyon, Ca. 94503
P: 707.655.4320
asanders@pmdginc.com

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Construction Costs for Site Plan and Design Review and Detailed Development Plans

The cost of Planning Division review for Site Plan and Design Review and Detailed Development Plans is based on the construction cost of the project. The construction costs is defined as all costs to complete the project, including soft costs. The estimate does exclude interior furniture or moving expenses.

Address: 1689 Molalla Ave.

Project Description:
Demolition of existing building, sidewalks, curbs, and asphalt, construction of new 3,445 sq. ft. Chase Bank branch building with drive-up ATM. Construction of new site improvements on-site, including landscaping and re-connecting utilities.

Section I – Construction Costs

Design Work	$ 199,280.00
Site Prep	$ 82,547.00
Consultants	$ 79,500.00
Excavation	$ 26,000.00
Utilities	$ 21,850.00
Foundation	$ 40,228.50
Framing material/wall construction	$ 193,915.89
Interior finish (walls, doors, floor finish, cabinetry, light fixtures, etc.)	$ 545,181.00
Supplemental information (fire suppression, hvac, electrical, plumbing, etc.)	$ 462,059.00
Roofing	$ 46,476.00
Landscaping	$ 40,448.00
Paving	$ 94,157.00
Sign	$
Trash Enclosures	$ 21,620.00
Other	$
Total Section I	$ 1,354,986.39

Section II – Permits

Building	$ 27,568.50
Electrical	$ 1,665.00
Plumbing	$ 1,665.00
Mechanical	$ 1,758.00
Land Use	$ 16,274.00
Total Section II	$ 48,930.50

Section III - Total

Section I Total	$ 1,354,986.39
Section II Total	$ 48,930.50
Total Section III	$ 1,403,916.89

Office Use Only –
Building Official Verification: _____

OREGON CITY

Community Development – Planning

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

Site Plan & Design Review Checklist

1. ✓ **A Completed Application Form with All Property Owner Signatures** *(P)*

2. ✓ **Narrative** *(P/DS)*
   A complete and detailed narrative description of the proposed development and an explanation addressing all applicable approval criteria. A template is provided at the Pre-Application Conference.

3. ✓ **Site Plan and Design Review Construction Cost Form** *(P)*

4. ✓ **Site Plan** *(P/DS)*
   A detailed site development plan showing:
   - ☑ Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations
   - ☑ The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and adjoining properties
   - ☑ Contour lines at 2 foot intervals for grades 0-10%, and 5-foot intervals for grades over 10%
   - ❑ The location of natural hazard areas on and within 100 feet of the boundaries of the site, including areas within the following overlay districts:
     - ❑ Flood Management Overlay District
     - ❑ Geologic Hazards Overlay District
     - ❑ Flood Management Overlay
     - ❑ Historic Overlay District
   - ❑ The location of inventoried historic or cultural resources on and within 100 feet of the site
   - ☑ The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty-five feet of the site, and the current or proposed uses of the structures
   - ☑ The location, dimensions, square footage, building orientation and setback distances of proposed structure, improvements and utilities, and the proposed uses of the structures by square footage
   - ☑ The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site
   - ☑ The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways 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
   - ☑ All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required
   - ☑ Site access points for automobiles, pedestrians, bicycles and transit
   - ☑ On-site pedestrian and bicycle circulation
   - ☑ Outdoor common areas proposed as open space
   - ☑ Total impervious surface created (including buildings and hard ground surfaces)

5. ✓ **Landscaping Plan** *(P)*
A landscaping plan prepared by a registered landscape architect, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.

5. N/A **Tree Removal and Mitigation Plan** *(P)*
A tree removal and mitigation plan must include the setbacks, easements and the location and caliper of all trees as well as identification of the trees 6" DBH and greater prepared in accordance with OCMC 17.41. A plan shall also be submitted identifying the location, species and caliper of trees replanted onsite. The tree mitigation plan report shall be prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arborculture.

6. ✓ **Street Tree Plan** *(P)*
A street tree plan, drawn to scale, identifying size and species of street trees, and location of trees, streetlights, and fire hydrants.

7. ✓ **Exterior Lighting Plan** *(P)*
Photometric Plan drawn to scale, showing type, height, and area of illumination.

8. ✓ **Architectural Drawings** *(P)*
Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction.

9. ✓ **Erosion and Sediment Control Plan** *(DS)*
In accordance with the requirements of Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, Chapter 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/ geotechnical development impact statement.

10. ✓ **Materials Board** *(P)*
A materials board, no longer in size than eight and one-half inches by fourteen inches clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. (Electronic version acceptable; Submit with colored elevations)

11. ✓ **Preliminary Storm Calculations if Water Quality Detention is Required** *(DS)*

12. ✓ **Neighborhood Association Meeting** *(P)* (Meeting was held online via Zoom)
- ☑ A sign-in sheet of meeting attendees
- ☑ A summary of issues discussed
- ☑ A letter from the neighborhood association or CIC 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. (N/A)

13. ✓ **Pre-Application Conference Notes from Planning and Engineering Divisions** *(P/DS)*

14. ✓ **Additional Information or Reports** *(P/DS)*
If Required in Pre-Application Conference.

15. ✓ **A Current Preliminary Title Report or Trio for the Subject Property(ies)** *(P)*

16. ✓ **Mailing Labels for Owners within 300 Feet of the Subject Site or Fee for City-Provided Labels** *(P)* City will provide list: $20 fee
The names and addresses of property owners within 300 feet of the site from a title company.

17. ✓ **Documentation indicating there are no liens favoring the City for the subject site** *(P)* (None confirmed by Molly)

18. ✓ **A receipt from the County Assessor's Office indicating that all taxes for the parcels involved are paid in full for the preceding tax year***(P)*

19. ✓ **Electronic Version of All Application Materials** *(P/DS)*

20. ___ **All Required Application Fees** *(P)* (Invoice will be generated & emailed to applicant after submittal)

(P) = Contact the Planning Division at (503) 722.3789 with any questions regarding this item.
(DS) = Contact the Development Services Division at (503) 657.0891 with any questions regarding this item.
Incomplete applications will not be processed.

OREGON CITY

Community Development – Planning

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

Variance Checklist

1. ✓ **A Completed Application Form with All Property Owner Signatures** *(P)*

2. ✓ **Narrative** *(P/DS)*
A complete and detailed narrative description of the proposed development and an explanation addressing all applicable approval criteria. A template is provided at the Pre-Application Conference.

3. ✓ **Site Plan Drawings** *(P)*
A scale-drawing of the property, displaying the dimensions and arrangements of the existing and proposed uses.

4. ✓ **Architectural Drawings** *(P)*
Building elevations and envelopes, if architectural work is proposed.

5. ✓ **For Planning Commission Variances: Neighborhood Association Meeting** *(P)* (Meeting was held online via Zoom)
   - ☑ A sign-in sheet of meeting attendees
   - ☑ A summary of issues discussed
   - ☑ A letter from the neighborhood association or CIC 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. (N/A)

6. ✓ **Pre-Application Conference Notes from Planning and Development Services Divisions** *(P/DS)*

7. ✓ **Additional Information or Reports** *(P/DS)*
If Required in Pre-Application Conference.

8. ✓ **A Current Preliminary Title Report or Trio for the Subject Property(ies)** *(P)*

9. ✓ **Mailing Labels for Owners within 300 Feet of the Subject Site or Fee for City-Provided Labels** *(P)* City will provide list: $20 fee
The names and addresses of property owners within 300 feet of the site from a title company.

10. ✓ **Documentation indicating there are no liens favoring the City for the subject site** *(P)* (None confirmed by Molly)

11. ✓ **A receipt from the County Assessor's Office indicating that all taxes for the parcels involved have been paid in full for the preceding year.**

12. ✓ **Electronic Version of All Application Materials** *(P/DS)*

13. ___ **All Required Application Fees** *(P)* (Invoice will be generated & emailed to applicant after submittal)

(P) = Contact the Planning Division at (503) 722.3789 with any questions regarding this item.
(DS) = Contact the Development Services Division at (503) 657.0891 with any questions regarding this item.
Incomplete applications will not be processed.

Chase Bank Project Neighborhood Meeting

Hillendale Neighborhood Association

Date: February 7, 2023

Time: 7:00 pm

Zoom Meeting link:
https://us02web.zoom.us/j/86733648514?pwd=bnpETTJnc1E4VVNmaktqVnhSS3Jwdz09

Meeting ID: 867 3364 8514

Passcode: 480678

Attendees:

Oregon City resident

1. David Lee – Oregon City resident
2. William Gifford – Oregon City resident
3. Joyce Gifford – Oregon City resident
4. Josh Kayser – Oregon City resident
5. Elsie Wells – Oregon City resident
6. Liz Luis – Oregon City resident
7. Sara Peterson – Oregon City resident
8. Ariane Sanders - PMDG
9. Troy Gallagher - CBRE
10. McCabe Karcher - CBRE

February 10, 2023

To Whom This May Concern:

Chase Bank representatives presented their plans for the property located at 1689 Molalla Avenue — including architectural drawings and layouts — to the Hillendale and Tower Vista Neighborhood Associations on Tuesday, February 7th. Chase participated via Zoom and the meeting was open to all residents via Zoom as well.

Residents in attendance were as follows:

David Lee
William Gifford
Joyce Gifford
Josh Kayser
Elsie Wells
Liz Luis
Sara Peterson

Thank you,

Sara Peterson
Hillendale CIC

PM Design Group, Inc.
3860 Broadway Street, Suite 110
American Canyon, CA 94503

February 14, 2023

City of Oregon City
Planning Department
695 Warner Parrott Road
Oregon City, OR 97045

RE: **CHASE BANK OREGON CITY**
1689 Molalla Ave
Oregon City, OR 97045
PMDG JOB NO. CBR22019.0

Neighborhood Mtg Summary:

The meeting was taken place via zoom. After introduction of everyone and the presentation of the project scope the following was discussed:

-drive-thru location: the group appreciate the change of the location for the drive-up ATM as it allows for more landscaping to the side.

-parking stall size: the amount of the stalls was not a concern. The group wanted to make sure the stalls are large enough for the trucks. AOR assured that they are per city standards. There are only 4 stalls that are compacts.

-landscaping areas: they liked the increase of landscape areas.

-left turn sign at shopping center aisle: one concern was that some trucks turn left and go over the median when exiting the site. They would like to have a sign installed "right turn only". Chase representative mentioned that this is not on the property but will ask the landlord if that can be installed.

The group was very enthusiastic about the project including the material and look of the building. They asked on the timing of the opening as they would like to see vacant space be occupied.

Respectfully,

Ariane Sanders, Architect
Project Manager
PM Design Group, Inc.
3860 Broadway Drive Suite #110
American Canyon, Ca. 94503
P: 707.655.4320
asanders@pmdginc.com

CLACKAMAS COUNTY

00848024

Property Account Summary

Account Number	00848024	Property Address	1689 MOLALLA AVE , OREGON CITY, OR 97045

General Information	
Alternate Property #	32E05D 01205
Property Description	Section 05 Township 3S Range 2E Quarter D TAX LOT 01205
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	062-002
Remarks	

Tax Rate	
Description	**Rate**
Total Rate	18.2713

Property Characteristics	
Neighborhood	20032: Area 03 commercial Oregon City
Land Class Category	201: Commercial land improved
Acreage	0.56
Change property ratio	CIC

Related Properties

No Related Properties Found

Parties

Role	Percent	Name	Address
Taxpayer	100	LRG 1689 MOLALLA LLC	2099 MT DIABLO BLVD STE 206, WALNUT CREEK, CA 94596
Owner	100	LRG 1689 MOLALLA LLC	2099 MT DIABLO BLVD STE 206, WALNUT CREEK, CA 94596

Property Values

Value Type	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018
AVR Total	$719,647	$698,687	$678,337	$658,580	$639,398
Exempt					
TVR Total	$719,647	$698,687	$678,337	$658,580	$639,398
Real Mkt Land	$858,820	$810,265	$764,744	$728,328	$673,703
Real Mkt Bldg	$476,840	$450,230	$425,670	$405,210	$374,510
Real Mkt Total	$1,335,660	$1,260,495	$1,190,414	$1,133,538	$1,048,213

M5 Mkt Land	$858,820	$810,265	$764,744	$728,328	$673,
M5 Mkt Bldg	$476,840	$450,230	$425,670	$405,210	$374,510
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	$719,647	$698,687	$678,337	$658,580	$639,398
Mkt Exception					
AV Exception					

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date-Time	Type	Remarks
09/23/2021	09/27/2021 17:11:00	Taxpayer Changed	Property Transfer Filing No.: 400693 09/23/2021 by KARLYNW
09/23/2021	09/27/2021 17:11:00	Recording Processed	Property Transfer Filing No.: 400693, Special Warranty Deed, Recording No.: 2021-086657 09/23/2021 by KARLYNW
09/10/2015	09/10/2015 07:48:00	The situs address has changed	by AFARMER
04/03/2008	04/03/2008 16:25:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 1-annexed by 062-002 for 2008-Revise TCA Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Bargain and Sale: 91-36948, 7/1/91, $ 240000

Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

Total Due only includes the current 2022 taxes. Please select View Detailed Statement for a full payoff.

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here): 2022

Receipts

Date	Receipt No.	Amount Applied to Parcel	Total Amount Due	Receipt Total	Change
11/22/2022 00:00:00	5347407	$13,148.89	$13,148.89	$12,754.42	$0.00
05/23/2022 00:00:00	5195101	$4,206.69	$4,206.69	$4,206.69	$0.00
02/22/2022 00:00:00	5182579	$4,206.67	$8,413.36	$4,206.67	$0.00
11/29/2021 00:00:00	5167031	$4,206.67	$12,620.03	$4,206.67	$0.00
11/25/2020 00:00:00	4977795	$12,259.45	$12,259.45	$11,891.67	$0.00
11/20/2019 00:00:00	4764132	$11,999.66	$11,999.66	$11,639.67	$0.00
11/21/2018 00:00:00	4579958	$11,403.09	$11,403.09	$11,061.00	$0.00

Sales History

Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Grantee(Buyer)	Other Parcels

09/22/2021	09/27/2021	09/23/2021	2021-086657	$1,810,000.00	400693		LRG 1689 MOLALLA LLC	

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths

4P

RECORDATION REQUESTED BY:
STEARNS BANK NATIONAL ASSOCIATION
ARIZONA OFFICE
4191 2ND ST S
ST. CLOUD , MN 56301

WHEN RECORDED MAIL TO:
STEARNS BANK NATIONAL ASSOCIATION
ARIZONA OFFICE
4191 2ND ST S
ST. CLOUD , MN 56301

SEND TAX NOTICES TO:
LRG 1689 MOLALLA LLC
2099 MT DIABLO BLVD STE 206
WALNUT CREEK, CA 94596

Clackamas County Official Records
Sherry Hall, County Clerk

2022-053452

$108.00

02590810202200534520040042

10/04/2022 10:49:34 AM

M-TDMOD Cnt=1 Stn=7 LISA
$20.00 $18.00 $62.00 $10.00

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated September 9, 2022, is made and executed between LRG 1689 MOLALLA LLC, whose address is 2099 MT DIABLO BLVD STE 206, WALNUT CREEK, CA 94596; A CALIFORNIA LIMITED LIABILITY COMPANY ("Grantor") and STEARNS BANK NATIONAL ASSOCIATION, whose address is ARIZONA OFFICE, 4191 2ND ST S, ST. CLOUD , MN 56301 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated September 22, 2021 (the "Deed of Trust") which has been recorded in CLACKAMAS County, State of Oregon, as follows:

RECORDED ON SEPTEMBER 23, 2021 AS DOCUMENT #2021-086659, IN THE OFFICE OF THE CLACKAMAS COUNTY RECORDER, CLACKAMAS COUNTY, OREGON, AND ALL SUBSEQUENT MODIFICATIONS, RENEWALS AND EXTENSIONS THEREOF.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in CLACKAMAS County, State of Oregon:

See EXHIBIT A, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 1689 MOLALLA AVE, OREGON CITY, OR 97045. The Real Property tax identification number is 00848024.

MODIFICATION. Lender and Grantor hereby modify the Deed of Trust as follows:

EXTEND MATURITY DATE TO OCTOBER 22, 2022.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

COUNTERPART SIGNATURES. THIS DOCUMENT MAY BE SIGNED IN ANY NUMBER OF COUNTERPARTS ALL OF WHICH COMBINED SHALL BE CONSIDERED ONE AND THE SAME DOCUMENT.

ADDENDUM TO LOAN DOCUMENTS. THE ADDENDUM TO LOAN DOCUMENTS DATED September 9, 2022 MODIFIES AND AMENDS THE PROMISSORY NOTE AND RELATED LOAN DOCUMENTS AS INDICATED HEREIN.

GOVERNING LAW – ENFORCEMENT OF LIENS. NOTWITHSTANDING THE PROVISION HEREIN TITLED "GOVERNING LAW," FEDERAL LAW, AND TO THE EXTENT NOT PREEMPTED BY FEDERAL LAW, THE LAWS OF THE STATE OF MINNESOTA SHALL GOVERN THE CONSTRUCTION, VALIDITY AND ENFORCEMENT OF THIS INSTRUMENT AND ALL OF THE OBLIGATIONS ARISING HEREUNDER, EXCEPT THAT THE CREATION, PERFECTION AND ENFORCEMENT OF THE LIENS AND SECURITY INTERESTS CREATED UNDER THIS INSTRUMENT (INCLUDING THE DETERMINATION, OBTAINING AND ENFORCEMENT OF DEFICIENCY JUDGMENTS) SHALL BE GOVERNED BY AND CONSTRUED ACCORDING TO THE LAWS OF THE STATE WHERE THE REAL PROPERTY IS LOCATED, WITHOUT REGARD TO THE CHOICE OF LAW RULES OF SUCH STATE.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED SEPTEMBER 9, 2022.

MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 70020426

GRANTOR:

LRG 1689 MOLALLA LLC

By: Josh Amoroso
JOSHUA J AMOROSO, Manager of LRG 1689 MOLALLA LLC

LENDER:

STEARNS BANK NATIONAL ASSOCIATION

x
Authorized Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF _____)
) **SS**
COUNTY OF _____)

On this _____ day of _____, 20 _____, before me, the undersigned Notary Public, personally appeared **JOSHUA J AMOROSO, Manager of LRG 1689 MOLALLA LLC,** and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company

By _____ **Residing at** _____

Notary Public in and for the State of _____ **My commission expires** _____

PLEASE SEE ATTACHED
ACKNOWLEDGEMENT/JURAT
FROM NOTARY PUBLIC

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Mateo)

On 09/19/2022 before me; Manuel A. Corral, Notary Public
(Insert name and title of the officer)

personally appeared Joshua J. Amoroso,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

MANUEL A. CORRAL
COMM. # 2337238
NOTARY PUBLIC • CALIFORNIA
SAN MATEO COUNTY
Comm. Exp. NOV. 13, 2024
MGC1 MGC1

Signature _____ (Seal)

ATTACHED
EMENT/JURAT
RY PUBLIC

LENDER ACKNOWLEDGMENT

STATE OF Arizona)
) SS
COUNTY OF Maricopa)

On this 21st day of September, 20 22, before me, the undersigned Notary Public, personally appeared Daniel Sedillo and known to me to be the Vice President, authorized agent for **STEARNS BANK NATIONAL ASSOCIATION** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of **STEARNS BANK NATIONAL ASSOCIATION,** duly authorized by **STEARNS BANK NATIONAL ASSOCIATION** through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of **STEARNS BANK NATIONAL ASSOCIATION.**

By Barbara J. Young Residing at Scottsdale, AZ

Notary Public in and for the State of Arizona My commission expires July 31, 2023

Barbara J Young
Notary Public - Arizona
Maricopa County
Commission Number 568617
My Comm. Exp. 7/31/2023

Clackamas County Official Records
Sherry Hall, County Clerk

2022-058935

$108.00

02597170202200589350040040

11/14/2022 10:32:05 AM

M-TDMOD Cnt=1 Stn=74 LILLIE
$20.00 $16.00 $62.00 $10.00

CLACKAMAS COUNTY RECORDING DEPARTMENT CERTIFICATE PAGE

This page must be included if document is re-recorded.

Do Not remove from original document.

RECORDATION REQUESTED BY:
STEARNS BANK NATIONAL ASSOCIATION
ARIZONA OFFICE
4191 2ND ST S
ST. CLOUD , MN 56301

3R
4P

WHEN RECORDED MAIL TO:
STEARNS BANK NATIONAL ASSOCIATION
ARIZONA OFFICE
4191 2ND ST S
ST. CLOUD , MN 56301

SEND TAX NOTICES TO:
LRG 1689 MOLALLA LLC
2099 MT DIABLO BLVD STE 206
WALNUT CREEK, CA 94596

FOR RECORDER'S USE ONLY

MODIFICATION OF DEED OF TRUST

THIS MODIFICATION OF DEED OF TRUST dated OCTOBER 17, 2022, is made and executed between LRG 1689 MOLALLA LLC, whose address is 2099 MT DIABLO BLVD STE 206, WALNUT CREEK, CA 94596; A CALIFORNIA LIMITED LIABILITY COMPANY ("Grantor") and STEARNS BANK NATIONAL ASSOCIATION, whose address is ARIZONA OFFICE, 4191 2ND ST S, ST. CLOUD , MN 56301 ("Lender").

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated September 22, 2021 (the "Deed of Trust") which has been recorded in CLACKAMAS County, State of Oregon, as follows:

RECORDED ON SEPTEMBER 23, 2021 AS DOCUMENT #2021-086659, IN THE OFFICE OF THE CLACKAMAS COUNTY RECORDER, CLACKAMAS COUNTY, OREGON, AND ALL SUBSEQUENT MODIFICATIONS, RENEWALS AND EXTENSIONS THEREOF.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in CLACKAMAS County, State of Oregon:

See EXHIBIT A, which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 1689 MOLALLA AVE, OREGON CITY, OR 97045. The Real Property tax identification number is 00848024.

MODIFICATION. Lender and Grantor hereby modify the Deed of Trust as follows:

EXTEND MATURITY DATE TO JANUARY 22, 2023.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

COUNTERPART SIGNATURES. THIS DOCUMENT MAY BE SIGNED IN ANY NUMBER OF COUNTERPARTS ALL OF WHICH COMBINED SHALL BE CONSIDERED ONE AND THE SAME DOCUMENT.

ADDENDUM TO LOAN DOCUMENTS. THE ADDENDUM TO LOAN DOCUMENTS DATED OCTOBER 17, 2022 MODIFIES AND AMENDS THE PROMISSORY NOTE AND RELATED LOAN DOCUMENTS AS INDICATED HEREIN.

GOVERNING LAW – ENFORCEMENT OF LIENS. NOTWITHSTANDING THE PROVISION HEREIN TITLED "GOVERNING LAW," FEDERAL LAW, AND TO THE EXTENT NOT PREEMPTED BY FEDERAL LAW, THE LAWS OF THE STATE OF MINNESOTA SHALL GOVERN THE CONSTRUCTION, VALIDITY AND ENFORCEMENT OF THIS INSTRUMENT AND ALL OF THE OBLIGATIONS ARISING HEREUNDER, EXCEPT THAT THE CREATION, PERFECTION AND ENFORCEMENT OF THE LIENS AND SECURITY INTERESTS CREATED UNDER THIS INSTRUMENT (INCLUDING THE DETERMINATION, OBTAINING AND ENFORCEMENT OF DEFICIENCY JUDGMENTS) SHALL BE GOVERNED BY AND CONSTRUED ACCORDING TO THE LAWS OF THE STATE WHERE THE REAL PROPERTY IS LOCATED, WITHOUT REGARD TO THE CHOICE OF LAW RULES OF SUCH STATE.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED OCTOBER 17, 2022.

MODIFICATION OF DEED OF TRUST
(Continued)

Loan No: 70020426

GRANTOR:

LRG 1689 MOLALLA LLC

By: _____
JOSHUA J AMOROSO, Manager of LRG 1689 MOLALLA LLC

LENDER:

STEARNS BANK NATIONAL ASSOCIATION

X _____
Authorized Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF California)
) **SS**
COUNTY OF San mateo)

On this 19 day of Oct, 2022, before me, the undersigned Notary Public, personally appeared **JOSHUA J AMOROSO, Manager of LRG 1689 MOLALLA LLC,** and known to me to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

By _____ **Residing at** Redwood City, CA

Notary Public in and for the State of CA. **My commission expires** 08-14-2024

BHARAT P. PATEL
COMM. # 2331643
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
COMM. EXPIRES AUG 14, 2024

MGC1

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1:

A portion of the Samuel N. Vance Donation Land Claim No. 51 in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a brass disc located at the intersection of Oregon State Highway Department-State Route 213 and Clackamas County Market Road No. 11, said brass disc being the point of intersection of a 1° curve to the Southeast on said Highway 213 and Engineer's station 38+02.85; thence South 30°46'30" East 460 feet to a point; thence North 88°53'30" East 40.96 feet to a 5/8 inch iron rod on the Easterly right-of-way line of Oregon State Highway Department-State Route 213; thence South 30°46'30" East 350 feet along the Easterly right-of-way of the Oregon State Highway Department-State Route 213, or more commonly known as Molalla Avenue; thence North 59°13'30" East 5.0 feet to a point which is the true place of beginning of the tract herein described; thence North 59°13'30" East 182.5 feet; thence North 30°46'30" West, parallel with Molalla Avenue, 95 feet; thence North 88°28'18" West 91.69 feet; thence South 59°13'30" West 105 feet to a point which bears North 30°46'30" West from the true place of beginning; thence South 30°46'30" East 144 feet to the true place of beginning.

AS-SURVEYED DESCRIPTION:
COMMENCING AT THE INTERSECTION OF OREGON STATE HIGHWAY DEPARTMENT-STATE ROUTE 213 AND CLACKAMAS COUNTY MARKET ROAD NO. 11; THENCE SOUTH 28 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 460.00 FEET, MORE OR LESS; THENCE SOUTH 89 DEGREES 0 MINUTES 42 SECONDS EAST, A DISTANCE OF 40.96 FEET, MORE OR LESS; THENCE SOUTH 28 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 350.00 FEET, MORE OR LESS; THENCE NORTH 61 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 5.00 FEET, MORE OR LESS TO A 5/8 INCH REBAR WITH ILLEGIBLE CAP FOUND ON THE CURRENT, EASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY DEPARTMENT-STATE ROUTE 213, ALSO KNOWN AS MOLLALLA AVENUE, SAID REBAR MARKING THE NORTHWEST-MOST CORNER OF THE SUBJECT TRACT, AND THE POINT OF BEGINNING; THENCE CONTINUING WITH SAID RIGHT-OF-WAY LINE, SOUTH 28 DEGREES 44 MINUTES 27 SECONDS EAST, A DISTANCE OF 144.22 FEET, MORE OR LESS TO A 5/8 INCH REBAR WITH ILLEGIBLE CAP FOUND; THENCE LEAVING SAID RIGHT-OF-WAY LINE, NORTH 61 DEGREES 19 MINUTES 11 SECONDS EAST, A DISTANCE OF 182.53 FEET, MORE OR LESS; THENCE NORTH 28 DEGREES 45 MINUTES 17 SECONDS WEST, A DISTANCE OF 95.51 FEET, MORE OR LESS; THENCE NORTH 86 DEGREES 27 MINUTES 05 SECONDS WEST, A DISTANCE OF 91.33 FEET, MORE OR LESS TO A 5/8 INCH REBAR FOUND; THENCE SOUTH 61 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 105.30 FEET, MORE OR LESS TO THE POINT OF BEGINNING

Parcel 2:

An easement, as an appurtenance to Parcel 1 above, for vehicular access and parking as created by and defined in the Instrument recorded March 2, 1978, as No. 78 008633, Records of Clackamas County, Oregon, and upon the terms and provisions embodied therein.

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OREGON CITY

Community Development Department

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

Pre-Application Conference Notes
Pre-Application File #: PA-22-00053
Conference Date: November 1, 2022
Notes prepared by: Molly Gaughran

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

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at this phase. Notwithstanding any representations by City staff at a preapplication conference, Staff is not authorized to waive any requirements of the Oregon City Municipal Code, and any omission or failure by Staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement. Please contact staff within 10 days of receiving final pre-application notes if you have any concerns about the note or feel that they did not accurately reflect the content of the meeting.

Applicant's Questions:
- *Review planning approval process and timing?*
- *Application req's for this type of project?*
- *Building approval process and timing?*
- *Are the site plan and elevations acceptable to move forward?*
- *Can we get a separate demo and grading permit?*
- *Can we go in concurrently?*
- *Any information that the city has in terms of water, sewer?*
- *Any requirements for storm drain?*
- *Can we just connect to existing?*
- *Any requirements on landscaping?*
- *Can we go without a trash enclosure?*

General Information:
- Location: 1689 Molalla Ave
  Clackamas County Map 3-2E-05D, tax lot -01205
- Zoning: "C" General Commercial
- Proposed Development: Demolition of the existing building, sidewalks, curbs, and asphalt, construction of a new 3,445 sq ft. Chase Bank branch building, including interior tenant improvements with drive-up ATM. Construction of new site improvements onsite, including new landscaping and re-connecting utilities.
- Applicable overlay districts: High Water Table Area
- Applications anticipated:
  - Site Plan and Design Review (*OCMC 17.62*)
  - Variance for building orientation and entrance (*OCMC 17.62.55.E.; OCMC 17.62.55.M.3.a*)
  - Planning Commission adjustment of parking standards (*OCMC 17.52.015*)

Previous Approvals:
If you wish to obtain copies of the application materials or staff reports, we can provide you with PDF copies. Note that our code may have changed since these applications were approved.
- SP 19-00024 Site Plan and Design Review
- ZCL-21-00009 Zoning Confirmation Letter

Review Process:
The Site Plan and Design Review is a **Type II** application. Type II decisions are based on the code approval criteria and require limited discretion by Community Development staff. Type II decisions are rendered by the Community Development Director, with appeal on the record to the City Commission, and then onto LUBA.

The Planning Commission Variance is a **Type III** application. Type III decisions include a staff recommendation and a decision by our 7-member Planning Commission, with appeal on the record to the City Commission, and then onto LUBA.

The applicant has **180 days** from the date of submittal to have a complete application. Upon a complete application submittal, the applicant is entitled to a decision from the city for approval, approval with conditions or denial within **120 days** of deeming the application complete, by state law.

Approval Criteria:
Chapter 17.32 – General Commercial District
- Maximum building height: Sixty feet.
- Minimum required setbacks: None.
- Maximum required setbacks: The minimum front setback is zero feet, and the maximum front setback is five feet.
- Maximum lot coverage of the building and parking lot: Eighty-five percent.
- Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

Chapter 17.62 – Site Plan and Design Review
General Standards (17.62.050)
- Note Pedestrian Circulation requirements in Chapter 17.62.050.C.
    - Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required. The public sidewalk may serve this purpose for this project.
    - Pathways between the street and buildings fronting on the street shall be direct.
- Note building materials requirements in Chapter 17.62.050.H.
- Mechanical equipment should be screened per Chapter 17.62.050.G. (rooftop and ground mounted).

Institutional, office, multi-family, retail, and commercial building standards (17.62.055):
- At least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line.
    - A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the applicable list (17.62.055.D.) for every five feet of increased setback requested.
- Building orientation and a primary entrance must face the street.

- The most architecturally significant façade must face the street.
- Variation in massing is required per Chapter 17.62.055.H.
- Note wall articulation and modulation requirements:
  - 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
  - Street-facing facades shall include additional design features. For every thirty feet of façade length, three elements are required (see full list in 17.62.055.H.2.).
  - The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet
- Note window transparency requirements.
  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%

Other Sections

- Refuse and recycling enclosure standards required (OCMC Section 17.62.085).
- Outdoor lighting (OCMC Section 17.62.065). A photometric demonstrating compliance with lighting standards is required.

Chapter 17.52 – Off-Street Parking and Loading

- You must show compliance with the minimum and maximum parking ratio for the proposed use.
- Vehicular parking
  - Must be behind or to the side of buildings
  - The project qualifies for a 10% reduction in the minimum number of spaces due to proximity to transit
  - Up to 35% of spaces may be compact spaces
  - Parking ratios:

Use	**Minimum # Parking spaces**	**Maximum # Parking spaces**
Retail	4.1 per thousand sf	5 per thousand sf
Office	2.70 “ ”	3.33 “ ”

- Bicycle Parking
  - City code requires 1 bike parking spot per 20 auto spaces for commercial uses, but at least a minimum of 2. 50% of spaces are required to be covered.
  - Note bicycle parking location requirements in 17.52.040.
- Parking Lot Landscaping (required for new or re-designed parking lots)

- At least 45 sq ft of the interior of the parking lot must be landscaped per parking stall proposed, e.g., 24 stalls × 45 square feet = 1,080 square feet of interior parking lot landscaping.
- Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties.
- Building buffer landscaping is required (5 feet wide, or widen sidewalk to 7 feet and add tree wells).
- A landscape strip island is required between every 8 contiguous parking spaces.
- The applicant may propose an alternative landscaping plan/LID solution for the parking lots, in which case dimensional landscaping standards may be altered.
- Note that Chapter 17.52.015 contains the standards for Planning Commission adjustments to parking requirements.

Chapter 17.41 – Tree Protection Standards

- If any trees are proposed to be removed, a tree plan is required which indicates the location of all trees on the site with a diameter of 6" DBH or greater. The applicant may select one or more of four options for how trees will be protected, removed, and/or mitigated if removed from the site.
- Trees that are dead/diseased/dying/hazardous as determined by an arborist are exempt from mitigation requirements.
- Tree protection during construction is required per 17.41.130.

Neighborhood Meeting:
A neighborhood association meeting is required for major Site Plan and Design Review applications. The proposed development is within the Hillendale Neighborhood Association.

Please include the Citizen Involvement Committee Chair, Bob La Salle, in any Neighborhood Association meeting requests, notifications or correspondence. Bob can be reached at jeanbob06@comcast.net.

Variance:
A variance to the buildings orientation and entrance facing the transit street requires a Variance (OCMC 17.60), subject to a Type III Variance process. According to procedures set forth in OCMC 17.60.030, the planning commission may authorize variances. In granting a variance, the planning commission may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Renderings are highly encouraged when applications will be reviewed by the Planning Commission.

Planning Commission Adjustment of Parking Standards:
A Planning Commission adjustment of parking standards is required if the applicant is requesting more than the maximum number of permitted parking stalls. Please note, the code is based on adjustments for parking reductions. The inverse would be required for an increase in parking.

Other Notes:

- Notice of the proposed development will be provided to the State Historic Preservation Office (SHPO) and affected tribes.
- Signs are reviewed through a separate Type I process.

Applications Anticipated and Fees:

- Planning application anticipated:
  - Site Plan and Design Review (based on construction cost).

Project Cost	Fee
Less than $500,000	$2,416 plus 0.007 x project cost
$500,000 to $3,000,000	$4,026 plus 0.005 x project cost
Over $3,000,000	$13691 plus 0.003 x project cost
Maximum Site Plan and Design Review Fee	$64,221

  - Mailing Labels: $18 or provided by applicant
  - Type III Variance: $2,917
  - Parking Adjustment: $1,109
  - Transportation Analysis: See Development Services notes.
  - 2022 Planning Fee Schedule

Incomplete Applications

Please note that the city charges an additional fee of $325 for incomplete applications after the first incompleteness review.

Re-notice of application

Applicants who need to re-notice an application will be charged $677.00 for each re-notice.

Code Changes

The Oregon City Municipal Code may be found at https://library.municode.com/or/oregon_city/codes/municipal_code?nodeId=TIT17ZO. Please note that the Municipal Code online has not yet been updated to reflect all adopted changes. Recent adjustments may be found at https://www.orcity.org/planning/leg-22-01-housing-choices-code-update-adopted-code.

Applications, Checklists and Links:

- Land Use Application
- Site Plan and Design Review Construction Cost Form
- Site Plan and Design Review Checklist
- Oregon City Municipal Code
- Type III Variance Application
- Variance Checklist

Planning Division

Molly Gaughran, Assistant Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Molly at 503-496-1543 or mgaughran@oregoncity.org.

Development Services Division

Sang Pau, Development Project Engineer with the Oregon City Development Services Division reviewed your pre-application. You may contact Sang at 971-204-4629 or spau@orcity.org.

Building Division:

You may contact Jim Sayers at 503.496.1517 or by email at jsayers@orcity.org. Comments are to be shared at the conference and reiterated in the final notes.

Clackamas Fire District:
Comments from Clackamas Fire District are included with these notes. Questions can be directed to Mike Boumann, Captain Deputy Fire Marshal of Clackamas Fire District #1. You may contact Mr. Boumann at 503-742-2673 or mike.boumann@clackamasfire.com.

Oregon City Municipal Code Criteria:
The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:
OCMC 12.04 - Streets, Sidewalks and Public Places
OCMC 12.08 - Public and Street Trees
OCMC 13.12 – Stormwater Management
OCMC 15.48 – Grading, Filling and Excavating
OCMC 17.32 – General Commercial District
OCMC 17.40 – Historic Overlay
OCMC 17.41- Tree Protection Standards
OCMC 17.50 – Administrative Processes
OCMC 17.52 – Off-Street parking and Loading
OCMC 17.60 -- Variances
OCMC 17.62 – Site Plan and Design Review
A template for your submittal with the applicable criteria will be emailed to you by the City.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:
A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.
B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

OREGON CITY

Public Works – Development Services

13895 Fir Street| Oregon City OR 97045
Ph (503) 657-0891

DEVELOPMENT SERVICES
PRE-APPLICATION MEETING NOTES

Planning Project Number:	PA 22-53
Address:	1689 Molalla Ave
Map Number(s):	3-2E-05D
Tax Lot(s):	01205
Project Name:	Chase Bank on Molalla Ave
Meeting Date:	November 1, 2022
Reviewer(s):	Sang Pau | spau@orcity.org |971-204-4629

Public Disclosure:
The information provided shows the possible impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code 17.50.050). Omissions or failures by staff to recite all relevant applicable land use requirements to an applicant may occur, either as a result of a limited pre-application submittal or staff's interpretation of the codes at that time.

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at the pre-application conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of the Oregon City Municipal Code, and any omission or failure by staff to recite all relevant or applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

General Comments

1. A complete land use application will typically include a preliminary stormwater report and preliminary construction plans showing all required improvements (E.G., roads, sidewalks, sewer, water, stormwater facilities, grading, and erosion control). The application should also include a narrative responding to all sections of the Oregon City Municipal Code (OCMC) applicable to the proposed development. See provided checklists at https://www.orcity.org/publicworks/engineering-development-services-checklists

2. The City will issue a Staff Report in response to the contents of the application package provided by the applicant. Once a Staff Report is issued, staff strongly encourages a pre-design meeting with the project engineer to discuss plan requirements, conditions of approval, and process.

3. Conditions of approval contained in the Staff Report will dictate what is needed after the land use decision is issued (providing the appropriate documents E.G., construction plans, reports, etc.).

4. The applicant will be required to sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties.

5. The contractor for the applicant will be required to attend a pre-construction meeting prior to any work beginning onsite.

6. All public improvements must be bonded with a 120% performance bond prior to the beginning of construction. Public improvements are defined as public utility extensions and roadway improvements within existing right-of-way. Public improvements may also be on private property in certain circumstances. This bond is released at the end of the construction period assuming everything is constructed as agreed upon.

7. All newly constructed public improvements shall be maintained for a two-year period following their acceptance of construction with a 15% maintenance bond. Newly constructed public improvements consist of those improvements within existing right of way and those that were constructed on private land to be deeded for City ownership following approval of a plat. This bond is released at the end of the maintenance period (typically 2 years).

8. PLEASE NOTE: A project will NOT be recommended for occupancy by Public Works to the Building Division until all public improvements are accepted by the Public Works Department.

9. PLEASE NOTE: Once the land use decision is made, permits need to be sought to be able to start construction. This process may take many months after the land use decision is made. The applicant will need to submit separately to Public Works/Engineering and Building.

10. PLEASE NOTE: **All** permits from Public Works, including an erosion control permit, must be obtained prior to any work beginning on the site and in the right-of-way (ROW).

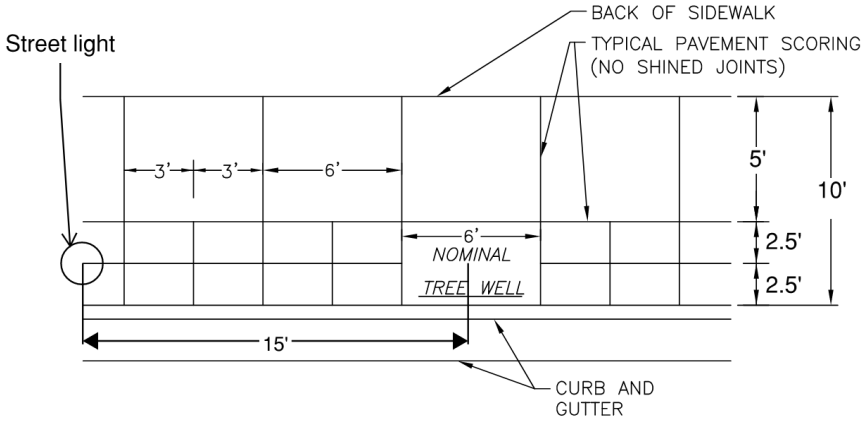
Streets

1. Molalla Avenue is functionally classified as a "Major Arterial" road and the development property is zoned "Commercial". Molalla Avenue roadway and its west side was improved in 2021 so the existing roadway does not require additional improvements. Only pedestrian improvements (sidewalk, landscaping, etc.) are required along the property frontage (see below).

Frontage improvements required along Molalla Avenue.

Road Classification	Zoning	Public Access	Sidewalk	Landscape Strip & Curb
Major Arterial	Commercial	0.5'	10'	0.5' (5'x5' tree wells within sidewalk)

Frontage improvements will likely resemble the following:



The existing ROW appears to have adequate space for required sidewalk improvements but if it does not, additional ROW dedication shall be provided.

2. One street tree is required for every thirty-five feet of property frontage.

3. The proposal provided with the pre-application submittal has not conceptually provided the required street improvements.

4. The development will be required to provide a 10-foot-wide Public Utility Easement (PUE) along all property lines fronting existing or proposed ROW. The PUE may be reduced to 5 feet if there is conflict with maximum setback required by zoning code.

5. Street lighting along the frontage of the development appears to be inadequate. The applicant shall submit a photometric plan and include additional streetlights, as required, or show that the existing streetlighting meets standards from the Illuminating Engineering Society of North America (IESNA) ANSI RP-8-14 Roadway Lighting book. The materials for new streetlights must be from the latest PGE approved material list. For energizing of streetlights and to obtain the latest PGE approved material list, contact the following PGE Outdoor Lighting Services Department Design Project Managers.

Lisa Guarnero (Primary)	Jeff Steigleder (Back-Up)
(503) 742-8299	(503) 672-5462
Lisa.guarnero@pgn.com	Jeffery.Steigleder@pgn.com

6. City owned decorative street lighting will be required along the frontage of the development. The lighting analysis should reflect use of this type of light.

7. **Any deviations from standards required within Table 16.12.016 of the Oregon City Municipal Code, such as elimination of typical street components, or reduction to the size of these components (drive lanes, sidewalks, bike lanes, landscaping, ROW dedication, etc.), requires a written request through the modification process outlined in Section 16.12.013 of the Oregon City Municipal Code. Proposed modifications may require additional evidence and analysis for review.**

Stormwater

1. The site is currently served by an 8-inch privately owned & maintained on-site stormwater main located on the north side of the site**.**

2. Projects within the General Thresholds (Section 1.2.1) of the Stormwater and Grading Design Standard are subject to the requirements of the City's Stormwater and Grading Design Standards. The project, as described in the Pre-Application submittal, appears to trigger Part A (see below) of the General Thresholds.
   A. Development activities that result in 5,000 square feet of new or replaced impervious surface, cumulative over a 5-year period.

B. Development activities that will result in the **creation of more than 500 square feet of new impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), cumulative over a 5-year period.

C. Development activities that will **disturb 1,000 square feet of existing impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), cumulative over a 5-year period.

New or replaced impervious surface, includes surfaces associated with required frontage improvements.
The Oregon City Stormwater and Grading Design Standards can be found online at: https://www.orcity.org/publicworks/stormwater-and-grading-design-standards.

3. Where compliance with the Stormwater and Grading Design Standards is required, applicants must submit a completed Site Assessment and Planning Checklist (and other items as described in Section 9.1.1 of the Stormwater and Grading Design Standards) as part of the land use application review process. At a minimum, to receive Completeness Approval, the applicant should submit a preliminary stormwater report addressing the following items from Section 9.1.1 of the City's Stormwater and Grading Design Standards.
   A. Stormwater management strategy
   B. A site plan showing an adequately sized stormwater facility based on Stormwater Best Management Practices (BMP) Sizing Tool or sized using the Engineered Method (as defined by City's Stormwater and Grading Design Standards).
   C. A geotechnical report or a Natural Resource Conservation Service (NRCS) soils report documenting onsite infiltration and soil conditions in support of a proposed stormwater management strategy.
   D. Downstream analysis which extends to the distance where the project site contributes less than 15 percent of the cumulative tributary drainage area or 1,500 feet downstream of the approved point of discharge, whichever is greater, as required by Chapter 5 of the Stormwater and Grading Design Standards.

4. The proposal provided with the pre-application submittal has not conceptually provided the required stormwater improvements. Impervious area reduction methods, such as pervious pavement or green roofs, will need to be employed if the project is to stay under stormwater management thresholds. Regardless of the method utilized, the project will be required to connect to an approved stormwater discharge pipe since full infiltration will likely not be possible.

Water

1. The site is currently served from the privately owned & maintained on-site water main within the Southridge Center. The Molalla Avenue Project installed 1-inch service line & meter box at the planter strip on the southwest side of the building. The existing building plumbing was set up for the water to come from the northeast; currently, the building does not utilize the newer 1-inch service

line. With a full rebuild of the site, the developer must use the 1-inch service line coming from Molalla Avenue. The development may be allowed to move the existing meter to the new water service location if it is in good condition and compatible with the new meter stop. The development will not have to pay new Water SDC unless a larger meter is needed.

2. The proposal provided with the pre-application submittal has not conceptually provided the required water infrastructure improvements.

Sanitary Sewer

1. The site is currently served by an 8-inch privately owned & maintained on-site sanitary sewer main within the Southridge Center.

Transportation

1. If the proposed land use, operations and building size are the same, no traffic analysis is needed.

Occupancy

1. Development Services will not recommend final occupancy of the building until construction of public improvements and private stormwater management facilities is completed with all construction punchlist items addressed and all required documents are provided.

Other

1. Access and Water Supply Plan Review by Clackamas County Fire District No.1 is required. Following instruction found at https://clackamasfire.com/access-and-water-supply-plan-review-submittal/.

2. All public improvements and stormwater management facilities will need inspection by the applicant's civil engineer. The City only provides inspection oversight.

3. The proposed development resides within a high water table area. If the high-water table is part of a larger groundwater system rather than perched water, there may be addition requirements for the design of infiltration stormwater facilities.

Supplemental Information:

I. Documentation required before any construction plan review can begin by Public Works (which is after a land use decision has been made):

   A. Complete Engineering Plans (Public Improvements, all stormwater facilities, site grading and erosion control)
   B. Preliminary Cost Estimate for construction of Public Improvements, all stormwater facilities, site grading and erosion control.
   C. Plan Review Fee
   D. Complete Storm Water Report and Site Assessment and Planning Checklist

II. Documentation required before any construction plan can be deemed approved by Public Works (to be able to start construction or obtain a building permit):

a. Inspection Fee
b. Final Cost Estimate of Public Improvements
c. Approved Engineering Plan stamped and signed by an Oregon Professional Engineer
d. Approved Storm Water Report stamped and signed by an Oregon Professional Engineer
e. 120% Performance Bond
f. Developer/Engineer Agreement
g. Non-Remonstrance Agreement
h. R.O.W. Dedication / Deed of Dedication
i. PGE approved street light plan
j. Fee-in-lieu

III. Documentation required before Public Works will recommend Certificate of Occupancy:

a. Engineer of Record Certificate of Completion
b. Completed Punchlist
c. 15% Warranty Guarantee
d. Recorded Easements
e. Private storm facilities - Maintenance Covenant and Access Easement

IV. Possible Fees

a. Plan Review Fee
b. Inspection Fee
c. Erosion Control Fee
d. Engineering Fee Schedule: https://www.orcity.org/sites/default/files/fileattachments/public_works/page/4532/exhibit_a_-_engineering_fees_rev_2-2-22.pdf
e. New water meter fee

Note: These listed fees were most current at the time of this pre-application meeting. Additional fees may apply beyond the pre-application meeting.

Clackamas Fire District #1

Pre-Application Comments:

To: Molly Gaurghran, Assistant Planner, City of Oregon City

From: Mike Boumann**,** Captain Deputy Fire Marshal, Clackamas Fire District #1

Date: **11/1/2022**

Re: **PA-22-00053, Chase Bank at 1689 Molalla Avenue, Oregon City, 97045**

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

1) A Fire Access and Water Supply plan for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, type of construction, and shall provide fire flow tests per NFPA 291 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. Submit PDF directly to the Clackamas Fire District website at clackamasfire.com once complete. Call with any questions regarding design requirements 503-742-2673.

2) Provide address numbering that is clearly visible from the street.
3) Fire hydrant location at street frontage meets Oregon Fire Code.
4) The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.
5) Please see our design guide at: https://clackamasfire.com/fire-prevention/new-construction-resources/
6) If you have questions please contact Clackamas Fire District @503-742-2673 or email at mike.boumann@clackamasfire.com

CITY OF OREGON CITY

Staff Report

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

To: Planning Commission **Agenda Date:** 05/22/2023

From: Administrative Assistant Kay Neumann

SUBJECT:

Planning Commission Minutes Approval

STAFF RECOMMENDATION:

Staff recommends Planning Commission approve the meeting minutes listed below and attached for your review.

BACKGROUND:

Please find multiple meeting minutes attached for review to be approved at the next meeting.

The City Recorder's office conducted an audit of all minutes for the City's public meetings and found there were a large number of minutes that were not drafted, were drafted but not approved, or were posted on-line and not approved. The City Recorder used the audit to create a tracking log of the disposition of each meeting. Based on this information staff will include minutes from previous meetings on each agenda until all drafted minutes are approved.

Minutes in this packet include:

1. 8/23/2004
2. 3/28/2016
3. 4/11/2016
4. 1/13/2020
5. 1/27/2020
6. 2/10/2020
7. 2/24/2020
8. 3/9/2020
9. 6/8/2020
10. 6/22/2020
11. 12/14/2020

NOTE: These can all be approved as a single motion and do not need to be approved individually. There will be additional sessions with multiple meeting minutes. The City is in the process of devising a plan to fill in the many meetings where minutes have not yet been transcribed.

MINUTES
AUGUST 23, 2004

PLANNING COMMISSION
City of Oregon City

1. Call to Order and Roll Call

Chair Linda Carter called the meeting to order at 7:00 p.m.

Commissioners Present: Chair Linda Carter; Vice Chair Dan Lajoie, Commissioners Renate Mengelberg, Tim Powell, and Linda Orzen

Staff Present: Tony Konkol, Associate Planner

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA – None.

3. APPROVAL OF MINUTES – None.

4. HEARINGS

a. **ZC 04-03 *(Quasi-Judicial Hearing)*,** Applicant: Paul Reeder, Requesting approval of a Zone Change from R-6/MH Single-Family to R-8 Single-Family on a parcel identified as Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The site is located at 18879 Rose Road.

PD 04-02 *(Quasi-Judicial Hearing)*, Applicant: Paul Reeder, Requesting approval of a 67-unit Planned Unit Development. The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

WR 04-12 *(Quasi-Judicial Hearing)*, Applicant: Paul Reeder, Requesting a Water Resource determination and mitigation plan approval in association with a Planned Unit Development application (PD 04-02). The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

Vice Chair Dan Lajoie read the standard hearing procedures for a quasi-judicial hearing.

Tony Konkol, Associate Planner, explained that tonight's request was to continue this item to September 13, 2004. Another continuance would be requested on September 13th due to a scheduling conflict with the applicant and the applicant's attorney. A continuance to September 27, 2004 would be requested on September 13th.

Motion by Commissioner Tim Powell, second by Commissioner Renate Mengelberg, to continue the hearing for ZC 04-03, PD 04-02, and WR 04-12 to September 13, 2004. The motion passed with the following vote:

Aye: Carter, Lajoie, Orzen, Powell, Mengelberg

d. **L 03-01 *(Legislative*),** Applicant: The City of Oregon City, Requesting adoption by ordinance of Revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinances and Zoning Map that were adopted May 19th, 2004 per Ordinance Number 03-1014.

Tony Konkol, Associate Planner, stated this item was a review of Ordinance No. 03-1014 that was adopted last year. Section VII of the adopted ordinance required that the Planning Commission hold a hearing on August 23, 2004 to take testimony and evidence on the Comprehensive Plan to consider possible revisions and refinements to what was adopted. Staff prepared proposed changes to Chapter II, Land Use and the Comprehensive Plan, Chapter X, Housing and the Comprehensive Plan, Chapter XVI and XII, which were the minimum improvements and designs for subdivisions, and chapters within Chapter XVI. Regarding the Comprehensive Plan zoning maps, staff proposed that R10 areas be changed to R8 because several of these parcels were in the island annexation. The proposed changes would provide consistency with the remainder of the City and with the R8 lots surrounding the neighborhood. He explained that further proposed changes were near Glen Oak Road that had the Comprehensive Plan designation of industrial. Staff proposed changing the properties in this area from the current County FU10 zoning to city campus industrial. He explained several housekeeping-type split zone changes in the downtown area where staff proposed to clean up the zoning. Mr. Konkol stated that Dan Fowler requested changes to zoning at property located at 14th and Jefferson from R3.5 to mixed-use downtown. Staff recommended approval of Mr. Fowler's request. He stated that Ryan Smith requested rezoning for 615 McLoughlin Blvd. from low density residential to mixed-use corridor and that the zoning be changed from R6 to historic commercial, as the property was a split zone where the front portion of the property was zoned historic commercial and the rear portion was zoned R6. Staff recommended approval of Mr. Smith's request. Mr. Konkol added there were two other properties in Canemah with split zones, an outright permitted use, and staff recommended approval of the Canemah rezone changes. Mr. Konkol stated that Rocky Younger requested that the properties east of Molalla and north of Beavercreek Road be rezoned from mixed-use corridor to commercial and the zoning be changed from mixed-use corridor 2 to general commercial. He stated that staff did not recommend changing the property as Mr. Younger requested.

Mr. Konkol read the code requirements and plan implementation process for changes to the Comprehensive Plan from Chapter 17.68. He stated that the proposed changes were consistent with the Comprehensive Plan and would not have a negative impact on the City's ability to deliver services. He added that consistency with the statewide planning goals was met with compliance with the City's Comprehensive Plan, which implemented the statewide planning goals. He distributed 3 letters and entered them into the record:

- Exhibit A - a 9-page letter August 20, 2004 from Mr. Crisp
- Exhibit B – a 1-page letter dated August 20, 2004 from Ms. McGinnes
- Exhibit C – a 4-page letter dated August 23, 2004 from Ms. Cofield

Mr. Konkol stated that staff recommended that the hearing be continued to October 11, 2004 to address concerns and complete wording related to the garage standards. He added that the split zone identified on Clackamas River Drive was recommended to be left as split until it was determined what was needed on Clackamas River Drive.

Chair Carter opened the public hearing.

Joan Mitchell, 393 Warner Parrott Road, Oregon City, entered a letter into the record identified as Exhibit D. She stated she desired to construct an additional single-family dwelling behind the current structure and asked what type of zoning was required. Mr. Konkol stated that staff was proposing to change the zoning to R10, as that was what the surrounding area was zoned. He added that her lot was a split zone, partially R10 and partially R3.5, but the allowed size of structure was smaller than Ms. Mitchell desired. Ms. Mitchell stated she would bring documentation describing her request to the October 11, 2004 meeting.

Marjorie Hughes, 12821 S. Marysville Lane, Oregon City, a broker representing homebuilders, submitted testimony identified as Exhibit E. Regarding the proposed garage standards, she asked that the changes be considered to prevent 3-car garages from being required and asked for the reasons why the homebuilders were being asked to change their plans.

Dan Berg, 20122 S. Molalla Avenue, Oregon City, submitted two letters identified as Exhibit F and G for the Commission to consider at the next meeting.

Ernie Platt, representing the Homebuilders Association, commented on the garage standards, stated that homebuilders prefer there not be design standards on single family homes. He felt there was good progress being made during the discussions on the standards, and he asked for additional time to hone the standards and design criteria and to find alternatives to the garages.

Tam Seashultz, 14450 S. Holcomb Blvd., Oregon City, stated she moved to Oregon City to start a farming business, and she confirmed prior to the move that the zoning was appropriate for the business. She expended resources and energy to get the business going and then learned that the zoning had changed. She requested that farming be included in the permitted uses, Clause D, and that there be further public discussion on the farming use before the revisions were finalized.

Mr. Konkol entered Exhibit H into the record.

Jackie Hammond-Williams, 14422 S. Holcomb Blvd., Oregon City, expressed concern for the zoning change due to her current and future plans for farming on her property. She requested that public discussion be held before the Planning Commission to hear from the public on the matter. She asked why she had not been notified of the proposed changes. Chair Carter replied that letters had been sent to all affected property owners of the proposed changes; however, the Planning Commission would consider Ms. Hammond-Williams' comments and others related to the zoning as the record was not closed.

Mr. Konkol clarified that farms were removed as a permitted use in R6 single family zones. Ms. Hammond-Williams added that the exclusion included truck farming, where the goods were removed from the site and sold elsewhere. He entered into the record Chapter 17, R8 District Standards under the old code. Commissioner Powell clarified that existing farms would be grandfathered in, but new farms would not.

Mark Saxe, 538 Holmes Lane, Oregon City, stated he owned the business Clackamas Towing, with one location for storage of vehicles on 2nd Street in Oregon City. He verified the zoning at that location and learned that the storage use was not permitted. He stated the building did not have visual access to the stored vehicles and was not used on a frequent basis. He was told that a conditional use permit could be obtained if there had been continual use of the business type since 1980. He stated the past records were not available, and he testified that the business was low impact and the surrounding residences preferred the business remain in place. Mr. Konkol stated that staff would need to meet with Mr. Saxe to learn more about his

business practices and locations. Chair Carter added there were too many misconceptions that needed clarification.

Lisa Peterson, 19450 S. Falcon Dr., Oregon City, requested a continuance of the hearing so she and her neighbors could obtain more information about the zoning changes from R10 to R8 and how it would affect them.

Carol Brandon, 19430 S. Falcon Dr., Oregon City, stated she received the letter last Thursday and there had not been time to consider the impacts. She requested a continuance of the hearing.

Roger Shirley, 13635 NW Cornell, Portland, Oregon, owner of the Oregon City Shopping Center, was present. He stated he bought the center in 1998 and spent over $1M in renovations in the last few years and obtained 98% occupancy. He was concerned that the shopping center was included in the rezoning, and explained the potential loss of tenants due to the impact of the rezone. He asked whether the Commission felt the Oregon City Shopping Center fit with the definition of mixed-use downtown, and he read the description into the record. He did not believe the shopping center fit the description. He felt the zoning would inhibit the shopping center's ability to redevelop in the future, and he was willing to meet with the City to discuss something other than mixed-use downtown.

Jim Gum, 19421 S. Falcon Dr., asked if the citizens who spoke this evening would have input at the next meeting on this subject. Chair Carter explained the hearing on October 11th was a public hearing and citizen comment would be permitted.

Mr. Konkol stated the record was still open, and he requested that the public's written comments be received by October 4th, but it was not required that their comments be submitted in advance. Testimony would also be received at the meeting on October 11th.

Motion by Commissioner Tim Powell, second by Commissioner Renate Mengelberg, to continue the public hearing to October 11, 2004. The motion passed with the following vote:

Aye: Carter, Lajoie, Orzen, Powell, Mengelberg

Chair Carter asked Mr. Konkol for an update on the LUBA appeal on the comprehensive plan. Mr. Konkol replied the City filed its record with LUBA. The appellant had 21 days to review it and then they submitted 14 objections to the record. Staff worked with the appellant and developed a supplemental record that they believe addressed all the objections raised. The appellant had 14 days to review the supplemental record and 21 days to file their brief. Then, the City would have 21 days to respond before going to LUBA. He stated the LUBA hearing would likely be in the fall unless resolution was reached before that time. He stated that a work session on this topic would be held on Sept. 1, 2004 and, if needed, on Sept. 15, 2004.

Commissioner Powell requested a work session agenda item to discuss pop-up buildings that were being seen more in the City. Mr. Konkol said he would add the item to a future work session.

Mr. Konkol referred to the item on Jennifer's Planning and Development that had been continued. He forwarded the comments received as new evidence, and he was awaiting the rebuttal. Once the rebuttal was received, he would enter it into the record at the special hearing next Monday.

5. Adjournment

Chair Carter adjourned the meeting at approximately 8:15 p.m.

Respectfully Submitted:

_____

Kattie Riggs, City Recorder

DRAFT

City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, March 28, 2016 | **7:00 PM** | **Commission Chambers**

1. Call to Order

Chair Kidwell called the meeting to order at 7 PM.

Present: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 1 - Zachary Henkin

Staffers: 2 - Kelly Reid and Laura Terway

2. Work Session

2a. 16-190 Type I Site Plan and Design Review

Kelly Reid, Planner, said there was an IGA with Metro that sent her three days a week to work on the Willamette Falls Legacy Project and she was no longer doing any land use applications. The Planning Division had been working on a streamlining effort and had drafted some code amendments to modify processes for some types of applications. She explained the four levels of land use review. The Type 1 review process was a staff level approval and usually took 1 day to 2 weeks and she explained the review process. The Type 2 review process has a pre-application conference and completeness review could take up to 30 days. These were staff decisions, but could be appealed to the City Commission. The minor site plan review process could also take up to 30 days and was also a staff decision with appeal to the City Commission. For small projects such as facade improvements and small building additions, the community did not gain anything using the Type 2 process. Public comment did not make a difference for whether or not these applications met the criteria and sending out notices for public comment gave people a false sense that they would have an impact on the outcome when the standards were clear and objective. It was also a more expensive process, and staff was recommending making it a shorter and simpler process. She gave examples of projects from over the past three years that went through the Type 2 process that would qualify for Type 1 review if the amendments were to take place. She then reviewed the application form for Type 1 and discussed the types of applications that could fall into this category, such as facade improvements and small additions.

There was discussion regarding buildings in the historic district and the criteria for Type 1 approvals.

Ms. Reid said they had the ability to raise any application to a Type 2 level at the discretion of the Community Development Director.

Commissioner Espe would like to see design standards for certain areas in the City. Commissioner Mabee said there were historic buildings, not only in downtown or in the historic overlay, and those needed to be identified. Ms. Reid clarified if the

building was in a historic overlay zone, it would disqualify it from Type 1. Commissioner Mahoney said the process needed to be simple, reliable, and have certainty.

Ms. Reid listed the applications that would not be applicable to a Type 1 process. They could clarify on the applicability section those applications that required Type 2 review included historical districts, conditional uses, etc. There was a property zoning report that showed a summary of properties and staff could see if they could add potential historic significance on the form.

Ms. Reid would be taking these changes to other groups for feedback and would come back to the Planning Commission for a legislative approval.

Steven Foster, architect in West Linn, was there that night to listen and learn.

2b. 16-191 Explanation of Mobile Vending, Food Carts and Food Trucks

Laura Terway, Planner, reviewed the current standards for mobile vending, food carts, and food trucks. These types of uses were allowed in an outdoor market, Willamette Falls/Downtown District, or special event. She explained in the code, the building orientation needed to have the entrance face the street, and a lot of times food carts wanted to face the parking lot. This was for information only, no code changes were proposed at this time.

There was discussion regarding scenarios where food carts would and would not be allowed and the application process.

Commissioner Geil thought the current code seemed too restrictive and discouraged food carts.

Commissioner McGriff thought when the time was right they should look at allowing food carts in certain zones, creating siting standards, and finding out what did other jurisdictions did.

Ms. Reid said there was a Willamette Falls Legacy Project Open House on March 30 to begin the community engagement for the Riverwalk.

Ms. Terway said the next Planning Commission Work Session would be with the Transportation Advisory Committee on April 11. She explained what would be discussed at the Work Session.

Ms. Terway said the City was looking into marijuana regulations if marijuana was allowed in Oregon City, where it could be sold, manufactured, and grown. There were OLCC requirements and legal requirements, but did they want additional requirements in the City. A web site had been created to get public input on this issue. There would be three polls on the website as well as two open houses. There would be a Planning Commission hearing in June/July and City Commission hearing in August. She explained what questions would be asked on the polls and the responses that had been received so far.

3. Approval of January 11, 2016 Minutes

16-192

Commissioner McGriff wanted an amendment to the minutes on page 8, after Chair

Kidwell closed the public hearing. Her comment was that someone from the public raised the issue that Goal 1 had not been met by the application. However, Commissioner McGriff thought the applicant had more than adequately met Statewide Planning Goal 1 and Renee King went out of her way to schedule meetings with the McLoughlin Neighborhood Association. The allegation that was made was not correct.

A motion was made by Commissioner McGriff, seconded by Commissioner Espe, to approve the January 11, 2016 minutes as amended. The motion carried by the following vote:

Aye: 5 - Charles Kidwell, Tom Geil, Robert Mahoney, Paul Espe and Denyse McGriff

Abstain: 1 - Damon Mabee

4. Communications

5. Adjournment

Chair Kidwell adjourned the meeting at 8:56 PM.

City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, April 11, 2016 | **7:00 PM** | **Commission Chambers**

Joint Work Session with the Transportation Advisory Committee

1. Call to Order

Chair Kidwell called the meeting to order at 7 PM.

Present: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Staffers: 3 - Laura Terway, John Lewis and Martin Montalvo

2. Presentation

16-218 Transportation Analysis 101: The City's transportation consultant, John Replinger of Replinger and Associates, will provide an overview of the process by which the transportation impacts of development are assessed. In addition, the roles of City consultants, staff, the Planning Commission, and the Transportation Advisory Committee will be reviewed.

John Replinger, Traffic Engineer, gave a transportation planning overview. He discussed the Oregon Highway Plan, Regional Transportation Plan, Oregon City's Transportation System Plan, and Clackamas County's Transportation Plan.

There was discussion regarding how the State's and City's plans coordinated.

Mr. Replinger then discussed other transportation resource documents used for transportation planning in the region.

There was further discussion regarding trip generation and parking generation analysis.

Mr. Replinger explained the land use process including steps in determining traffic impacts, performance standards, development review requirements, how conditions of approval were developed, transportation SDCs, speed zones, traffic signals, and crosswalks.

There was discussion regarding the criteria and allowing higher levels of congestion and how to work with the State to change the allowed levels.

Laura Terway, Planner, said applications either met the standards or not and if they did not, they did not get approved. The traffic studies were available for the public to review. There had to be a balance in urban design and transportation flow.

Louisa Gonyou, resident of Oregon City, hoped that the residential areas and

McLoughlin historic district would be kept in mind as applications came through, especially as the streets needed to be kept more residential. People were cutting through neighborhoods and speeding and it was an issue.

There was discussion regarding how much the Transporation Advisory Committee should be involved in transportation planning. Ms. Terway said there was a public comment period where comments could be submitted for applications. Currently applications were not required to go to the TAC. There was a land use process that they had to follow with clear and objective standards and findings on whether the applicant met the criteria or not. TAC could be added to the notification emails.

Commissioner McGriff asked for another meeting with TAC to discuss what they heard that night and issues they could work on together.

3. Communications

There were no further communications.

4. Adjournment

Chair Kidwell adjourned the meeting at 9:16 PM.

City of Oregon City

Meeting Minutes

Planning Commission

Monday, January 13, 2020, 7:00 PM, Commission Chambers

1. Call to Order

Chair Mike Mitchell called the meeting to order at 7:00 PM.

Vern Johnson, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, and Patti Gage were present and Carrie Richter, Private Attorney, and Christina Robertson-Gardiner, Senior Planner, Kelly Reid, Planner, and Laura Terway, Community Development Director, represented staff.

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

a. GLUA-19-00041 (General Land Use Application), VAR-19-00006, through VAR-19-00009 (Variances) for Sign variances at the Hilltop McDonald's at 1450 Molalla Avenue

Chair Mitchell opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts, any conflicts of interest, bias, or statements to declare including a visit to the site.

Commissioners Johnson, Schlagenhaufer, Gage, and Chair Mitchell declared they have been to the site in the past and have no conflicts of interest or ex parte contacts.

Commissioner Stoll declared he has no site visits or conflicts of interest.

There were no members of the public that questioned the commissioners.

Kelly Reid, Planner, presented the staff report. She explained that there were two applications that included a total of four variances. Ms. Reid reported that the site was already non-conforming to the allowed number of free-standing signs. The first variance was installing new menu boards and the permission to have three free-standing signs. The second variance referred to how the new menu boards will partially change with each customer interaction which was in conflict with current codes, prohibiting signs to change more than three times. Ms. Reid reported that staff found the number of signs will still create more visual clutter than if the applicant met the standards and recommended mitigation to screen the signs from the right-of-way. She reported that the variable message changes would be minimally visible and not cause impact, and did not require mitigation.

Ms. Reid stated that the staff recommendation was to approve the application with the condition that the applicant plant two trees, at specific locations on property, to better screen the signs.

Mr. Schlagenhaufer asked whether the city has specific codes for drive-thru menu boards. Ms. Reid explained the city has provisions for incidental and ancillary signs.

Ms. Reid spoke about the differences between trees and hedges as mitigation recommendations.

David Ratliff, resident of South Bend, Indiana, Project Coordinator for Site Enhancement Services, spoke representing McDonald's. Mr. Ratliff described the applicant's intention to utilize technology to increase customer satisfaction and explained the changes to the new signs. He stated that McDonald's is prepared to comply with any stipulations. He answered a few questions from the commissioners concerning the McDonald's general plan with menu boards, the variable messages, and the physical structure of the boards.

There were no comments from any neighborhood association representatives and the general public.

Chair Mitchell closed the public hearing.

Dirk Schlagenhaufer moved to approve GLUA-19-00041 with staff recommendations. Seconded by Patti Gage. Motion passed.

Vern Johnson: Aye

Gregory Stoll: Aye

Patti Gage: Aye

Dirk Schlagenhaufer: Aye

Michael Mitchell: Aye

b. GLUA-19-00042 (General Land Use Application), VAR-19-00010, through VAR-19-00013 (Variances), WRG-19-00001 (Willamette River Greenway), FP-19-00002 (Floodplain Review) for Sign variances at the McDonald's at 2010 Clackamette Drive

Commissioners Johnson and Gage disclosed they have been to the site in the past and have no conflicts of interest or ex parte contacts.

Commissioner Schlagenhaufer, Commissioner Stoll, and Chair Mitchell disclosed they have not been to the site in the past and have no conflicts of interest or ex parte contacts.

There were no members of the public that questioned the commissioners.

Chair Mitchell opened the public hearing.

Ms. Reid summarized the findings and recommendations in the staff report pertaining to the application. She explained that the application was very similar to the first application; one significant difference being that the property resides on the floodplain overlay. Ms. Reid reported that staff recommended approval with the conditions that applicant would plant at least eight additional large shrubs, as well as requiring documentation for no net fill in the floodplain and that building codes for floodproofing are met.

Mr. Ratliff spoke, representing McDonald's. He indicated that he was working on providing no net fill documentation and applicant will comply with any of the recommendations.

There were no comments from any neighborhood association representatives and the general public.

Chair Mitchell closed the public hearing.

Gregory Stoll moved to approve GLUA-19-00042 with conditions. Seconded by Vernon Johnson. Motion passed.

Vern Johnson: Aye

Gregory Stoll: Aye

Patti Gage: Aye

Dirk Schlagenhaufer: Aye

Michael Mitchell: Aye

c. Planning Files: LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- Tentative Planning Commission Recommendation and Discussion of Outstanding Items (Parks, Enhanced Home Occupation/Cottage Industry, Upland Habitat)

Ms. Reid left meeting at 7:33 PM

Chair Mitchell opened the continued public hearing for the Beavercreek Road Concept Plan.

Christina Robertson-Gardiner, Senior Planner, reported on outstanding items concerning the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP). Ms. Robertson-Gardiner referenced memo (Planning Commission Memo January 6, 2020) which outlined all resolved items and the three unresolved items: Home Occupation/Cottage Manufacturing, Upland Habitat regulation under OCMC 17.49 Natural Resource Overlay District (NROD), and Parks Acquisition Code Amendments. Ms. Robertson-Gardiner entered into the record a letter (dated in November) and an email update (dated in January) from Todd Mobley, Transportation Engineer, regarding the need for flexibility with collector status of roads in Concept Plan.

Ms. Robertson-Gardiner discussed the parks acquisition code including updates to dimensional details for Linear Park and Thimble Creek Conservation Area, revised residential calculation, non-residential contribution and the Parks and Recreation Advisory Committee (PRAC) reviews. She shared her intention to meet with the PRAC on January, 23 2020 to provide review and request recommendation of support.

Ms. Robertson-Gardiner reviewed Home Occupation/Cottage Housing, highlighting the outstanding items; hours of operation for retail and employees and commercial vehicle allowances. There was consensus among commissioners regarding proposed code.

Ms. Robertson-Gardiner discussed the issues and recommendations regarding the Upland Habitat. She referenced a letter from the Natural Resources Committee (NRC) dated November 13, 2019, that expressed the Committee's belief that new codes should be created to provide additional habitat protection for areas 3 and 4 on City map attached to letter. Planning Commission agreed with staff recommendation that existing code substantially implemented plan vision and no revisions to code were necessary.

Ms. Robertson-Gardiner stated she had clear direction on all issues presented and will have further conversation with Mr. Mobley and the City Commission regarding the street collector.

Elizabeth Grasser Lindsay, resident of Clackamas County, made a comment regarding the Home Occupation/Cottage Housing code changes. She referenced the purpose of the code in supporting job creation and reducing commuting impacts in Oregon City. She recommended changing the code 17.54.120 to read, "Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area ***shall be the development type****...," because it would insure that home occupations would occur in the area. She made an additional comment regarding the Revised Residential Calculation. She expressed concern*

that there was a loss in park acres and explained that she thought the original total number of park acres was 20 which corresponded with the park factor of 8 acres in the calculation.

There was a discussion about the wording in the Home Occupation/Cottage Housing codes and the specific aims of the plan it signifies. Ms. Robertson-Gardiner pointed out that previous PC direction was to not to require home occupations but create the option. Mr. Schlagenhaufer asked about possible incentives or tax-breaks that could encourage home occupation and Ms. Robertson-Gardiner suggested possible avenues outside of land-use codes. Chair Mitchell suggested putting the word "encourage" into the code.

There was consensus among commissioners to have a representative from the NRC come to a PC meeting to further explain their recommendations as outlined in their letter.

There was a discussion about a possible policy change/recommendation for separated bike lanes for the collector roads. There was agreement that staff would look into it and provide more information to PC.

4. Communications

Laura Terway, Community Development Director, announced that the next meeting will be January 27th, 2020 and it will include a discussion of meetings proposed in 2020 and legal training by attorney Carrie Richter. Ms. Terway indicated there is a training by DLCD (Department of Land Conservation and Development) staff, January 29th, 5 – 7:30pm in Salem, OR. She also stated that the Mayor intends to add the 7th Planning Commissioner, Chris Staggs, on Wednesday, January 15th.

5. Adjournment

The meeting was adjourned at 8:37 PM.

City of Oregon City
Planning Committee
Minutes
January 27, 2020, 7:00 p.m.
City Commission Chambers – City Hall

1. Call to Order

The Planning Commission meeting was called to order at 7:00 p.m. Commission Members in attendance were Vern Johnson, Tom Geil, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, Patti Gage and new commissioner Christopher Staggs. Laura Terway, Community Development Director was present for the City as was Carrie Richter, Deputy City Attorney.

2. Election of Planning Commission Vice Chair and Chair

Dirk Schlagenhaufer nominated Mike Mitchell for Chair. Patti Gage seconded the nomination.

Vote:
Tom Geil – aye
Dirk Shlagenhaufer -aye
Patti Gage – aye
Gregory Stoll -aye
Vern Johnson -aye
Christopher Staggs -aye
Michael Mitchell -aye

Michael Mitchell was elected Chair of the Planning Commission.

Patti Gage nominated Dirk Schlagenhaufer for Vice-Chair. Michael Mitchell seconded the motion.

Vote:
Christopher Staggs -aye
Vern Johnson -aye
Gregory Stoll -aye
Patti Gage -aye
Dirk Schlagenhaufer -aye
Tom Geil -aye
Michael Mitchell -aye

Dirk Schlagenhaufer was elected Vice-Chair of the Planning Commission.

3. Public Comments

No members of the public were present.

4. Discussion Item

4a. Legal Training presented by Deputy City Attorney Carrie Richter
Attachments: APA Oregon Planning Commissioner Handbook
Boards and Commissions Orientation Manual

Carrie provided legal training for the commission members. Their biggest task for 2020 will be adopting a new comprehensive plan. City's Comprehensive Plan is 15 years old (2004). The Plan is the Constitution that drives the City's planning program. In this meeting they will discuss components of the plan and how the plan fits into the larger planning scheme. They will also discuss ex parte contacts and conflicts of interest.

Federal, State and Regional Land Use Framework

Federal Requirements

The U.S. Constitution provides certain guarantees to real property owners – takings clause, due process, equal protection. Feds can't just take property. When people seek land use approval, they must be treated fairly and equally. The City operates under these parameters. The City also operates under Federal Laws such as the Clean Water Act & RLUIPA (Religious Land Use & Institutionalized Persons Act). Religious and incarcerated persons are protected from discrimination by local government, and prevents governments from seeking to curb religious activity, i.e. the City won't let a church remodel because of design overlay restrictions.

State of Oregon regulations – Statutes and 19 Statewide Planning Goals

Covers minimum procedures for notices and public hearings, for processing land use applications, gives clear and objective standards for housing applications vs discretionary standards. Regulations that govern annexation of land into the city, statutes explaining how public meetings are to be handled and how records are kept.

Discussion followed of the 19 statewide planning goals that are ambitious objectives to be achieved through land use regulation. These are broad and vague, i.e. "protect natural resources." The goal does not define the degree to which implementation is to be carried out. Some administrative rules that implement the goals give further direction, i.e. planning goal #3 provides for protection of farmland but it doesn't state how to go about doing that. The Department of Land Conservation and Development has adopted administrative rules that state how to protect those farmlands.

Carrie gave several examples of various State agency administrative rules that define how to implement goals for various natural resources and land use. Examples include transportation planning administration rules, forestation protection efforts, etc.

Regional Portland METRO – Location of Urban Growth Boundary (UGB)

METRO sets the location of the UGB for all surrounding areas in the METRO area partnership. OC is on the edge of the UGB so when the UGB is expanded it usually includes land within or adds land to OC, which can be viewed as an opportunity or a challenge. METRO decides what population growth will be and where the land allocation will be most appropriate. OC participates in the process but does not decide.

Tom Geil questioned what the City has decided to do about considerations of annexation of certain lands; he had heard they were putting a hold on it. METRO determines urban growth but cities are allowed to decide about annexation on their own. Carrie said, yes, the City is analyzing this further but no annexation applications have been held up for now.

METRO Government has an Urban Growth Management Functional Plan, regulations that cities have to implement. Carrie gave the example of Goal #5 -protection of natural resources such as streams and riparian corridors - as how local governments have to protect these areas. As City Comprehensive Plan amendments arise the City has to implement any METRO regulations as part of its own planning program. There are also METRO requirements about urban planning, concept planning.

Carrie explained how when the UGB expands, the land in OC encompassed in the UGB change remains under Clackamas County jurisdiction and rural zoning regulations. UGB Management Functional Plan requires local governments to adopt a Concept Plan, a miniature Comprehensive Plan for that particular area; one example is the Beavercreek Concept Plan. Makes it unnecessary to revise the entire Comprehensive Plan.

OC Regulatory System

City Charter – has provisions for structure and management of the City itself, operation of City Commission, City Manager position, and identifies determination of city boundaries and annexation to be determined by voters. Until recently with a change in the law, the City had voter-approved annexation in all circumstances. There is currently a challenge by the City of Corvallis arguing that Charter protection for voter-annexation should overrule the changes in law that allow State law to override voter-annexation; this case was argued in the State Court of Appeals in June 2019, with no ruling as of the date of this meeting. Members discussed process and timeline of court decisions.

City Comprehensive Plan – Local Implementation of Statewide Planning Goals

The City chooses areas to protect, development to support, policy guidelines to be followed. It is a long-term planning document for up to 20 years of future development. Includes City directives as well as private development regulations. More regulations are directed at what the City will do rather than at what private entities are expected to do. The City is obligated to ensure that development will be compatible with the city as a whole, with neighboring property owners, etc. Utility master plans- including storm water, transportation, sanitary sewer master plans- are attached to the Comprehensive Plan. Evaluates the condition of existing systems; while keeping in mind the population projections and job growth, the Plan identifies what/where additional infrastructure

investments will be necessary. Long-range plans will help aid in working with developers who propose projects, making sure they contribute to the overall development plan, keep within scope of planning.

OC Municipal Code and Zoning Map – Implements Comp Plan

The Municipal Code contains the day-to-day land use regulations the Planning Committee uses for reviewing development. It implements the City's Comprehensive Plan. The Municipal Code states details of what the Committee can and cannot do, what they are asked to interpret and against which they are to consider proposals. Includes zoning and overlay designations, land divisions and development standards, land use procedures.

Carrie showed the Commission members a comparison of a Comprehensive Plan versus the OC Municipal Code provisions. One example given was about affordable housing and allowing higher density building of corner duplexes in single-family residential areas and the circumstances and objectives of planning and development standards to go along with that. Comprehensive Plan policies are much more general. The Municipal Code gives the details and guidance to land-use applicants.

Other construction-related Regulations exist but they are not issues reviewed by the Planning Commission. Carrie discussed a few of these.

Recording final plat, reviewing land division - County Surveyor does this, followed by approval by Public Works and Planning Departments.

Building and construction codes, detailed standards – by City building official, not Planning Department.

Public Works infrastructure design standards, engineering design components/details, implemented by Public Works.

Process of Urbanizing Land

(1) METRO adds land to the UGB. City adopts a Concept Plan, local robust evaluation but not land division or zoning decisions, broader scale decision-making. Carrie gave Beavercreek example and industrial planning. Michael (Mike) Mitchell wanted to know if this plan drove certain recent Concept Plans. Laura explained a bit more about this project and how the UGB has changed frequently lately. Mike questioned if they needed to go back and create Concept Plans for areas currently between the city limits and the UGB; Laura and Carrie answered, "No." If METRO moves the UGB farther out, then a Concept Plan would be required. Laura gave an example of a school district requesting a UGB; if approved by METRO they would have to do a Concept Plan for their one small property. Carrie explained that if the UGB moves only "a sliver" the City could annex it and rezone and adopt the Comprehensive Plan designation for that piece of land.

Christopher Staggs confirmed with Carrie that if land is added to UGB but it is not part of the city, the City has to adopt a Concept Plan. Carrie stated that there is no regulatory impact until the land is annexed. It continues to be County jurisdiction until it is annexed to the city. The goal is to give everybody a heads up about long-term plans. County and City must work together on this.

Tom expressed his concern that METRO moves the UGB and the City is responsible for paying for the Concept Plan. Laura explained that the City has received funding for some Concept Plans.

(2) Annexation is considered - There is a land use review component with zoning and utility service decisions and also a political component in voter approval. The State statute amendment to eliminate voter approval only removed the political component, not the land use component. Annexation applications are reviewed by the City --City doesn't have to actually serve the land upon annexation (meaning provide infrastructure); the land is just brought into the boundary, the possibility of serving is present, a feasibility determination for service. Annexation isn't what allows development. Development is allowed by zoning it to urban densities; rezoning gets the development started. Some applicants don't want to rezone the land, just want to annex the land into the new boundary. There has been criticism of this process, with some applicants wanting the annexation process to be the "trigger point" of the determination of funding sources and allocation of costs. Voter approval provides a political backstop and there is much criticism about eliminating it. Carrie discussed voter approval statutes about how annexation can occur.

(3) Applying Urban Zoning Designation as identified by the Concept Plan. This is where development can occur at the zoned densities. These 1 - 4 steps in the urbanizing of land occur in various combinations with one another, according to what the land use applicant has requested.

(4) Development – Actual land use development is proposed, land division occurs, implementation of Master Plan or Planned Unit Development, which is for large-scale and usually phased development, smaller scale than Concept Plan but larger scale than single development, i.e. Clackamas Community College. Guarantees a single review of bigger scale development, guarantees review of subsequent development will happen pursuant to codes in place when the Master Plan occurred, not regulations in the future. Laura explained how developers can proceed in the future according to changes in the City Code even if their Master Plan doesn't include it.

Vern Johnson asked how long has Master Planning been around for residential areas; they've been in existence for County-scale plans but is it relatively new for residential districts? Laura stated there are no limitations on where Master Plans can occur. In 2004 the City got rid of Planned Unit Developments (PUDs) which were for residential planning. "Master Plan" and "PUD" are now interchangeable terms/concepts. Carrie made the distinction that Concept Plan is a METRO requirement that occurs much earlier and the Master Plan, applied for by the land owner, occurs closer to the time development will occur. Master Plans are sometimes used as interim steps for larger-scale development. Statewide planning goals and the METRO regulations are applicable to Concept Plans. Statewide planning goals would not be applicable to a Master Plan because the Master Plan is reviewed against Municipal Codes.

Land Use Review - regulations related to what the Planning Commission does.

Carrie described the different types of land use reviews.

Administrative decisions

Type I – No discretionary decision-making and no notice, hearing or appeal, all done by staff.

Quasi-judicial decisions

Planning Commission sits in the place of a judge, reviews to determine if a proposal satisfies the applicable criteria.

Type II – limited discretion in decision-making, works with neighbors and City Commission, Planning director.

Type III – come before the Planning Commission, discretionary review to determine if criteria are satisfied. This would encompass Master Plans.

Type IV – plan amendments, zoning map amendments, public hearings by Planning Commission. This would encompass Concept Plans.

Christopher asked how a city decides the best density for an area. Laura said through a bunch of public meetings to talk about it; she talked about the Beavercreek area, how the City could not designate all of the land as residential because some of it was brought in to serve a regional industrial shortfall.

Dirk Schlagenhaufer asked if METRO said how much high-density land they wanted. Laura explained that there is a minimum urbanization level for residential areas. After meeting that criteria, then the City can decide where/how much density they want. Reference is made by Tom to large, sprawling areas in Redland that are still in the city limits; he asked if the 10-acre minimum rule was grandfathered in because those people were there when the rules went into place. Laura said those properties will be huge until they are urbanized. Members discussed the fact a resident can own those large properties without obligation to build anything. (Undetermined who was talking at this point.)

Legislative Decisions

Long-range policy-making decisions including amendments to plan and zoning code.

In some jurisdictions, such as Multnomah County, the Planning Commission deals only with Legislative Decisions. There are no rules in these kinds of decisions. City Commission reviews in *de novo*, which means "like new." They hear anything on Legislative Decisions. They take new evidence, consider testimony of others, as opposed to Type III decisions, in which applicants' opportunity to submit new evidence is at the Planning Commission level. City Commission's review is limited to the record prior to the Planning Commission's review. Tom asked Laura about the Comprehensive Plan update this year and citizens meetings, asking if they are only looking at parts of the Comprehensive Plan that are within the Code and the Code can't be changed. Laura said the Comprehensive Plan could have action items regarding updates to Code but it isn't expected to change the Code. The Comprehensive Plan is written by the community, for the citizens; Laura said the City Commission wants to know what the citizens want for OC, what they value, and will figure out State law at some

other time. Carrie said the Municipal Code implements the Comprehensive Plan, which is not bound by what the Municipal Code says.

Quasi-Judicial Hearing Disclosures

At a Commission meeting, Michael (as Chairman) will read a script that is a public hearing announcement describing the rules of the hearings. Applicable criteria will be defined, a staff report is presented, testimony is heard regarding the approval criteria.

Vern said it's part of the Planning Commission's job and the staff's job to sort out the applicable criteria. Carrie agreed, saying it's also education for the applicant and the public about the specific applicable approval criteria to be evaluated by the Commission and not the "quality" or "character" of the applicant.

Carrie stated that the Planning Commission is the first hearing body so we want to encourage people to bring their issues in early, to maintain fairness for all applicants, property owners, the City, concerned citizens. An applicant must raise their issue before the local government before it can go any further, such as to the Land Use Board of Appeals. There is also an obligation to raise constitutional issues, or a "takings concern," early in the process so the City has a chance to respond.

The Planning Commission will not be biased or have a conflict of interest; there will be no judgment of an application in advance of the hearing. The applicant has a right to an Impartial Tribunal. This ensures due process to all participants to have a fair opportunity to get the approval they seek. Carrie explained the requirements of the Impartial Tribunal including disclosure of ex parte contacts between Planning Commission members and the public regarding applications before the Commission; contact is considered "ex parte" only if it occurs *after* an application has been filed. The public must be given opportunity to question the Commission member about those contacts. Christopher asked for an example; Tom gave some of his experiences. Commissioners will disclose any exposure to newspaper articles or other media about an application. Carrie gave examples of questions that might be asked of the Commissioners. Can a Commissioner give an objective evaluation without allowing prior exposure to the issue to impact his/her decision, set aside biases and preconceived ideas and thoughts in favor of the applicable approval criteria? Laura said they have to be sure that all Commissioners have the same information to make the decisions which is why no computers or cell phones are allowed in these hearings.

Vern suggested there can also be ex parte contacts in which Commissioners might initiate the conversation about an applicant without intending to do so. One must also be quick to stop conversation initiated by the other party. Carrie suggested it is a personal decision as to how a Commissioner will deal with those conversations but it's best to encourage the other person to come to the public hearing. Carrie described the difference between one's experience with a situation compared to an actual ex parte communication.

Carrie discussed that there are certain issues for which we are not able to set aside our own personal bias, depending on particular personal situations (examples given of natural gas and Walmart). Such "actual bias" will make it impossible for a Commissioner to give an unbiased decision.

Conflict of Interest primarily regarding a Pecuniary Benefit

Commissioners who benefit personally or whose family members might benefit from a proposal financially will have a conflict of interest and in most cases will have to step down.

General Rules surrounding public meetings and records requirements

Carrie stated that if a Commissioner responds to an email from someone like Laura and hits "reply all" it becomes a public meeting and minutes have to be taken. They should respond only directly to Laura. The same goes for telephone communications regarding City business and/or email threads in which information and discussion is forwarded down the line of Commissioners; it becomes public record. Carrie encouraged them to go straight to Laura about City business and not to one another. Vern asked which email accounts they should or should not use. Carrie explained the difference between public writings and public records. Any writing having to do with City business is a public record even if written on a private email account. She urged them all to use only their City email address for City business. The City can go through their private email in search of public records. They must also try to avoid using social media for discussing City business but if they do they must capture all of their writings so they can be entered into public record.

Public Hearing Procedures

Hearings are structured to be fair and give everyone opportunity to testify. The applicant bears burden of proof and presents their case first and last. Public record is closed after any rebuttal by applicant. Then the Planning Commission deliberates.

The Planning Commission's job in these hearings is to determine if the applicable criteria are met. They must apply meaning to anything that is ambiguous. They must interpret any discretionary standards. Focus on the plain meanings of terms, while considering the context of the terminology.

A legally supportable decision by the Planning Commission must clearly and fully explain why the approval criteria are satisfied or not. These are written findings of the Commission. There must also be substantial evidence *in the record*, such that a reasonable person would make the same decision as did the Planning Commission. Laura asked about Commissioners reviewing technical reports. Carrie raised the question of how much Commissioners should rely on testimony of experts. She suggested they ask the experts to explain it so that they understand it. If you don't agree with an expert or find them not credible you must explain why, explain your analysis. Carrie stated that she felt Planning Commissioners don't question participants and applicants enough. The public hearing process gives the Commissioners the opportunity to ask enough to understand. Dirk talked about how difficult it can be to question experts. Carrie said the City has technical contract employees who provide their opinions to the Planning Commission so they have something to compare to the expert testimony given on behalf of the applicants. Tom talked about how citizens even have the same questions the Commissioners might have for the experts. Michael complimented Tom on how he often questions experts, "holding their feet to the fire." Vern thinks it's good for Commissioners to ask technical experts to bring their explanations down to public level. Laura cautioned about keeping questioning during hearings to the actual applicable criteria.

Michael asked if he knows prior to a meeting of something he wants to talk about, when should he bring it forward during the meeting. During the disclosures is the best time, Carrie replied. If you've had relevant experience that comes up during a hearing you need to tell about it at the time. If the record is closed and you think of something, reopen the public hearing and go back through the process. Carrie explained how Commissioners are allowed to enter evidence after the record is closed; it needs to be clear factual evidence to reopen the record and enter that evidence. Laura suggested using the applicant's rebuttal period to tell them of any doubts and ask for clarification. She said the earliest you raise your questions or concerns is the best and Carrie agreed, saying that gives the public more opportunity to comment.

Tom stated that there have been concerns in the past and some prior commissioners have quit because of the belief/concern that Staff only gives the Commissioners what they want to on behalf of the City. He and Laura had previously talked about this at length. Laura said she is not the decision maker, the Planning Commission is, and the Staff's job is to make recommendations, to write findings for them. The Planning Commission has an obligation to explain their concerns to Staff so they can write findings for those concerns. If they are looking for better/more evidence, they need to let Staff know so they can analyze things differently. The Staff's job is to provide the Planning Commission with information that allows them to make an informed decision that can hold up in court. The Planning Commission must state their concerns and questions so the public and applicants can respond. Tom stated that some people feel the Staff should just give findings and state a recommendation. Carrie said yes, that is one approach but her experience is that it isn't as efficient; she does understand the concern, however. Tom said that citizens don't always understand that this is just part of the process, that even though the Staff might make a recommendation it doesn't mean the Planning Commission will approve it. Laura said they can include some statements in their staff reports to explain this process a more in depth.

Gregory Stoll asked about questioning experts. If there is a conflict between experts, such as traffic engineers, then does the City's engineer come in to offer their point of view? Laura stated that then she would make a financial call as to whether or not it pays to bring in a City expert; it is risk analysis. If a commissioner has a concern when he/she reads any of the reports she would like them to let her know so she can determine if it's necessary to have the City expert come in for the hearing.

Conditions of Approval

Carrie stated that there are things that the applicant can do to ensure the applicable criteria will be met. These conditions have to relate directly to the impact of the development. There has to be a proportional relationship of the "ask" set forth in the condition and the "impact" created by the development proposal. For example: A single property owner who wants to add another house on one parcel of land cannot be asked to install a sewer pump station that serves hundreds of residential lots. A single property owner can only be asked to bear the cost proportional to his parcel. Constitutional limitations might arise on the City's ability to exact or condition a development.

Laura added a comment regarding records issues. If the Planning Commissioners take notes during hearings they will be collected and placed in the record. Tom asked how they are supposed to remember their notes for the next meetings. Laura will make sure they get copies. Tom was not

satisfied and asked what their personal notes during a meeting have to do with the public record. Michael stated that this is currently under dispute in West Linn. Are an individual commissioner's notes public record? Tom said they've been passing notes up and down the commission bench for six years. Laura instructed them that they cannot do that.

Carrie talked about the West Linn dispute, saying that a City Commissioner took a lot of notes and a citizen in law school asked for a copy of those notes as a public record. Carrie stated that "public record" is not the same as a record of a meeting about a land use case. Any writing that is related to city business is a public record. In the West Linn dispute, the City lost and had to turn over the notes. Laura said the OC City Commissioners all pass their notes/papers to the staff person at the end of their meetings. Vern asked if this applies to Legislative Decisions, as well. Carrie said, yes, if they are discussing public business. Laura didn't want to discourage the Commissioners from taking notes but said she wants them in the end.

4b. 2020 Agenda Items Not Related to Land Use Applications

Laura reiterated to the Commissioners that they will be working on the Comprehensive Plan update on which she will give more information as it progresses. They've awarded one grant and have tentatively awarded a second one.

Laura stated that at the City Commission update in December 2019, they listed work sessions that the Planning Commission wanted to have with them in 2020. These included work sessions with the Historic Review Board, the Transportation Advisory Committee, the Natural Resources Committee, and the Citizen Involvement Committee. Also, at the end of the year, they will pull together thoughts on what should be included in the City Commission goals for 2021-2023.

Tom brought up the Grande Ronde decision and asked if the Planning Commission is not yet involved. Laura said the City Commission is meeting with Tribal Council of the Confederated Tribes of the Grande Ronde Tribe as just a "meet and greet," open to the public. The Planning Commission will be reviewing Phase 1 of the Riverwalk when it's ready. Laura said they are working on an alternate approach to Phase 1.

Dirk stated on behalf of Michael that Michael had some questions for the TAC about "separated bike lanes." Laura said they did have some impact on that issue and she will tell them in the next meeting. Michael suggested that the Planning Commissioners review this list of work sessions and discuss in the next meeting or two. Laura suggested doing public educational work sessions as necessary.

5. Communications

Laura said the State is hosting community conversations on additional housing choices and housing supply. This is related to House Bills 2001 and 2003. She gave dates for upcoming public meetings.

Tom asked if OC is currently making rules as Salem has done about where they will allow camping. Laura said the City Commission is considering changes to camping ordinances. Laura discussed briefly some of the changes in laws, such as that a Court in Boise said that a City cannot make people move from public property if they have no place to which to move.

6. Adjournment

Meeting was adjourned at 9:19 p.m.

City of Oregon City

Meeting Minutes

Planning Commission

Monday, February 10, 2020, 7:00 PM

City Hall, Commission Chambers

1. Call to order

Meeting was called to order at 7:00 pm by Dirk Schlagenhaufer.
Members present: Patti Gage, Dirk Schlagenhaufer, Gregory Stoll, Vern Johnson, Christopher Staggs
Not present: Tom Geil, Michael Mitchell
Staff present: Pete Walter, Planner; Diliana Vassileva, Assistant Planner; Laura Terway; Kelly Reid, Planner; William Kabeiseman, City Attorney; Christina Robertson-Gardiner, Senior Planner

2. Public Comments

There were no public comments.

3. Public Hearing

3a. GLUA-19-00053 (General Land Use Application) and SP-19-00141 (Minor Site Plan and Design Review)

Sponsors: Assistant Planner Diliana Vassileva
Attachments:
Commission Report
Staff Report and Recommendations
Exhibit 1. Vicinity Map
Exhibit 2. Applicant's Narrative and Plans
Exhibit 3. Public Comments
Exhibit 4. Staff Report and Notice of Decision from Prior Review (GLUA-19-00001/SP-19-00007/MP-19-00001

Mr. Schlagenhaufer asked each committee member if he/she had ex-parte contacts, conflicts of interest, or had visited the site:

Christopher Staggs: no ex-parte contacts, no conflicts of interest, no visited the site.
Vern Johnson: no ex-parte contacts, no conflicts of interest, yes visited the site.
Gregory Stoll: no ex-parte contacts, no conflicts of interest, no visited the site recently.
Patti Gage: no ex-parte contacts, no conflicts of interest, no visited the site.
No one in the audience questioned the Commissioners on their statements.

Planning staff report was given by Diliana Vassileva regarding a modification to remove Condition 15. This was an application for a modification for a prior application for the properties at 202 Molalla Avenue and 221 Molalla Avenue. 202 Molalla was being developed with an existing single-family home. 221 Molalla Avenue was being developed with an office building and associated parking lots. Last year, the Planning Commission (PC) reviewed an application for 202 Molalla which proposed to divide the property at 202 Molalla into two parcels retaining the existing single-family home and proposing a ten-stall parking lot to serve the office building across the street. Application was conditionally approved by the PC with a condition that utility lines be put underground at the single-family home. PGE said that it would be difficult to place the utility lines underground at that location without significantly changing PGE's utility network. PGE did not authorize the grounding of the utilities at this property. Utilities in this area are above-ground and the development would remain consistent with surrounding properties. No new above-ground utilities are proposed. The property owner requested that the undergrounding of the utility lines be removed from the original review. The code did allow this through the major modifications process (17.04.710). Staff recommended that the planning commission approve this modification. The PC members asked Ms. Vassileva questions and she answered them.

Mr. Schlagenhaufer opened up the public record for people to make comments:

- Mr. Schlagenhaufer gave the applicant an opportunity to speak on the topic. The applicant declined.
- Mr. Schlagenhaufer opened the floor to any recognized neighborhood association, government agency, or any incorporated public interest organization. None came forward.
- Mr. Schlagenhaufer opened the floor to any public comments via comment cards. There were none.
- Mr. Schlagenhaufer closed the public record.

Ms. Gage moved that GLUA-19-00053 and SP-19-00141 be approved by removing condition 15. Another member of the commission seconded the motion.
Roll call vote:

Mr. Staggs: yes
Mr. Johnson: yes
Mr. Schlagenhaufer: yes
Ms. Gage: yes
Mr. Stoll: yes

The motion passed.

3b. GLUA-19-00035 (General Land Use Application), CU-19-00003 (Conditional Use) SP-20-00011 (Site Plan and Design Review), VAR-20-00001 through VAR-20-00003 (Variances) for a temporary construction staging area with a gravel driveway and ten construction trailers at 1321 Linn Avenue.

Sponsors: Planner Kelly Reid
Attachments:

Staff Report and Recommendation
Commission Report
Vicinity Map
Narrative and Code Responses
Site Plan
Example Photos
Traffic Study
Neighborhood Meeting documentation
Transportation review from John Replinger
Conditional use 92-16 staff report
Public Comment #1 - Mike Mitchell, PC Chair
Public Comment #2 - Joe Wheeler

Mr. Schlagenhaufer asked each committee member if he/she had ex-parte contacts, conflicts of interest, or visited the site:

Christopher Staggs: no ex-parte contacts, no conflicts of interest, no visited the site.
Vern Johnson: no ex-parte contacts, no conflicts of interest, no visited the site.
Gregory Stoll: no ex-parte contacts, no conflicts of interest, Yes: drove by site that afternoon.
Patti Gage: no ex-parte contacts, no conflicts of interest, no visited the site.
Mr. Schlagenhaufer: no ex-parte contacts, no conflicts of interest, Yes: drove by site, but did not visit it.
No one in the audience questioned the Commissioners on their statements.

Planning staff report was given by Planner, Kelly Reid regarding an application for a conditional use site plan design review and three variances to have a construction staging area on the Presbyterian church property for a duration of 12 to 18 months to support the construction of Gardiner Middle School on the neighboring property. It would include a gravel area with a driveway from Warner Milne road. Ten temporary buildings would be on the site with 25 parking spaces. The site was in the R2 zone. The site did have an existing, conditional use for a religious institution and a preschool. This conditional use application would amend that one. About half of the property was undeveloped and that was where the construction area was proposed. Usually the staging area is on the actual construction site, so this request did not usually come up. The school wished to remain in operation during construction. There is not room on site to accommodate the staging area. The school district worked with the neighbors to provide that off-site location for staging. The code would allow for temporary buildings such as the ones that would be used on this site for thirty days. One of the variances was to allow a longer time period for these temporary buildings to be on site. The application proposed to enlarge to 25 feet a driveway on Warner Milne road. Middle lane of Warner Milne road could be used by trucks.

Variance criteria included looking at impacts on neighboring properties, practical alternatives, and if applicant was mitigating any impacts as a result of the variance.
Variance 1: no impact; staff did not recommend any conditions

Variance 2: lack of up to $36,000 in site upgrades/no impacts. Staff recommended proposed mitigation of tree plantings as a condition.
Variance 3: Up to 18 months of visual impairments on a busy street. Staff recommended planting four trees on site and return the site to original state after construction.

Staff recommendation overall was approval with conditions and remove conditions one, two and three on their list due to typos. The planning commission members asked Ms. Reid questions and she answered them.

Mr. Schlagenhaufer opened up the public record for people to make comments:

- Mr. Schlagenhaufer gave the applicant an opportunity to speak on the topic. Wes Rogers, the Bond Program manager for Oregon City School District, spoke to the commission and answered questions. He lives in Oregon City.
- Mr. Schlagenhaufer opened the floor to any recognized neighborhood association, government agency, or any incorporated public interest organization. None came forward.
- Mr. Schlagenhaufer opened the floor to any public comments via comment cards. There were none.
- Mr. Schlagenhaufer closed the public record.

Mr. Stoll moved to approve GLUA-19-00035 with conditions and remove conditions #1-3 from list. Ms. Gage seconded the motion.
Roll call vote:

Mr. Staggs: yes
Mr. Johnson: yes
Mr. Schlagenhaufer: yes
Ms. Gage: yes
Mr. Stoll: yes

The motion passed.

3c. LEG-19-00006: Natural Resources Overlay District Map Amendment - Addition of Canemahh Wetland to the Natural Resources Overlay District (NROD).

Sponsors: Sr. Planner Pete Walter

Commission Report

Staff Report and Recommendation Revised 2.07.2020

Attachments:

1. **Land Use Application Form**
2. **Detailed Project Description 9.19.2019**
3. **Project Description 6.11.2019 for Owners**
4. **DSL Map of Wetland WD2016-0272final**

5. Preliminary site plan of proposed Canemahh cottage development w/ location of wetland, October 2017

6. Public Notices 7a. Public Comment - Karen Blaha 7b. Public Comment - Dennis Anderson 2.3.2020

7c. Public Comment - Julie Opper

8. City Commission Meeting Minutes 12/5/18, 12/6/17, 5/9/17, 11/15/17

9. Canemahh Neighborhood Association Meeting Minutes, November 17, 2016

10. Natural Resources Committee Meeting Agenda, January 9, 2019

11. Natural Resources Committee Meeting Draft Minutes, February 14, 2018

12. Video Clip Link to City Commission Work Session, May 9, 2017, Item 3c.

13. Wetland Delineation Report for 4th and Miller, Oregon City. EVREN Northwest, Inc. and Turnstone

14. Staff email correspondence with Department of State Lands, 02.03.2020

Mr. Schlagenhaufer asked each committee member if he/she had ex-parte contacts, conflicts of interest, or visited the site:

Christopher Staggs: recused himself from this agenda item
Vern Johnson: no ex-parte contacts, no conflicts of interest, yes drove by the site, but did not visit.
Gregory Stoll: no ex-parte contacts, no conflicts of interest, Yes: drove by site, but not much to see from the road.
Patti Gage: no ex-parte contacts, no conflicts of interest, did not visit the site.
Mr. Schlagenhaufer: no ex-parte contacts, no conflicts of interest, no: did not visit the site.
No one in the audience questioned the Commissioners on their statements.

Pete Walter, Senior Planner, spoke about this proposal to include a wetland and its associated vegetative corridor within the city's natural resources overlay district by amending the overlay district map. Staff recommendation was to include this wetland within the NROD. The PC members asked Mr. Walter questions and he answered them.

Mr. Schlagenhaufer opened up the public record for people to make comments:

- Mr. Schlagenhaufer opened the floor to any recognized neighborhood association, government agency, or any incorporated public interest organization and public comments via comment cards.
    - Paul Edgar, representing "Friends of Canemah" spoke with the Commission.
    - Linda Bassinger, lives in the Canemah neighborhood. She spoke to the commission.
    - Dennis Anderson lives at 804 Fourth Avenue in Canemah. He spoke to the commission.

- Karen Blaha lives at 514 Fourth Avenue in Canemah. She spoke to the commission.
- Doug Neeley of Oregon City spoke to the commission.
- Ken Bassinger, chair of the Canemah Neighborhood Association of Oregon City spoke to the commission.

- Mr. Schlagenhaufer closed the public record.

Mr. Schlangehaufer opened up discussion for the PC. Mr. Johnson asked William Kabeiseman, the City attorney, for information on the options open to the PC. The PC discussed the different options and recommendations that they could give.

Mr. Schlagenhaufer re-opened the public record.

- Ms. Karen Blaha spoke again, to clarify her wishes.

Mr. Schlagenhaufer re-closed the public record.

Mr. Schlangehaufer re-opened discussion by the PC. The consensus was that the impact was a large percentage of 514 Fourth Avenue. There was a limited number of property owners who were affected. 514 Fourth Avenue was affected to a high degree. The PC was concerned that the overlay would limit future development at 514 Fourth Avenue. The PC said they thought that it was unfair compared to development that was allowed on neighboring properties. The PC was concerned about the possible reduction in property value at 514 Fourth Avenue. A male commissioner moved for approval of LEG-19-0006 using the delineated wetlands and overlay, except the overlay would not include any portion of 514 Fourth Avenue. The motion was seconded by Ms. Gage.

Roll call vote:

Mr. Staggs: Did not vote because he was recused
Mr. Johnson: yes
Mr. Schlagenhaufer: yes
Ms. Gage: yes
Mr. Stoll: yes

The motion passed.

3d. LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- Planning Commission Recommendation and Discussion of Outstanding Item (Collector Street Width)

Sponsors: Sr. Planner Christina Robertson-Gardiner

Attachments:

Commission Report

Memo February 10, 2020 Hearing

Revised Beavercreek Code for February 10, 2020 PC Hearing

List of Recommended Changes to Ancillary Documents the Comprehensive Plan

Proposed Oregon City Comprehensive Plan Map

Proposed Oregon City Zoning Map

Planing Commission Public Comment Matrix -Revised February 3, 2020

Beavercreek Road Concept Plan Adopted 2008 (readopted 2016)

Vicinity Map

Applicant's Submittal

June 7, 2019 Draft Zoning Code Amendments

June 7, 2019 Revised Draft Zoning Map (with and without major streets)

June 7, 2019 Zoning Code Memo

June 7, 2019 Zoning Map Memo

Economic/Jobs Analysis Memo

Infrastructure Memo

Transportation Memo

Public Comment Tracker January 2019-June 2019

Senior Planner Christina Robertson-Gardiner spoke about next steps for the Beavercreek Road Concept Plan. At the last PC meeting, there was a concern about the width of the adopted bike lanes. Ms. Robertson-Gardiner gave the PC information and recommendations about bike lanes including a survey that the staff collected. She asked the PC to give staff direction on right-of-way width for collector streets. The PC asked Ms. Robertson-Gardiner questions and she answered their questions.

The PC recommended no change in width to the collector. They said that they wanted to include a policy sentence in the amended Concept Plan that said there was support for the expanded width of bike lanes. Expanded width for bike lanes could be taken from modifying or removing the vegetation as needed.

Ms. Gage moved that the LEG-19-0003 stay with the 86 feet and increase the size of the bicycle paths and reduce the size of the vegetation. Mr. Stoll seconded the motion.

Roll call vote:

Mr. Staggs: yes
Mr. Johnson: yes
Mr. Schlagenhaufer: yes
Ms. Gage: yes
Mr. Stoll: yes

The motion passed.

4. Communications

Laura Terway announced the next meeting would be on February 24, 2020.

5. Adjournment

Meeting was adjourned at 9:47 pm.

Minutes taken by Tara Morissette

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 9, 2020 7:00 PM Commission Chambers

1. Call to Order and Roll Call: At 7:00 PM by Michael Mitchell

Members: Verne Johnson, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, Patti Gage, Christopher Staggs. Tom Geil arrived at 7:22 PM.

Staff: Pete Walter, Planner, AICP; Diliana Vassileva, Assistant Planner; Christina Robertson-Gardiner, Senior Planner; Laura Terway, Community Development Director; Carrie Richter, Assistant City Attorney

2. Public Comments

2a. Paul Edgar, Oregon City resident: Mr. Edgar would like to arouse interest among the Planning Commission (PC) in a review of the building codes, specifically in relation to landslide areas, and create discussion regarding culpability in the case of death and injury in a landslide. Mr. Edgar entered a copy of his communications regarding these matters with various city officials to the public record for review by PC.

3. Public Hearing

3a. PC 20-030 GLUA-19-00044/MP-19-00004/VAR-19-00014: 2-Lot Minor Partition with Variance to Minimum Lot Size

Michael Mitchell performed due diligence in requesting conflicts of interest among PC members: Verne Johnson and Mr. Mitchell had made site visits, but no committee member had had ex parte contact, and there were no conflicts of interest disclosed.

Ms. Vassileva summarized proposal for lot adjustments and variance. She explained that while the lots would not meet the minimum lot size criteria, they would meet all criteria for lot size variance. Based on this, Staff recommends approval of PC 20-030 GLUA-19-00044/MP-19-00004/VAR-19-00014: 2-Lot Minor Partition with Variance to Minimum Lot Size.

Ben Altman and Lou Glapin, Project Engineer, of Pioneer Design Group, with applicant Chuck Grant, were invited to speak. Mr. Altman stated that the staff summary was very accurate and made himself available for questions from PC. There were none.

Commented [DM1]: I'm not sure about this spelling. The person didn't speak, and is not listed on Pioneer Design Group's website, but was mentioned as present and available for questions by Ben Altman.

Christine Kosinski, resident of unincorporated Clackamas County, commented that in newer subdivisions that cars are parking on the street. She asked that PC plan room for at least two vehicles to be parked on the property when considering this sort of issue and would like the City to move towards keeping cars from parking on the street, both for safety and aesthetic reasons.

Motion to approve PC 20-030 GLUA-19-00044 with conditions made by Dirk Schlagenhaufer and seconded by Patti Gage.

All in favor: Verne Johnson, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, Patti Gage, Christopher Staggs

All opposed: none

Abstained: Tom Geil due to his late arrival and missing the presentations.

Result: Motion carries.

3b. PC 20-029 LEG 19-00003 - Beavercreek Road Concept Plan- Code and Zoning Amendments- Formal Planning Commission Recommendation

Ms. Robertson-Gardiner stated that she was there to request a formal recommendation from PC to the City Commission for this project. She reviewed the history and revisions of the project, including funding processes. She then outlined the next steps if PC approves this plan.

Christine Kosinski, resident of unincorporated Clackamas County, submitted three documents to the public record: an email from Commissioner Rachel Burns regarding potential landslide issues, and email from John Lewis to Paul Edgar regarding City code and development regulations in areas prone to landslides, and a hazard document stating that the City Comprehensive Plan must meet State Land Use Goal 7. She asked that Holly Lane be removed from the Transportation System Plan (TSP) as she feels that it would disqualify it from FEMA approval. She encouraged reading up on “concurrency” as an alternative to the current plan.

Paul Edgar spoke stating that Holly Lane doesn’t have the capacity for the increased traffic, and that they are “fooling everyone” into thinking that the current plan solves the traffic issues with Beavercreek Road.

Mr. Mitchell requested review of Exhibit 4 Proposed Amendments to Title 16 and 17 of the Oregon City Municipal Code. Ms. Robertson-Gardiner reminded PC that nothing on this document has been changed since they last reviewed it and that it had been extensively reviewed last fall. Committee members asked clarifying questions and Ms. Robertson-Gardiner either answered questions or noted changes to be made.

Recommendation from Natural Resource Committee to limit regulation outside of the Natural Resource District was discussed, including Exhibit 24g Upland Habitat vs GEO-NROD Overlay Map and comments from Dr. Nancy Broshot. Density transfers for these areas and conservation areas were discussed.

PC addressed added traffic concerns from members of the public and clarified whether there will be further development in that area. Geographic hazard areas were reviewed on the map, and slide mitigation was discussed.

Christopher Staggs moved to recommend approval of LEG 19-00003 – Beavercreek Road Concept Plan – Code and Zoning Amendments to the City Commission with five changes as identified in discussion . The motion was seconded by Verne Johnson.

All in favor: Verne Johnson, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, Patti Gage, Christopher Staggs

All opposed: none

Abstained: Tom Geil due to still having some concerns regarding the plan.

Result: Motion carries.

4. Communications

Laura Terway: Announced that a request to add a consultant for a comprehensive plan update has been released. Also, State of the City address on February 25, 2020 at the Museum of the Oregon Territory at 6:00 PM.

Mr. Mitchell: Oregon City Business Alliance will have a round table on System Development Charges, February 25, 2020.

5. Adjournment – 9:24 PM by Michael Mitchell

City of Oregon City

Meeting Minutes

Planning Commission

Monday, March 9, 2020, 7:00 PM, Commission Chambers

1. Call to Order

Chair Mitchell called the meeting to order at 7:00 PM.

Vern Johnson, Dirk Schlagenhaufer, Gregory Stoll, Michael Mitchell, and Chris Staggs were present. Christina Robertson-Gardiner, Senior Planner and Laura Terway, Community Development Director, represented staff.

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

a. GLUA-19-00052: 914 & 950 South End Rd – River Terrace Memory Care (Continuance Requested to March 23, 2020)

Chair Mitchell asked if anyone was present to comment on GLUA-19-00052. There was no one present to comment and in place was a request for a continuance of the public hearing until March 23, 2020. Laura Terway, Community Development Director, explained that the March 23 meeting is cancelled and the continuance date will need to be April 13, 2020.

Gregory Stoll moved to approve continuance to April 13th for GLUA-19-00052. Seconded by Dirk Schlagenhaufer. Motion passed.

Vern Johnson: Aye

Gregory Stoll: Aye

Chris Staggs: Aye

Dirk Schlagenhaufer: Aye

Michael Mitchell: Aye

b. GLUA-20-0010/VAR 20-0004 Fence Height Variance

Chair Mitchell opened the public hearing and read the hearing statement. He asked if any Commissioners have ex parte contacts, any conflicts of interest, bias, or statements to declare including a visit to the site.

Commissioner Johnson, Schlagenhaufer, and Chair Mitchell declared they have been to the site in the past and have no conflicts of interest or ex parte contacts. Mr. Johnson, Mr. Schlagenhaufer, and Chair Mitchell disclosed that they noticed part of the fence outlined in the staff report already existed on the site. Mr. Schlagenhaufer announced that he wanted to discuss the driveway that he noticed connecting a few houses and confuses the orientation. Chair Mitchell reported that the tower on site is unsightly and needs to be screened.

Commissioner Staggs and Stoll declared they have no site visits, conflicts of interest or ex parte contacts.

There were no members of the public that questioned the commissioners.

Christina Robertson-Gardiner, Senior Planner, presented the staff report regarding the Fence Height Variance request. The applicant is proposing a 6-foot wood fence setback 10 feet from the back of the sidewalk with landscape mitigation on both Myrtlewood Way and Cherrywood Way. The variance is required because Oregon City Municipal Code (OCMC) requires front yard fences to be limited to 3 ½ feet tall within 40 feet of the right-of-way. She reviewed the subject site, noted the R6 zoning and presented site photos and a map provided by the applicant. She disclosed that when she spoke with the applicant, Wendy Forrester, that Ms. Forrester explained it was her understanding that the existing fence does not require a variance request. Ms. Robertson-Gardiner indicated the crux of the variance application is related to the location of a transmission tower on-site within 120 feet of the Portland General Electric (PGE) Easement. She outlined the OCMC 17.60 Variance Criteria and stated that one of the key findings in the report is that the R-6 zoning allows property owners to build a house as close as 10 feet from the property line. Ms. Robertson-Gardiner reviewed the five conditions of approval outlined in the staff report.

Wendy Forrester, applicant and employee of contracting company CNW Construction Inc, and Tessa Potter, property owner, were both present to speak about the application. Ms. Forrester and Ms. Potter explained reasons behind fencing plans including liability, security, utilization of yard, and beautification of subdivision.

Commissioners asked applicants questions and there was discussion about the subject site, different fence placement, and PGE requirements with proposed plans.

Chair Mitchell closed public hearing.

Chair Mitchell noted that in the material the Commission received, the neighborhood association was not able to meet, but the executive board did and had no objection to fence. Ms. Forrester reported she posted notices on all houses within 300 feet regarding plans and held a meeting, no one had any objections.

Gregory Stoll moved to approve GLUA-20-0010 with conditions. Seconded by Chris Staggs. Motion passed.

Vern Johnson: Aye

Gregory Stoll: Aye

Chris Staggs: Aye

Dirk Schlagenhaufer: Aye

Michael Mitchell: Aye

4. General Business

a. Review of the Comprehensive Plan

Ms. Terway reviewed the purpose and components of the Oregon City Comprehensive Plan June 2004. She noted that the review was intended to familiarize the Commission in preparation for updating the plan. Existing Comprehensive Plan includes 65 goals and 291 policies.

There was a discussion about the protocols and methods of how codes get developed in order to comply with Comprehensive Plan.

Ms. Terway explained the goal and process of updating the Comprehensive Plan. The goal of the new plan is to create a community vision on how the city grows in the future, which will

assist the Commission on making policy decisions based on the community's needs. Ms. Terway communicated that the process will take 1.5 years to complete and that high school students were commissioned to design logo for plan.

There was a discussion about the process of hiring the consultant for the public involvement plan. Ms. Terway mentioned that Bob LaSalle, Chair of the Citizen Involvement Committee (CIC) and Park Place Neighborhood Association, was assisting in the hiring process. She disclosed the two firms in consideration, 3J Consulting Inc and Angelo Planning Group. Chair Mitchell and Commissioner Staggs spoke about expectations for the consultant to provide engaging methods for involving community members and to challenge the City to think differently about growth.

5. Communication

Ms. Terway announced that the next meeting on March 23, 2020 is cancelled for spring break.

6. Adjournment

The meeting was adjourned at 7:17 PM.

City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, June 8, 2020 | **7:00 PM** | **Commission Chambers**

1. Call to Order

Chair Mitchell called the meeting to order at 7:00 PM.

Present: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

Absent: 1 - Greg Stoll

Staffers: 5 - Laura Terway, Carrie Richter, Diliana Vassileva, Pete Walter and Josh Wheeler

2. Public Comments

There were no pubic comments on non-agenda items.

3. Public Hearing

3a. GLUA-20-00012/CU-20-00001/SP-20-00022: Oregon City Christian Church Conditional Use Permit

Chair Mitchell opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Gage had been by the site. Commissioner Johnson had visited the site. Commissioner Schlagenhauffer drove by the site. Commissioner Staggs drove by the site every day.

Diliana Vassileva, Assistant Planner, presented the staff report. This was a request for a conditional use permit and site plan and design review for the Oregon City Christian Church on South End Road. The church would like to construct a new recreation building to be used by the church and local youth sports recreational leagues. She discussed the modifications to the building location standards that the applicant was requesting. In order to meet the standards, the applicant revised their proposal to include a breezeway to connect the existing church and the new building. She then reviewed the modification and conditional use criteria and conditions of approval. One comment was received from a resident of the adjacent neighborhood who was concerned about noise from large gatherings in the expanded parking lot. The applicant did not indicate any events would take place in the parking lot, but a condition was added for a good neighbor agreement with residents within 300 feet of the site. Staff recommended approval of the application with conditions.

There were questions regarding notification to the neighborhoods, the new breezeway,

good neighbor agreement, limiting the hours of use, changes to the north elevation, legality of conditions that would affect future expansion of the site, and access to the site.

Todd Iselin, representing the applicant, said they had gone to the last Citizen Involvement Committee meeting and had not received any negative feedback about the project. It was also presented to the South End Neighborhood Association before the group became inactive. The building would mainly be used for sports. The applicant would prefer not to construct the breezeway. They disagreed with staff that the code applied to a site like this. This was a residential area and the church wanted to preserve the open space, security of the parking area, and options for future construction. They also did not want to put the new building on the south end of the site where the stormwater drained and the land was sloped. They thought what the applicant proposed was the appropriate location. They also disagreed with the condition to modify the parking area as it would add to the curb length required which was an additional expense. It was not consistent with the current parking configuration.

There was discussion regarding the criteria for the breezeway and parking that required landscape areas and alternative landscaping such as pervious surfaces and no curbs.

Ken Swatman, lead pastor of Oregon City Christian Church, explained the vision and intent for the new building. They were community minded and planned to make it available to the community at no cost. Safety was a priority and they did not want to put the new building in the south end of the site away from the main church building. He discussed the access to the site and hours of use.

Chair Mitchell closed the public hearing.

The Commission deliberated on the breezeway and parking lot curbs and landscaping.

Chair Mitchell suggested that due to low ground coverage, the landscaping should not be required.

Laura Terway, Community Development Director, expressed concern with setting a precedent and not following the code requirements.

There was discussion regarding the objections of the applicant to the parking.

Chair Mitchell reopened the public hearing.

Mr. Iselin explained the objection was the amount of additional curbing that would be required. They wanted to do a straight curb along the south end of the parking lot and have less landscaping to maintain.

Chair Mitchell closed the public hearing.

A motion was made by Commissioner Geil, seconded by Commissioner Gage, to approve GLUA-20-00012/CU-20-00001/SP-20-00022: Oregon City Christian Church Conditional Use Permit with conditions as proposed by staff. The motion carried by the following vote:

Aye: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

3b. GLUA-19-00052: Application for a 16-bed Expansion to an Existing

38-bed Memory Care Facility at 914 and 950 South End Road.

Chair Mitchell opened the public hearing. He asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Johnson drove by the site regularly. Commissioner Schlagenhaufer drove by the site a couple of times. Chair Mitchell drove by the site a while ago.

Pete Walter, Senior Planner, presented the staff report. This was a request for a conditional use, site plan and design review, minor variance, and lot line abandonment for a single story 16 bed memory care facility addition on South End Road. The addition would be physically connected to the existing facility. He gave a background on the site, summary of the proposal, and review of the site plan, parking, and landscaping. He then discussed the public comments that had been received and the approval criteria. The minor variance request was to slightly exceed the maximum lot coverage in the R-10 zone of 40%. The proposed lot coverage was 46.2%.

There was discussion regarding the proposed fence, parking, setbacks from the residential neighborhood, pedestrian amenities, and breezeway.

Carrie Richter, City Attorney, discussed the civil matter of the property ownership dispute which was pending at the Court of Appeals. This property had nothing to do with the application.

Jeffrey Wellington, applicant, gave his background and the background for the management company for this facility. There was need for additional care and that was the reason for the expansion. Regarding transportation, there was not a huge need for parking because the residents did not drive. There was an agreement with the church across the street to allow for 6 additional parking spots and there were 16 parking spots on Amanda Court. Staff parked in the back or at the church.

Sam Thomas, Lenity Architecture, discussed the building design of the addition. The existing home on the lot would be demolished and a new building would be constructed for the 16 bed addition. He explained the memory care resident profile, memory care operations, proposed site plan and floor plan, and exterior renderings.

The Commission asked questions about staffing, visitor parking, screening the front windows for residents' privacy, fence around the patio to prevent residents getting out to the street, landscape island in the parking area, and minor variance for lot coverage.

Dan Muresan, resident of Oregon City, said all of the utilities and main sewer line were running through his property attaching to Amanda Court. He would also like the columns and extensions of the applicant's building that were encroaching on his property to be removed. He did not think any more work could be done on the property until these items were addressed.

Aaron Besen, attorney for the applicant, pointed out as previously stated the new development as proposed was on the north side of the building and the strip being contested by Mr. Muresan is on the south side. This was a civil matter and if it was necessary to move any of the utilities they would address it at that time.

Chair Mitchell closed the public hearing.

Commissioner Geil was opposed to the application due to the lack of visitor parking

and people needing to park on the street.

A motion was made by Commissioner Johnson, seconded by Commissioner Schlagenhaufer, to approve GLUA-19-00052: application for a 16-bed expansion to an existing 38-bed Memory Care Facility at 914 and 950 South End Road with conditions as proposed by staff. The motion passed by the following vote:

Aye: 5 - Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

Nay: 1 - Tom Geil

4. General Business

4a. OC 2040 Update: Public Engagement Plan for the Oregon City Comprehensive Plan 2040 Vision and nomination for Two Members (Primary and Alternate) to Volunteer on the Project Advisory Team (PAT)

Mr. Walter gave a presentation on the OC2040 Comprehensive Plan update. He explained what the Comprehensive Plan was, update process which would begin with a community visioning process, tentative project timeline, public involvement plan and objectives, communication tools, proposed activities, and changes to the Comprehensive Plan format.

There was discussion regarding Planning Commission participation, Project Advisory Team, building in additional time due to Covid-19, photo contest idea, and online survey and other ways of getting public input.

There was consensus to continue the meeting past 10 PM.

Mr. Walter shared the OC2040 logo was done through a competition at the High School. He asked for two volunteers on the Planning Commission for the Project Advisory Team. Commissioner Staggs volunteered to be the primary representative and Chair Mitchell volunteered to be the alternate.

4b. Request for Letter of Support - TGM Grant - Park Place Urbanization Study

Josh Wheeler, Assistant City Engineer, made a request for a letter of support for a Transportation Growth Management Grant for the Park Place Urbanization Study. He explained the TGM Grant, existing transportation studies, how the studies were used and not used, and proposed grant application.

There was discussion regarding the proposal and suggested changes to the letter.

A motion was made by Commissioner Staggs, seconded by Commissioner Gage, to approve the letter of support for the TGM Grant for the Park Place Urbanization Study as revised. The motion carried by the following vote:

Aye: 5 - Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

Abstain: 1 - Tom Geil

5. Communications

Chair Mitchell said staff would be sending the Commission a letter regarding the history of zoning and how it was not inclusive and how planning needed to be done moving forward. This would be put on next meeting's agenda.

6. Adjournment

Chair Mitchell adjourned the meeting at 10:15 PM.

City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, June 22, 2020 **7:00 PM** **Commission Chambers and via Electronic Meeting (Zoom)**

1. Call to Order

Chair Mitchell called the meeting to order at 7:00 PM.

Present: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

Absent: 1 - Greg Stoll

Staffers: 4 - Laura Terway, William Kabeiseman, Diliana Vassileva and Pete Walter

2. Public Comments

There were no public comments on non-agenda items.

3. Public Hearing

3a. GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variance

Chair Mitchell opened the public hearing and read the hearing statement. He asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Staggs drove by the site on a regular basis. Commissioner Schlagenhaufer drove by the site and looked at the different sign locations. Commissioner Johnson went by the site about five times per week. Commissioner Geil drove by the site multiple times.

Diliana Vassileva, Assistant Planner, presented the staff report. This was a request for sign variances for the Fernwood Apartments. She described the subject site and surrounding zoning, signage allowed, proposed signage, sign variance criteria, and wayfinding signs for the site. Staff recommended approval of the application with conditions.

The Commission asked questions about the size of the numbers on the signs, fee for the signs, size of the sign at the intersection, and number of variances.

Todd Mros, Ramsay Signs, addressed the concerns about the size and brightness of the signs. They would not be illuminated and were smaller than what was allowed in a multi-family residential zone. The signs would be used for wayfinding. In context he did not think the sign at the intersection would be a monstrosity. It would be appropriate, especially with the landscaping.

The Commission discussed alternative options for the signs, increasing the size of the numbers on the signs to be read easier, reflected vs. painted numbers, installing ground lights, and placement of the signs.

Chair Mitchell closed the public hearing.

A motion was made by Commissioner Schlagenhaufer, seconded by Commissioner Staggs, to approve GLUA-20-00015/VAR-20-00006/VAR-20-00007/VAR-20-00008/VAR-20-00009: Fernwood Apartments Sign Variance with the conditions proposed by staff. The motion carried by the following vote:

Aye: 5 - Tom Geil, Vern Johnson, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

3b. CI-20-00001: Code Interpretation for Discontinuance of a Legal Non-Conforming Use

Chair Mitchell opened the public hearing. He asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site.

Commissioner Staggs knew where the property was located. Commissioners Schlagenhaufer and Johnson and Chair Mitchell drove by the site.

Ms. Vassileva presented the staff report. She explained what the code said regarding the discontinuance of a legal non-conforming use. The question for the Commission was did a building remodel lasting longer than one year constitute a discontinuance of the legal non-conforming use. Staff thought that as long as there were active building permits and work was being continued for the building renovations, the use had not discontinued. Staff recommended approval of the interpretation.

Commissioner Gage arrived at 8:00 PM.

The Commission asked questions about the timeframe of the building permit, what constituted activity on the site and proof of activity, and input from the McLoughlin Neighborhood Association.

Nile Hagen, applicant, requested approval of the interpretation to allow them to extensively remodel the facility. There were exterior and interior work to be done, with a focus on the interior to maximize space for residents. They hoped to finish in 30 months.

Phyllis Garing, resident of Oregon City, would like something that was compatible with the neighborhood. She thought the building should either be removed or remodeled to the standards they had been told about in the past but had never happened. There was a lack of parking also.

William Weis, resident of Oregon City, said this facility had not had money put into it for years and if this was not approved, it would become an eyesore. This was a major renovation and it should be good if the applicant followed what he said he would do. He was also concerned about the parking and traffic.

Chair Mitchell closed the public hearing.

The Commission deliberated on the prominence of the site and need for exterior

improvements, timeframe for the project, and staff's recommendation.

Chair Mitchell reopened the public hearing.

Mr. Hagen explained the exterior improvements that were planned for the site.

Commissioner Staggs hoped the applicant recognized the importance of this corner and used the opportunity to make improvements.

Mr. Hagen stated they wanted to make it a point of pride of the community going forward.

Chair Mitchell closed the public hearing.

There was further discussion regarding parking, that the legal non-conforming use went with the property not the owner, how they were not able to place a time limit on the project, and confirmation that no people would be living on site until it was finished.

A motion was made by Commissioner Geil, seconded by Commissioner Gage, to approve CI-20-00001: code interpretation for discontinuance of a legal non-conforming use. The motion carried by the following vote:

Aye: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

4. General Business

4a. Draft Public Property Tree Removal Policy and Code Amendments

Pete Walter, Senior Planner, presented the policy and code amendments for tree removal on Institutional land. This was in response to the removal of trees at the swimming pool and would include process improvements. He gave an overview of tree maintenance in the City, current regulations, proposed changes, new definition of public property, Parks and Recreation staff comments, Pubic Works staff comments, and Natural Resources Committee comments.

The Commission discussed the public notice process, increasing the notice from 7 days to 14 days, increased mitigation size of caliper for replacement trees, reuse of the wood, definition of public property, street trees and roots raising sidewalks, whether the additional requirements would apply to all public land or only City-owned property, storm ponds and water quality facilities should be exempt from the requirements, when an arborist report was required, and preventive care such as root barriers.

Mr. Walter discussed the next steps. This item would come back for a work session and public hearing in August/September.

4b. Discussion on Diversity, Equity and Inclusion

Chair Mitchell discussed the letter Planning staff sent to the City Commission recognizing the inequities of zoning regulations in the past and the importance of not continuing those views going forward especially with the upcoming Comprehensive Plan update. He thought the Planning Commission should write a letter of support for staff's letter.

There was consensus to continue the meeting past 10:00 PM.

There was discussion regarding what would be included in the letter. There was consensus for Chair Mitchell and Commissioners Schlagenhaufer and Staggs to draft a letter of support and bring it back to the next meeting for approval.

5. Approval of the Minutes

5a. Planning Commission Minutes for April 22, June 10, and September 9, 2019

A motion was made by Commissioner Geil, seconded by Commissioner Gage, to approve the Planning Commission minutes for April 22, June 10, and September 9, 2019. The motion carried by the following vote:

Aye: 6 - Tom Geil, Vern Johnson, Patti Gage, Mike Mitchell, Dirk Schlagenhaufer and Chris Staggs

6. Communications

Laura Terway, Community Development Director, said staff had received direction from the City Commission to add language to the Beavercreek Road Concept Plan to protect the habitat areas.

7. Adjournment

Chair Mitchell adjourned the meeting at 10:06 PM.

City of Oregon City

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

Meeting Minutes

Planning Commission

Commission Chambers

Monday, December 14, 2020 **7:00 PM**

1. Convene Regular Meeting and Roll Call

Chair Mitchell called the meeting to order at 7:01 PM.

Present: 6 - Chair Mike Mitchell, Commissioner Christopher Staggs, Commissioner Dirk Schlagenhaufer, Commissioner Gregory Stoll, Commissioner Patti Gage, and Commissioner Tom Geil

Absent: 1 - Commissioner Vern Johnson

Staffers: 5 - Community Development Director Laura Terway, Senior Planner Pete Walter, Senior Planner Christina Robertson-Gardiner, Senior Engineer Patty Nelson, and City Attorney Carrie Richter

2. Approval of Minutes

A motion was made by Commissioner Schlagenhaufer, seconded by Commissioner Stoll, to approve the July 13, 2020 minutes. The motion carried by the following vote:

Aye: 6 - Chair Mike Mitchel, Commissioner Dirk Schlagenhaufer Commissioner Gregory Stoll, Commissioner Patti Gage, Commissioner Christopher Staggs, and Commissioner Tom Geil

3. Public Comment – None

4. Public Hearing

GLUA-20-00020: CU-20-00002 / SP-20-00043 - 182 Warner Parrott Road - Proposed 30-Bed Residential / Memory Care Facility

Chair Mitchell opened the public hearing and read the hearing statement. He asked if the Commission had any conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site.

Commissioner Geil visited the site and asked people who had family in memory care how often they visited. He found that several visited often.

Commissioners Gage, Schlagenhaufer, Staggs, Stoll, and Mitchell also visited the site.

Pete Walter, Senior Planner, presented the staff report. This was a request for a 30 bed assisted living facility with memory care on Warner Parrott Road. He explained the existing conditions on the site, proposed use, original and revised proposal, modified landscape plan, summary of revisions, solar shading analysis, surrounding uses, and approval criteria. He then discussed the public concerns on the record which included traffic, sight distance, safety, building height, 10 foot setback, building size, massing, height, shade/sunlight, vehicles blocking sight distance, impact to off-site trees, property values, construction hours, livability, and loss of privacy. Staff recommended continuing the hearing to January 11, 2021.

There was discussion regarding adequate parking, memory care and residential care use, protecting neighboring trees, construction hours, and setbacks.

Edward Radulescu, representing the applicant, addressed the parking issues and how they proposed the maximum allowed on site and staff would park at the church. He explained this was a permanent residence for the elderly and included a memory care facility. The residents did not drive. Memory care would only be on the first level. Regarding the second story windows, they were required to put windows in all residential units. There would be blinds for privacy and shading. Regarding the trees, the building would be set back far enough that they would not interfere with the drip line. They could have an arborist help with the location for the tree protection fencing. They were open to providing a 24 hour point of contact and good neighbor agreement. Construction hours would not be after 7 p.m.

There was discussion regarding the agreement with the church for staff parking, number of employees per shift, trees to the east with branches that hung over the property, number of rooms, and that long term storage of residents' cars would not be allowed.

Michelle Winters, resident of Oregon City, thought this proposal would alter the neighborhood. She was also concerned about shade/sunlight for her garden and people parking on the street.

Jerry Yarberry, resident of Oregon City, said the proposed use would alter the character of the neighborhood. Parking, neighborhood livability, shade, and second story windows looking into backyards were also concerns.

William Gifford, resident of Oregon City, was concerned about continuing the hearing again. He thought a decision should be made tonight. The applicant had done everything they could to address the concerns.

Mr. Radulescu provided rebuttal. He explained how they had addressed the building fitting with the neighborhood.

Petronella Donovan, applicant, wanted to be a good neighbor and was willing to work with the neighborhood. There was a shortage of elderly housing and this was a needed project.

Laura Terway, Community Development Director, explained the procedure for an adjustment to the parking plan for the off-site parking at the church. This was missing from the application and it could not be approved tonight. The Commission could approve the application without it and the applicant could come back with the parking adjustment at a later date.

Mr. Radulescu thought it was something that could be handled privately since they met the code for parking on site.

Chair Mitchell closed the public hearing.

There was discussion regarding whether or not to make a decision on the application or continue the hearing.

Chair Mitchell reopened the public hearing to ask if the applicant wished to withdraw the parking adjustment.

Mr. Radulescu said no, they requested a continuance so they could apply for the

parking adjustment.

Ms. Terway said the applicant would need to continue the 120 day deadline to March 8 and the hearing would be continued to January 25.

Ms. Donovan expressed her frustration about the amount of time and money they had already put into the process.

Chair Mitchell closed the public hearing.

A motion was made by Commissioner Schlagenhaufer, seconded by Commissioner Gage, to tentatively approve GLUA-20-00020: CU-20-00002 / SP-20-00043 - 182 Warner Parrott Road - Proposed 30-Bed Residential / Memory Care Facility with the proposed conditions, without the parking adjustment, and to direct staff to come back with final findings for approval on January 11, 2021.

There was discussion regarding the effort of the applicant to address neighbor's concerns, how the proposal did not impair or preclude the use of the surrounding properties, and how the application met the criteria.

Chair Mitchell suggested increasing the 10 foot setback to 20 feet to match the R-10 zone.

Chair Mitchell reopened the public hearing.

Mr. Radulescu thought the new setback was doable, but they would lose a parking space.

Mr. Yarberry recommended continuing the hearing to January 11.

Chair Mitchell closed the public hearing.

Chair Mitchell said due to the reduced parking and the last minute change, he did not think they should change the setback.

Commissioner Geil was still concerned about the parking.

The motion carried by the following vote:

Aye: 5 - Chair Mike Mitchel, Commissioner Dirk Schlagenhaufer, Commissioner Gregory Stoll, Commissioner Patti Gage, and Commissioner Christopher Staggs

Nay: 1 - Commissioner Tom Geil

GLUA-20-00033/LEG 19-00002 Amendments to the Water Master Plan

Chair Mitchel opened the public hearing.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. She explained the process, proposal, and criteria for approval. Staff recommended approval.

Patty Nelson, Senior Engineer, explained the purpose of the Water Master Plan, background on the plan, challenges identified, how the amendments addressed the challenges, and updated capital improvement projects.

A motion was made by Commissioner Gage, seconded by Commissioner Staggs, to continue the meeting past 10:00 PM. The motion carried by the following vote:

Aye: 6 - Chair Mike Mitchel, Commissioner Dirk Schlagenhaufer, Commissioner Gregory Stoll, Commissioner Patti Gage, Commissioner Christopher Staggs, and

Commissioner Tom Geil

There was discussion regarding the Planning Commission's role in this process, how the plan impacted future development, improvements to downtown, capital projects and timeline, projected costs, and next steps.

There was no public comment.

Chair Mitchell closed the public hearing.

There was discussion regarding artistic expression of water, which would need to be addressed separately from the action tonight.

A motion was made by Commissioner Staggs, seconded by Commissioner Geil, to recommend approval of GLUA-20-00033/LEG 19-00002 Amendments to the Water Master Plan to the City Commission. The motion carried by the following vote:

Aye: 6 - Chair Mike Mitchel, Commissioner Dirk Schlagenhaufer, Commissioner Gregory Stoll, Commissioner Patti Gage, Commissioner Christopher Staggs, and Commissioner Tom Geil

5. Communications

Chair Mitchell said this was Commissioner Geil's and Johnson's last meeting. The Commission and staff thanked them for their work.

Ms. Terway announced a joint Work Session with the Historic Review Board on January 11. The City Commission had directed staff to amend the Municipal Code regarding annexations.

6. Adjournment

Chair Mitchell adjourned the meeting at 10:25 PM.