

## NOTICE OF PLANNING COMMISSION DECISION

SITE DESIGN REVIEW FOR PROPERTY ADDRESSED AS 500 WILCO HIGHWAY  
Site Design Review 10-001

VARIANCE FOR PROPERTY ADDRESSED AS 500 WILCO HIGHWAY  
Variance 10-001

March 25, 2010

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APPLICANT: Mt. Angel Community Foundation  
REPRESENTATIVES: John Gooley and Dave Kohler

PROPERTY OWNER: Oktoberfest, Inc.  
Represented by: John E. Gooley, President

ENGINEER: Peterson Engineering Consultants, Inc.

ARCHITECTS: G. Victor Madge and Michael L. Wellman

LOCATION: 500 Wilco Highway (Highway 214)

MAP/TAX LOT: 6S 1W 10BD/TL 5400 (See Exhibit I.)

REQUESTS: Site Design Review (SDR) for the construction of a redesigned community building with a "footprint" measuring 137 feet by 140 feet (19,180 square feet). The plans include a second floor ranging in size of between 3,700 and 4,380 square feet. Site Exhibit II (site plan).

A major variance application to reduce the minimum number of parking spaces for a new community building from 150 to 118.

DESIGNATION/ZONE: Comprehensive Plan Map Designation: Commercial designation and Zone District: General Commercial

SIZE: 2.32 acres (after recording a lot line adjustment with Tax Lot 5300)

CURRENT USE: Community Center (according to the application)

CRITERIA: City of Mt. Angel Development Code, Section 17.5(b) (SDR)  
City of Mt. Angel Development Code, Section 4.5 (Variance)

EXHIBITS: Exhibit I: Property Location  
Exhibit II: Site Plan  
Exhibit III: Memo, City Engineer, dated 3/9/10

## I. BACKGROUND

General. The subject property is located on the east side of Wilco Highway north of Academy Street.

Current Comprehensive Plan Designation and Zone District. According to the City's Comprehensive Plan, the property is designated as "Commercial." The zone district is General Commercial (CG).

Pre-application Conference and Application dates. The property owner (as required), consultants for the property owner, City staff/consultants, and other agency representatives attended a scheduled pre-application conference on March 16, 2009. The site design review and variance applications were filed on January 25, 2010. The applications were deemed complete February 8, 2010.

On-site. According to the pre-application conference conducted in March 2009, the existing building (used most recently as a community center and Biergarten during the Oktoberfest festival) is approximately 40 years old. During the last significant earthquake, the building suffered some damage to the floor and the structure is planned for removal.

Proposed Development. Construction of a community center (building) 137 feet by 140 feet—19,180 square feet) in size--and indicated in the application form as 18,550 square feet on the ground floor and 9,702 for the second floor.

### Surrounding area.

North: CG zone property (owned by PGE) and a corner of the South Cleveland Street ROW,

South: CG property under private ownership and across Academy Street, property zoned UTF – outside City limits but inside the UGB and reserved for low-density residential development,

East: RS zoned property under private ownership, and

West: (across the highway) property zoned Public and under the ownership of Benedictine Sisters and the Sisters of Providence

Natural Features/Hazards. According to the application, the property is "relatively flat." Maps available to the City do not indicate any areas within a flood plain or identified wetlands. However, soil types are indicated as hydric. The property is within the Pudding River watershed. The City is located within an active seismic area.

### Utilities (See Exhibit III.)

**SANITARY SEWER SYSTEM:** City Engineer review of the site design review application indicates that according to the City of Mt. Angel Sewerage Facilities Plan Update (October 1989), the City's secondary wetland/lagoon treatment system is designed to treat flows for a population of 5,000 users. The treatment facility is determined to have sufficient capacity to treat sanitary wastes from the existing development of the subject property.

**WATER SYSTEM:** Current water supply capacity is considered to be sufficient to supply the City with the subject property presently in use and proposed to continue use as a community center without additional levels of development. This assumes that the existing operation will not require any significant increase in water from City sources.

**FIRE PROTECTION:** Off-site water system improvements are anticipated to be required to provide adequate water to the site for assumed fire protection demands as required by the Fire District to address pressure and/or minimum fire flow requirements.

**STORM SEWER SYSTEM:** The subject property is not currently served by public storm sewer infrastructure. The area generally drains to the north toward an existing drainage ditch and culvert in the unimproved Cleveland Street right-of-way.

**ACCESS:** Wilco Highway abuts the subject property for the full distance of the west side. However, there is no physical access to that right-of-way.

The existing site has access from the south with frontage on Academy Street through a flag lot driveway and from the north along the northeast property boundary through an extension from Cleveland Street and crossing a portion of property under the ownership of PGE. The Cleveland Street access is dependent upon a public right-of-way donation from an adjacent property owner for frontage access. The applicant proposes that the primary access will be from Cleveland Street and secondary/emergency access will be provided from Academy Street.

Wilco Highway is an Oregon Department of Transportation (ODOT) right-of-way and Cleveland and Academy Streets (for the distance it abuts the property) are City rights-of-way.

## **II. REVIEW PROCEDURE**

The City's Development Regulations, Section 2.1 (b) lists site design review and variances as Type II actions.

Processing the applications is completed according to Section 2, Administrative Provisions, applicable to Type II actions.

## **III. REVIEW CRITERIA & FINDINGS OF FACT – SITE DESIGN REVIEW**

A. According to Mt. Angel development regulations, Section 19.5, the applicant shall demonstrate compliance with the following criteria.

**1. The site design review shall be consistent with the dimensional standards and all other standards provided within the applicable zone;**

Findings: According to the Development Regulations, 6.4(b) 2., Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations, churches, and hospitals are permitted uses. The application indicates the use of the property as a "Community Building for the citizens of Mount Angel. It will be the new home of the Mount

Angel Oktoberfest venue, the Biergarten . . . The main function of the new Community Building will remain the same as before, which served as a community building available to the public all year long.”

Semi-public is not defined, however the Development Regulations (Section 1.10) allows for use of “commonly accepted definitions” such as “ maintained as a public service by a non-profit organization.” Both the Community Foundation and Oktoberfest, Inc., provided evidence of 501(c)3 status to document their operations as non-profit organizations, and, therefore, the proposed use can be deemed semi-public.

The Development Regulations do not specify any minimum lot area for properties within the CG zone district.

There are no property line setbacks for the front yard--the distance the property abuts Wilco Highway on the west side of the property. Minimum setback shall be based upon compliance with Building Code requirements.

The City regulations do not require a property line setback on the north side of the property because the subject property abuts non-residential zones. The structure shall meet any construction or setback requirements based upon the Building Code.

The majority of the south boundary of the subject property abuts a commercial zone district and there are no side yard property lines required for that area. Minimum setback shall be based upon compliance with Building Code requirements.

For the side yard setback in regards to the access area (to Academy), the property across the street to the south is outside City limits but inside the UGB. The area is reserved for residential development. There are no structures located or planned within this area.

Property located west of the accessway is also zoned CG. No property line setbacks are required nor are any structures planned within the driveway. (Please note that a lot (property) line adjustment was recently approved by the City of Mt. Angel within the area of the accessway. See following insert for informational purposes only.)

*Description of the lot line adjustment request: To adjust the eastern property line of TL 5300 approximately 29.41 feet further north and from zero (0) feet at the southeast corner to approximately 13.35 feet further east at the northeast corner to match an existing fence line. The adjustment increases the size of TL 5300 (Borschowa property) by approximately 4,307 square and decreases the size of TL 5400 (Oktoberfest property) by the same amount.*

A rear yard property line setback of fifteen (15) feet is required because the subject property abuts a residential zone to the east. However, no structures are proposed within 15 feet of the rear property line. However, the Development Regulations, Section 6.4 (f), “conditions to preserve neighborhood qualities may be imposed by governing body relating to:

- (1) Size and location of signs;
- (2) Size, type, and location of outdoor lighting,
- (3) Landscaped area,

- (4) Screening,
- (5) Building setbacks, and
- (6) Ingress and egress for commercial uses.”

According to the same section letter (g), “Except for outdoor storage of materials or outdoor sales, as allowed by this or any other city ordinance, all uses permitted in the CG zone shall be conducted within one or more buildings situated on permanent foundations requiring issuance of building permits.”

The subject property is located with the Bavarian Theme District and required to comply with the Development Regulations, Section 15. The Design Review Board issues an Exterior Design Review decision regarding the application’s compliance with the applicable criteria, Section 15.6. The Design Review Board approved the Bavarian Theme of the building as presented.

The City’s sign standards are as indicated in the Development Regulations, Section 11. The applicant is required to submit a design and location plan for property signage for review and approval by the City’s planning staff. Issuance of building permits is required prior to the installation of any signs.

Parking requirements are addressed in SDR, Criterion Number 2.

Landscaping and buffering requirements are addressed in SDR, Criterion Number 5.

**2. Based on anticipated vehicular and pedestrian traffic generation, the site design shall provide adequate right-of-way and improvement of streets, pedestrian ways, bikeways, transitways and other ways in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking;**

Findings: The property historically has accessed the southerly end of the Cleveland Street right-of-way through another property to the north although the street is not improved to City standards for a street with a functional classification as a commercial/industrial street. Following the pre-application conference, the City has discussed the possibility of applying for a Community Development Block Grant (CDBG) as a funding source to help finance the cost of the project. However, the City has not formally applied for a CDBG.

Some level of street improvements need to be completed before the building is open for use as a community center. If the City has either not applied for or successfully completed that grant application process; Oktoberfest, Inc. and the Mt. Angel Community Foundation shall be required to complete a traffic impact analysis prepared by a traffic engineer. The study needs to be submitted, reviewed, and street improvements determined by the City Engineer before any building construction can begin. The study needs to address both the existing adjacent property and their uses and include the new building and its uses as proposed under the site design review application. Based upon testimony at the public hearing by a representative of Fire District, curve radius needs to be included in the planning to address maneuverability of emergency vehicles. Completion of street improvements to either Cleveland Street or Academy Street (designed by the applicant for both vehicle and pedestrian traffic and could include a shared

roadway for bicycles) then becomes the responsibility of either Oktoberfest, Inc., or the Mt. Angel Community Foundation or both groups.

Sidewalks need to connect the site and its activities to the State's and/or City's pedestrian system and including within designated pathways within parking lots and to the "overflow" parking areas. The applicant is required to submit a revised site plan indicating types of surfacing and travel patterns for pedestrian paths/sidewalks.

As part of the pre-application conference, ODOT expressed concerns with the intersection of Academy at highway and any "overflow parking lot" access to Garfield Street. Staff presented the concern at the hearing. ODOT was notified of the formal application.

While a concurrent variance application has been filed requesting a reduction in the number of required parking spaces (see responses to variance criteria below), other parking area requirements also apply. Surfacing for the on-site lot shall be as required by the Development Regulations, Section 8.8.

Development Regulations, Section 8.4 (b) allow for off-site parking for properties within the commercial zone if the property is within 500 feet. The applicant's statement presented with the application indicates that Oktoberfest, Inc., "owns the property to the north of the PGE lot and will use that for overflow parking for all events. During Oktoberfest, however it will be used as parking and staging for items needed for the festival."

According to City Engineer review of the application, additional off-site improvements may be required to provide adequate access to the proposed overflow parking (Tax Lot 4200) north of the site and the PGE power station with pedestrian access to the proposed Community Center development. Driveway access into the parking lot must be to City standards in dimensions and paved within the right-of-way. Staff recommended that the parking lot be paved or otherwise improved with an all weather surface to serve as mitigation a measure to help lessen an impact on the surrounding area. Planning Commission determined that based upon past use of the other property owned by Oktoberfest, Inc., used for parking and staging, no physical improvements are required for the overflow parking area.

Because of the building size, two (2) loadings spaces are required (Development Regulations 8.7). Loading spaces shall be a minimum of 12 feet wide, 30 feet long, and have a vertical clearance of 14 feet. A delivery area is indicated on the plans but no dimensions are noted. The applicant indicated at the hearing revision of the site plan to include two designated areas.

The City needs to review and approve a parking lot and loading area lighting plan confirming that the lighting will be deflected from the residential zone located to the east of the subject property and not cast a glare or reflection onto the vehicle travel lanes of the public rights-of-way (Development Regulations, Section 8.8 (f)).

The plans indicated raised sidewalks within the parking lot to allow for safer pedestrian travel. If any portions of the outer parking areas are less than three (3) feet from a property line (such as

the southwest corner of the southerly parking area), a bumper guard at least four (4) inches in height shall be installed to prevent a motor vehicle from extending onto the adjoining property.

The development shall comply with the requirements for bicycle parking. A minimum of two (2) spaces is required with an additional one (1) space for every 20 spaces for a total 10 spaces. Parking facilities shall comply with the Development Regulations 8.12 (d) in regards to location (including signs directing cyclists to the spaces), size, aisle, security measure, and supportable racks.

In regards to streets, see I. Background, Utilities. According to City Engineer review and as a minimum, primary access shall be provided from either Cleveland Street or from Academy Street. Street improvements are required to the rights-of-way based upon the primary access. If the driveway serves as a secondary route to Academy Street, improvements are needed to the accessway to accommodate emergency vehicles. The level of improvements shall be as required by the City Engineer and Fire District.

At the public hearing, the City Engineer's representative, indicated the need to convey land for use of right-of-way for future improvements to Academy Street. The affected area is the southern portion of the lot—the flag pole portion.

Proposed development of the site shall require public streets constructed to the Public Works Design Standards and be in accordance with the City's Transportation System Plan (TSP). Completion of public street improvements is required prior to issuing final inspection and occupancy of the development. It is anticipated that additional dedication of right-of-way shall be required to construct Cleveland Street to be improved to the Commercial/Industrial standard of a 36-foot width. (A plan with a lesser street standard prepared by the applicant's engineer was presented to the Commissioners during the hearing.) In addition, Cleveland Street shall end with a standard cul-de-sac or paved turn around. If Cleveland Street improvements are not completed before the building is occupied, completion of street improvements to City Public Works Standards and according to City Engineer approval for Academy Street are required. Example street improvement plan with a row of 28 feet in width was presented at the hearing

Improvements to Wilco Highway may be also be required By ODOT or another requirement may include the installation of a paved turn around. These requirements need to be reviewed when a proposed development plan is presented. Any street construction shall be completed according to Public Works Department Standards

**3. Public and private facilities and services shall be provided in order to adequately serve the residents or establishments to be accommodated;**

Findings: In regards to the sanitary sewer system, also see I. Background, Utilities. The final development plan of the site shall be required to show the location of existing and proposed sewer connections in compliance with City codes, standards and policies in effect at the time of development and connection to the existing sanitary sewer system. Prior to acceptance of the development plan, capacity of identified existing impacted lines need to be verified. If

necessary, off-site improvements to increase capacity to accommodate projected flows are required.

The water system is also addressed in I. Background, Utilities (above). Off-site water system improvements are anticipated to be required to provide adequate water services for assumed fire protection demands to the site as required by the Fire District. The lack of pressure and/or minimum fire flow requirements may be remedied in a variety of ways and the proposed solution or solutions must be presented with future development plan and address all requirements of the Fire District. All public water system improvements shall be designed and constructed in accordance with Public Works Design Standards, and construction plans must be reviewed and approved prior to construction.

Comments and questions from the Fire District were directed to the building exit issues. (See Staff Report, Attachment G.) Location of hydrants and a building sprinkler system are noted in their list. The applicant indicated at the public hearing that the plans are to install a sprinkler system to serve the new building. Any needed development requirements are based upon complying with the State's Fire Code.

For additional detail on the storm water system, see I. Background, Utilities. A drainage plan shall be required to be submitted with the final development plan of the site. The plan shall present a site drainage analysis, drainage impacts from public street improvements, planned storm sewer improvements and facilities with supporting calculations. An upstream basin analysis and downstream impacts should be also be included with the site drainage analysis. A detention system and/or off-site improvements to increase downstream capacity may be required. All improvements shall be designed and constructed in accordance with Public Works Design Standards. Improvements to Cleveland Street and/or Academy Street shall also include drainage. On site storm sewer shall be public and extend, as a minimum, to adjacent properties south of the site. Public storm sewer improvements on site or other private property requires dedication of public utility easements. In addition, the applicant may need approval from the Oregon Department of State Lands for any drainage discharge or work within the existing open drainage channels crossing Cleveland Street. The drainage must be approved by the City prior to any construction and/or improvements to Cleveland Street.

**4. Areas, structure, and facilities of storage, machinery and equipment, refuse services, loading and parking, and similar accessory use areas and structures shall be designed, located, buffered or screened to minimize adverse impact on the site and neighboring properties;**

Findings: The replacement building is being sited in approximately the same size and location as the previous building with a change from a rectangle design to a building more square in shape. Additional landscaping is proposed for the site and provides some visual distraction of the subject property on the north, south, and west.

The site plan with the additional landscaping details indicates the location of a "landscape strip" on the east side of the property where adjacent land is zoned for residential use--a landscape buffer. The applicant is required to submit a revised site plan indicating compliance with the

required buffer height of five (5) to six (6) feet in compliance with 17.4(c) and documenting that 15 percent of the total area is landscaped.

**5. Landscaping shall be provided on at least 15 percent (15%) of the total lot area;**

Findings: Criterion 1 also requires addressing landscaping requirements (Section 6.4 (e)).

Requirements include the following:

- (a) provide combined perimeter and interior landscaping along parking areas and driveways,
- (b) install minimum five-foot high solid screen when adjacent land uses other than commercial and industrial,
- (c) provide visual relief screen when adjacent any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees or any combination thereof,
- (d) observe vision clearance area for all screens, and
- (e) install landscaping on at least 15 percent of the lot area.

The preliminary site plan appears to indicate landscaping at the perimeter of the parking areas and driveway. A “landscape strip” is also indicated on the plan, however, the plan does not detail the density (solid screen) or height of the planted vegetation on the east side of the property (adjacent a residential zone district). With the exception of the building entrance, a combination of “visual relief” is provided for the portion of the property adjacent Wilco Highway. The plan does not clarify if it complies with vision clearance requirements for the entry into the separately grouped parking areas. The applicant is required to submit a revised plan indicating compliance with the listed section of the Development Regulations and including documentation that 15 percent of the lot area are is landscaped and that buffering is adequately provided at the east property line.

**6. For new developments, electric, telephone, and other utility service shall located underground; and**

Findings: The City solicited for comments from private utility companies. Northwest Natural Gas responded indicating that services are available but any relocation is at the customer’s expense. All utilities are required to be installed underground in compliance with industry standards and not in conflict with existing or planned public utilities.

**7. The site design shall comply with all other applicable requirements of the Mount Angel Development Code and Public Works Design Standards.**

Findings: The applicant is proposing replacement of an existing structure within a similar foot print of the previous building. Specific parking requirements are not indicated for a “community center.” Reviewing the City’s Development Regulations, Section 8.8, an auditorium (the most similar category) requires one (1) space per 4 seats. The applicant’s architect did an evaluation of the seating capacity and with an estimated maximum attendance of 600 persons. Calculations indicate a parking requirement of 150 spaces. The size of the property does not allow for changes to the former parking areas to meet the current standards. In addition to variance request, the applicant is also proposing “overflow” parking on another property within the vicinity under the same ownership.

The requirements for loading spaces and bicycle parking are indicated in the Findings, Site Design Review, Criterion Number 2. Parking lot surfacing for the on-site and overflow parking shall comply with the City's standards or alternatives as determined by the City Engineer in comparison with the City's Public Works Development Standards. The Building inspector reviews the parking area for compliance with the number, type, signage, and dimensions of the parking area(s) reserved for individuals with disabilities to meet Americans with Disability Act (ADA) requirements. City Development Regulations establish requirements for location and size of bicycle parking spaces.

Landscaping is addressed in Site Design Review, Criterion Number 5.

Installation of parking lot and loading area lighting shall be deflected from the residential zone located to the east of the subject property and shall not cast a glare or reflection onto the vehicle travel lanes of the public rights-of-way. Submittal of a plan and details regarding the lighting is required to verify compliance with the requirements.

#### **IV. REVIEW CRITERIA & FINDINGS OF FACT – VARIANCE**

A. According to Mt. Angel development regulations, Section 4.5, the applicant shall demonstrate compliance with all of the following criteria

**1. The variance requested is the minimum variance which would alleviate the hardship.**

Findings: The applicant indicated that due to the space availability for parking the variance requesting 118 spaces would produce the minimum variance necessary to alleviate the hardship.

**2. Exceptional or extraordinary circumstances or conditions apply to the property which do not apply generally to other properties in the same zone or vicinity; and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances that substantially exist.**

Findings: According to the applicant, the lot has a flaglot configuration, it only has one 30' access to the south of the property. The north property is under ownership by a public entity PGE, a State Highway runs the length of the property to the west, and the property to the east is a 70-acre undeveloped piece of land. The owners of the subject property have limited space available to replace the existing building with one of similar size and provide new parking spaces meeting a code adopted subsequent to the existing building constructed.

**3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or otherwise conflict with the objectives of any City plan or policy.**

Findings: The applicant indicated that the authorization of the variance will allow the new construction to proceed and provide parking that is not currently present and the plan is not

materially detrimental to the public welfare or injurious to the property in the vicinity or districts in which the property is located.

The Mt. Angel Police Department reviewed the application and responded by indicating no objections to the proposal.

**4. Such variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner that is possessed by the owners of other properties in the same vicinity or zone.**

Findings: The current building on the subject property needs to be upgraded to meet current building codes to allow for new construction. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

**5. Approval of the application does not conflict with policies and objectives of the Comprehensive Plan.**

Findings: According to the applicant's statement, the proposed development is consistent with the Comprehensive Plan.

Staff added that the City's Comprehensive Plan, Community Appearance, indicates the need to enhance the "attractiveness of the major streets within and entering the city" by "enhancing the use of landscaping and tree planting." The applicant proposes replacement of an existing building and to add a Bavarian-theme façade along property that fronts Highway 214—in a location near an entrance to the City. More formalized parking lots are planned and although a variance is filed to request a reduction in the number of required spaces, the frontage is also enhanced by planning street trees and meeting parking lot and internal landscaped area requirements.

**6. The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned.**

Findings: Information provided by the applicant indicates that the proposed development is in compliance with the current zoning. (Please note: The subject property is located within a General Commercial zone district. Public and semi-public uses are permitted outright.)

**7. That the special conditions and circumstances on which the application is based do not result from negligent or knowing violation of this Ordinance by the applicant.**

Findings: The proposed new construction is to replace the facility that was constructed in accordance with the codes and ordinances that were in place at the time of the construction.

**8. Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:**

- (1) Granting the variance will not create significant adverse effects to the appearance, function or safety of the use or uses on the subject property, and**

**(2) Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.**

Findings: (1) By allowing the construction of a new building to meet building code requirements and follow the Bavarian Theme requirements of the city.

(2) Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped sites.

(Please note in regards to the responses to the all of variance criteria that the applicant also provided oral testimony at the public hearings to further explain the variance request. A copy of the Planning Commission minutes and the tape of the meeting are both available for review at City Hall.)

## **V. CONDITIONS OF APPROVAL**

### **VARIANCE**

A. Based upon the findings of fact contained in this staff report and supporting testimony at the public hearing, the Planning Commission voted unanimously to GRANT a major variance application to reduce the minimum number of parking spaces for a new community building from 150 to 118 for property identified as 6S 1W 10BD/5400—500 Wilco Highway—based upon meeting the following condition of approval:

1. Prior to final inspection/occupancy, install a minimum of 118 parking spaces constructed in compliance with City standards, provide spaces reserved for individuals with disabilities as approved by Marion County to meeting the American with Disabilities Act (ADA) regulations, and provide a minimum of ten (10) bicycle parking spaces according to City standards.

### **SITE DESIGN REVIEW**

B. Based upon the Planning Commission approving Variance 2010-001 and the findings of fact for the Site Design Review (SDR) contained in this staff report and supporting testimony at the public hearing, the Planning Commission voted unanimously to APPROVE Site Design Review 2010-001 to allow the construction of a community center building with a “footprint” measuring 137 feet by 140 feet (19,180 square feet). The plans include a second floor ranging in size of between 3,700 and 4,380 square feet for property identified as 6S 1W 10BD/5400—500 Wilco Highway—based upon meeting the following conditions of approval:

1. Prior to filing for building permit, submit revised preliminary plan that includes the following information:
  - a. Two (2) loadings spaces (Development Regulations 8.7) a minimum of 12 feet wide, 30 feet long, with a vertical clearance of 14 feet.
  - b. Parking plan to scale and indicating approval by Marion County for all spaces required to comply with standards as established by the Americans with Disability Act.
  - c. Landscape plan in compliance with the Development Regulations (Section 6.4(e)) and including screening the full distance of east property line with landscaping and/or fencing a

minimum of five (5) feet in height and indicating compliance with vision clearance requirements.

- d. Parking lot and loading area lighting plan confirming that the lighting will be deflected from the residential zone located to the east of the subject property and not casting a glare or reflection onto the vehicle travel lanes of the public rights-of-way.
- e. Bicycle parking plan indicating the location of ten (10) spaces and compliance the Development Regulations 8.12 (d) in regards to location (including signs directing cyclists to the spaces), size, aisle, security measure, and supportable racks.
- f. Plan for property signage and indicating compliance with the Development Regulations, Section 11. Prior to installation, the applicant and/or developer is/are required to obtain sign permits from the City of Mt. Angel.

Note: All construction shall be in compliance with the approved site plan.

2. Prior to any site work, submit for City Engineer review and approval a final development plan indicating the location of existing and proposed sanitary sewer connections in compliance with City codes, standards and policies in effect at the time of development and connection to the existing sanitary sewer system. Prior to acceptance of the development plan, capacity of identified existing impacted lines needs to be verified. If necessary, install off-site improvements to increase capacity to accommodate projected flows as determined by the City Engineer.

3. Prior to any site work, submit for City Engineer review and approval a final development plan indicating the method to provide adequate water services (and also including providing adequate pressure and meeting minimum fire flow requirements). All public water system improvements shall be designed and constructed in accordance with Public Works Design Standards, and construction plans must be reviewed and approved prior to construction.

4. Prior to filing for building permit, submit plan for review and approval by the City Engineer to address construction of driveways (including dimensions and turning radius), parking including distance of the spaces from property lines if three (3) feet or less (which requires placement of a barrier to keep the vehicle from crossing the line), and loading areas with parking lot surfacing of either asphalt or concrete and provisions to accommodate storm water.

5. Prior to any site work and as part of the final development plan, submit for City Engineer review and approval a drainage plan (storm water) for the subject property. The plan shall present a site drainage analysis, drainage impacts from public street improvements, planned storm sewer improvements and facilities with supporting calculations. An upstream basin analysis and downstream impacts should also be included with the site drainage analysis. A detention system and/or off-site improvements to increase downstream capacity may be required. All improvements shall be designed and constructed in accordance with Public Works Design Standards. Improvements to Cleveland Street and/or Academy Street shall also include drainage. On site storm sewer shall be public and extend, as a minimum, to adjacent properties south of the site. Public storm sewer improvements on site or other private property require dedication of public utility easements.

6. Prior to conducting any site work related to installation of storm water facilities, contact the Oregon Division of State Lands and submit in writing either a statement indicating that a review is not required or copies of required DSL permits/approval of any drainage discharge or work within the existing open drainage channels crossing Cleveland Street. The drainage must be approved by the City prior to any construction and/or improvements to Cleveland Street.

7. As a minimum, provide primary access from either Cleveland Street or from Academy Street.

Prior to final inspection/occupancy, install/construct street improvements to Cleveland Street including at minimum facilities to accommodate both vehicle and pedestrian travel prior to final inspection and occupancy of the building. The level of improvements shall be as determined in cooperation with the City of Mt. Angel (if a joint project occurs between the applicant, property owners, and the City) and as approved by the City Engineer. If a City-sponsored Community Development Block Grant application has not been filed or the process completed before building construction begins, the level of improvement shall be based upon a study prepared by a traffic engineer determining the number of vehicle trips generated by the use and to accommodate existing development. The study will be used to determine a proportional share of needed street improvements for a street with a functional classification as a commercial/industrial street. Preparing. Submitting the study for City Engineer review and approval is the responsibility of the applicant and including submitting construction drawings specific to the determined level of improvement. The property owner is also responsible for conveying any needed land for use as public right-of-way for an extension of Cleveland Street as it abuts the east side of the subject property, any needed area for the construction of a cul-de-sac or approved turn-around, and curve radius (where applicable) for emergency vehicles.

If the Cleveland Street right-of-way is not be improved and prior to final inspection/occupancy, provide improvements to Academy Street in cooperation with the City of Mt. Angel, Marion County Public Works Department, and the Oregon Department of Transportation. The design shall be as determined by the government entities and in compliance with Public Works Design Standards with the final plans reviewed and approved by the City Engineer. The plan shall include curve radius for emergency vehicle where applicable.

8. Prior to final inspection or issuance of a certificate of occupancy, convey land a minimum 30 feet in width for the distance the property abuts Academy Street for use as public right-of-way.

9. Prior to final inspection/final occupancy, improve the driveway/accesway to Academy Street sufficient to accommodate emergency vehicles according to City Engineer and Fire District approval.

10. Prior to any site work for street or parking lot improvements, submit a revised site plan for City Engineer and City Planner review and approval indicating the routes serving pedestrians and connections to the State's and City's pedestrian system and including within parking lots and to the "overflow" parking areas.

11. Prior to any site work, submit a revised site plan with the additional landscaping details for a "landscape strip" on the east side of the property and indicate compliance with the required buffer

height of five (5) to six (6) feet in height, compliance and documentation that 15 percent of the total area is landscaped, and compliance with vision clearance requirements.

12. Prior to final inspection/occupancy submit a design and location sign plan in compliance with the Development Regulations, Section 11, for review and receive approval from the City's planning staff. Issuance of building permits is required prior to the installation of signs.

13. As part of the site work and construction process, install all private utilities underground in compliance with industry standards and not in conflict with existing or planned public utilities. The City Engineer responds to any location questions and resolves any conflicting locational issues.

14. Note that with the exception for outdoor storage of materials or outdoor sales, as allowed by the City's Development Regulations or any other City ordinance, all uses shall be conducted within one or more buildings situated on permanent foundations requiring issuance of building permits. (Please note: This application is specific to the construction of one building under the site design review application.)

15. Note that the Applicant is herein advised that the use of the property involved in this application does require additional permits from the City and may require additional permits from other local, State or Federal agencies.

16. Obtaining any applicable permits is the responsibility of the Applicant/Owner. The City of Mt. Angel land use and review and approval process does not take the place of, or relieve the Applicant/Owner of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

**VI. APPEAL**

According to Mt. Angel Development Regulations, any decision by the Planning Commission may be appealed by the applicant or persons who submitted comments in person or in writing prior to the Planning Commission decision. The City Council may call up any Type II action of the Planning Commission in granting or denying the land use action, whereupon such action of the Council shall be taken at the meeting where notice of the Planning Commission decision is presented. The appeal shall be filed within 12 days from the date of the decision.

The decision becomes final at the conclusion of the appeal period.

APPROVED BY A 4 TO 0 VOTE OF THE PLANNING COMMISSION ON THE 18TH DAY OF MARCH, 2010. (One Planning Commissioner in attendance declared a conflict of interest and removed himself from the dias.)

DATED at Mt. Angel, Oregon, this 25<sup>th</sup> day of March, 2010.

ATTEST:  March 25, 2010  
Greg Savage, Commission Chairperson Date

ATTEST: Michele Hall Mar 25, 2010  
Michele Hall, City Recorder Date



# EXHIBIT I

- LINE TYPES**
- TAX LOT BOUNDARY
  - VED PROPERTY LINE
  - ROAD RIGHT-OF-WAY
  - VACATED RIGHT-OF-WAY
  - RAILROAD
  - RAILROAD RIGHT-OF-WAY
  - STREAM LAKE, ETC.
  - NON-BOUNDARY
  - TAX LOT BOUNDARY
  - SUPERVISOR BOUNDARY
  - PARTITION PLAN BKT.
  - TAX CODE BOUNDARY
  - ESCALADOT

- SYMBOL TYPES**
- DLG
  - CONTROL POINTS
  - SURVEY MONUMENTS
  - CLA CORNERS
  - 1/4 SEC
  - 1/4 SEC
  - 1/4 SEC
  - 1/4 SEC

**NUMBERS**

TAX CODE #1  
 000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

**NOTICE:** This map was created for Assessor's Office use ONLY.



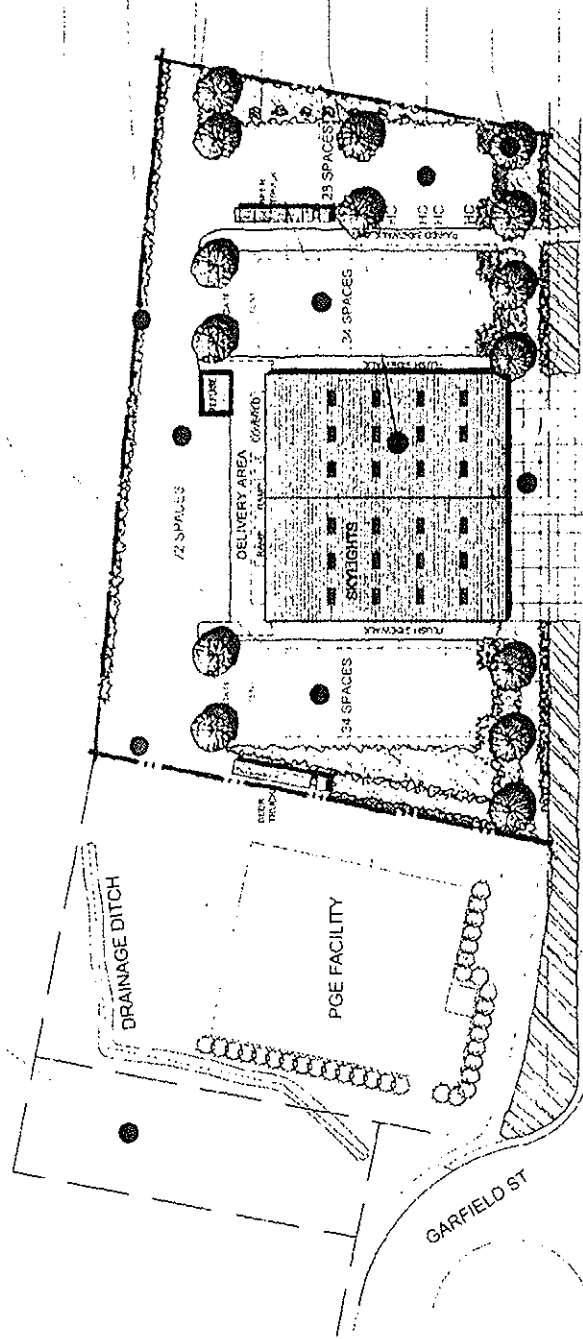
SCALE 1" = 100'  
 or 1:1200  
 Plot file created: July 24, 2007

RECEIVED

JAN 25 2010

MID WILLAMETTE VALLEY  
COUNCIL of GOVERNMENTS

- OPTIONAL PARKING
- TRUCK ENTRANCE
- FENCED PARKING AREA
- LANDSCAPE STRIP
- PARKING/LOADING AREA
- FENCED PARKING AREA
- PROPOSED 137' X 140' COMMUNITY CENTER BUILDING
- DEDICATED PARKING AREA
- STREET TREES
- ENTRY PLAZA WITH FLAGPOLES
- PARKING RATIO: 4.5/1000



# PRELIMINARY SITE PLAN



**Mt. Angel Community Center**

Date: June 15, 2009  
 G. Victor Madge / Michael L. Wellman Architects  
 Silverton, Oregon (503) 873-8111

**Mt. Angel**  
**Oktoberfest**  
 "Embrace our Barbarian Heritage"

**EXHIBIT II**



Murray, Smith & Associates, Inc.  
Engineers/Planners

121 S.W. Salmon, Suite 900 • Portland, OR 97204-2919 • PHONE 503.225.9010 • FAX 503.225.9022

02-0561.646  
March 9, 2010

Ms. Marjorie Mattson, City Planner  
City of Mt. Angel  
P.O. Box 960  
Mt. Angel, Oregon 97027

Re: Oktoberfest/Community Foundation Building  
Request for Comments – Design Review

Dear Marjorie:

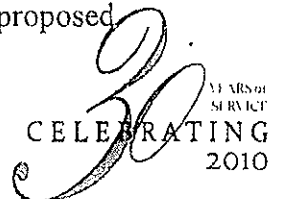
At the City of Mt. Angel's (City) request, Murray, Smith & Associates, Inc. has reviewed the request from the Mt. Angel Community Foundation for Design Review of a new building to replace the existing Community Center structure located at 500 Wilco Highway Northeast. The site consists of one parcel, identified on Marion County Assessor's Map No. 061W10BD, Tax Lots 05400. The site is approximately 2.32 acres in area, zoned general commercial and located entirely within current City boundaries. Based on the presented information, the following comments are offered for consideration.

It is anticipated that the redevelopment of this site will not alter or impose any significant change to the current use or operations of the Community Center located on the site. Because of this, there will be little or no immediate impacts to existing public water supplies, sewer facilities, traffic and other facilities. There appears to be sufficient capacity in existing public utility systems to support the subject property at the present level of development and current use. However, the current use of the property has evolved over the past 38 years and in many respects is not in compliance with current City codes and standards. Public access from existing streets is of particular concern. The following summarizes the findings of our assessment of public utilities.

**Sanitary Sewer System**

According to the City of Mt. Angel Sewerage System Facilities Plan Update (October 1989) the secondary treatment wetland/lagoon treatment system is designed to treat flows for a population of 5,000 users. The treatment facility is determined to have sufficient capacity to treat sanitary wastes from the existing development of the subject property. The proposed

**EXHIBIT III**



redesigned Community Center will continue in use as identified historically and has not identified any significant additional impacts to the sanitary sewer system.

The final development plan of the site shall be required show the location of existing and proposed sewer connections in compliance with all City codes, standards and polices in effect at the time of development and connection to the existing sanitary sewer system. Capacity of identified existing impacted lines will need to be verified prior to acceptance of the development plan. If necessary, off-site improvements to increase capacity to accommodate projected flows would be required.

### **Water System**

Current water supply capacity is considered to be sufficient to supply the City and the subject property presently in use and proposed to continue use as a Community Center without additional levels of development. This assumes that the existing operations will not require any significant increase in water from City sources.

Off-site water system improvements are anticipated to be required to provide adequate water service for assumed fire protection demands to the site as required by the Fire District. The lack of pressure and / or minimum fire flow requirements may be remedied in a variety of ways and the proposed solution or solutions must be presented with the future development plan and address all requirements of the Fire District. All public water system improvements shall be designed and constructed in accordance with Public Works Design Standards, and construction plans must be reviewed and approved prior to construction.

### **Storm Sewer System**

The subject property is not currently served by public storm sewer infrastructure. The area generally drains to the north toward an existing drainage ditch and culvert in the unimproved Cleveland Street right-of-way. It is recommended that the general direction of storm flow not be altered due to current or future development or redevelopment of the adjacent properties and frontage on State Highway 214 (Wilco Highway). There is an existing public storm sewer located north of the site near the south end of Garfield Street. Currently flow to this storm system exceeds the capacity. This results in periodic flooding. Flow from the proposed redeveloped Community Center will increase with the addition of impervious area from site parking and improvements to Cleveland Street and/or Academy Street. This additional flow will result in an increased frequency of flooding.

A drainage plan shall be required to be submitted with the final development plan of the site. The plan shall present a site drainage analysis, drainage impacts from public street improvements, planned storm sewer improvements and facilities with supporting calculations. An upstream basin analysis and downstream impacts should also be included with the site drainage analysis. A detention system and/or off-site improvements to increase

downstream capacity may be required. All improvements shall be designed and constructed in accordance with Public Works Design Standards. Improvements to Cleveland Street and/or Academy Street shall also include drainage. On site storm sewer shall be public and extend, as a minimum, to adjacent properties south of the site. Public sewer improvements on site or other private property will require public sewer easements. In addition, the Oregon Division of State Lands may require review and approval of any drainage discharge or work within the existing open drainage channels crossing Cleveland Street. The drainage plan must be approved by the City prior to any construction and/or improvements to Cleveland Street.

### **Streets**

The existing site has access from the south with frontage on Academy Street through a flag driveway and from the north along the northeast property boundary through an extension of Cleveland Street. The Cleveland Street access is dependent upon a public right-of-way donation from an adjacent property owner for frontage access. The applicant proposes that primary access will be from Cleveland Street and secondary/emergency access will be provided from Academy Street. As a minimum, primary access shall be provided from either Cleveland Street or from Academy Street. Street improvements in accordance with Public Works Design Standards shall be required. Wilco Highway is an Oregon Department of Transportation (ODOT) right-of-way and Cleveland and Academy Streets are City right-of-way.

Proposed development of the site shall require public streets constructed to the Public Works Design Standards and be in accordance with the City's Transportation System Plan (TSP). Completion of public street improvements should be required prior to issuing final occupancy of the development. It is anticipated that additional dedication of right-of-way shall be required to construct Cleveland Street to full City Standards and provide direct access to the site. City Design Standards require Cleveland Street to be improved to the Commercial/Industrial standard of a 36-foot width. In addition, Cleveland Street shall end with a standard cul-de-sac or paved turn around. Required improvements to Wilco Highway may also be required by ODOT in addition to City requirements. These requirements will need to be reviewed when a proposed development plan is presented.

Additional off-site street improvements may be required to provide adequate access to the proposed overflow parking located (Tax Lot 4200) north of the site and PGE power station with pedestrian access to the proposed Community Center development. Driveway access into the parking lot must be to City standards and paved within the right-of-way. In addition, it is recommended that the parking lot be paved or otherwise improved with an all weather surface if it is to be counted in the parking requirements of the development. Access to the proposed overflow parking and the Community Center shall be provided through a fully improved public street. The extent of these improvements will depend on the specifics of the plan of any proposed development. Depending on the nature and scope of future parking and

Ms. Marjorie Mattson  
March 9, 2010  
Page 4

access, a traffic impact analysis report prepared by a registered transportation engineer may be required.

### **Conclusion**

The information presented in the application for design review and the City's planning documents indicate that the City will be able to provide adequate access, sewer, water and storm drainage services to the subject property with improvements by the applicant to City codes and standards. It is the responsibility of the applicant to provide necessary public improvements in accordance with all applicable City codes and standards and obtain all necessary permits to proceed. It is important that detailed development plans including offsite improvements, and a complete drainage plan are submitted and reviewed by the City prior to development approvals.

These comments do not relieve the applicant from following all other development standards, codes, regulations, and ordinances that the future development may be subject to.

Please do not hesitate to give us a call if you should need any additional information or have any questions regarding these comments. We greatly appreciate the opportunity to serve the City of Mt. Angel on this important ~~annexation~~ application.

site desing review

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.  
CITY ENGINEER - CITY OF MT. ANGEL



William J. Baechler, P.E.  
Civil Engineer

cc: Mr. Pete Wall, Mt. Angel Interim City Administrator Planner  
Mr. Dan Bernt, Mt. Angel Public Works