

## ORDINANCE NO. 13-1017

---

### **AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY MUNICIPAL CODE TO IMPLEMENT THE SOUTH END CONCEPT PLAN; (PLANNING FILE L 13-04)**

**WHEREAS**, Oregon City residents and public advisory groups have worked with the City to develop the South End Concept Plan to guide the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

**WHEREAS**, development code amendments are necessary to implement the South End Concept Plan; and

**WHEREAS**, the Oregon City Planning Commission and City Commission held a joint work session on November 12, 2013 to review the proposed amendments to the Oregon City Municipal Code; and

**WHEREAS**, the Oregon City Planning Commission held public hearings on November 25, 2013, December 9, 2013, January 13, 2014 and February 10, 2014 to take testimony and evidence on the proposed amendments to the Oregon City Municipal Code; and

**WHEREAS**, on February 14, 2014, following consideration of all testimony presented, the Oregon City Planning Commission voted 5-0 to recommend approval of Planning File L 13-04, with additional Planning Commission recommendations (Exhibit 3); and

**WHEREAS**, the Oregon City City Commission held public hearings on January 15, 2014, February 19, 2014, March 5, 2014, March 19, 2014, and April 2, 2014 to take testimony and evidence on the proposed amendments to the Oregon City Municipal Code; and

**WHEREAS**, based on the oral and written testimony received at the public hearings, the Oregon City City Commission concurs with the Planning Commission's recommendations; and

**WHEREAS**, the amendments to the Oregon City Municipal Code complies and is consistent with state statutes, Statewide Planning Goals, the Oregon City Comprehensive Plan and Ancillary Documents, Metro Urban Growth Management Functional Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

**WHEREAS**, adopting the proposed amendments to the Oregon City Municipal Code is in the best interest of Oregon City to implement the South End Concept Plan and to ensure that the goals and policies of the City can be realized;

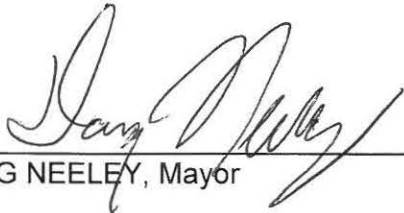
### **NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Oregon City Municipal Code is hereby amended, as provided in Exhibit 1, based on the findings for Planning File L 13-04 contained in the Staff Report and Findings in Exhibit 2, and the Additional Findings in Exhibit 3.

**Section 2.** As part of its next code update program, the Oregon City planning staff shall evaluate and potentially recommend amendments to the Oregon City Municipal Code (OCMC)

regarding the regulation of development on steep slopes or landslide areas, OCMC 17.44.050, taking into account the Oregon Department of Geology and Mineral Industries' "Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon," including the most current landslide and slope susceptibility mapping and the Oregon City City Commission shall consider these same studies and maps along with the status of any code amendments prior to taking action on any request to annex lands within the South End Concept Plan area.

Read for the first time at a regular meeting of the City Commission held on the 19<sup>th</sup> day of March 2014, and the foregoing ordinance was finally enacted by the City Commission this 16th day of April 2014.

  
\_\_\_\_\_  
DOUG NEELEY, Mayor

Attested to this 16th day of April 2014:

  
\_\_\_\_\_  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

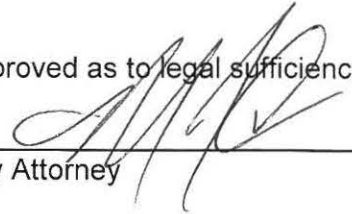
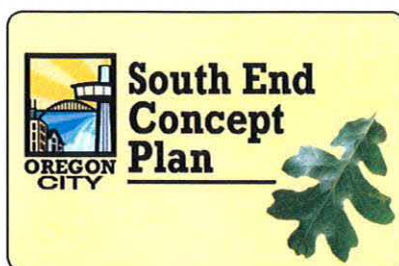
  
\_\_\_\_\_  
City Attorney

Exhibit 1 – Amendments to the Oregon City Municipal Code

Exhibit 2 – Combined Staff Report and Findings for Legislative Files L 13-03 and 13-04

Exhibit 3 - City Commission Additional Findings



## OCMC – OREGON CITY MUNICIPAL CODE

### PROPOSED AMENDMENTS

#### Ordinance No. 13-1017

#### Final City Commission Draft

**March 19, 2014**

The following Oregon City Municipal Code Amendments are intended to supplement existing city code in order to implement the South End Concept Plan. Many zoning, subdivision and other regulatory code provisions necessary to implement the concept plan already exist within the existing code.

<u>Chapter</u>	<u>Title</u>
12.04	Streets, Sidewalks and Public Places
14.04	Annexations
16.08	Subdivisions – Process and standards
16.16	Minor Partitions – Process and standards
17.18	R-2 Multi-family Zone
17.22 (new)	Single Family Residential Design Standards – SECP
17.24	NC – Neighborhood Commercial Zone
17.29	MUC – Mixed Use Corridor Zone
17.54	Supplementary Zoning Regulations and Exceptions

*Please Note:* Code Revisions applicable to development city-wide, such as public trail dedication requirements for new development in *Chapter 12.04 Street Sidewalks and Public Places*, and other housekeeping code amendments will be separately considered in mid-to late 2014.

## Title 14 - ANNEXATIONS

### Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

#### Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

##### *Sections:*

##### 14.04.050 Annexation procedures.

##### 14.04.050 Annexation procedures.

- A. Application Filing Deadlines. Annexation elections shall be scheduled for March, May, September and November of each year. Each application shall first be approved by the city commission, which shall provide a valid ballot title in sufficient time for the matter to be submitted to the voters as provided by the election laws of the state of Oregon.
- B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the city manager.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the city-recognized neighborhood association or associations within which the property proposed to be annexed is located. If the city manager deems that more than one such association is affected, the applicant is encouraged to meet with each such association, as identified by the city manager. Unwillingness or unreasonable unavailability of a neighborhood association to meet shall not be deemed a negative factor in the evaluation of the annexation application.
- D. Signatures on Consent Form and Application. The applicant shall sign the consent form and the application for annexation. If the applicant is not the owner of the property proposed for annexation, the owner shall sign the consent form and application in writing before the city manager may accept the same for review.
- E. Contents of Application. An applicant seeking to annex land to the city shall file with the city the appropriate application form approved by the city manager. The application shall include the following:
  - 1. Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;
  - 2. A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;
  - 3. A list of property owners within three hundred feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;
  - 4. Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;
  - 5. A site plan, drawn to scale (not greater than one inch = fifty feet), indicating:
    - a. The location of existing structures (if any),



## Title 14 - ANNEXATIONS

### Chapter 14.04 CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES

- b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed,
  - c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown,
  - d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, identified habitat conservation areas, isolated preservable trees (trees with trunks over six inches in diameter-as measured four feet above ground), and significant areas of vegetation,
  - e. General land use plan indicating the types and intensities of the proposed, or potential development;
6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:
  - a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities,
  - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time,
  - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand,
  - d. Statement outlining method and source of financing required to provide additional facilities, if any,
  - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced,
  - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any,
  - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;
8. The application fee for annexations established by resolution of the city commission and any fees required by metro. In addition to the application fees, the city manager shall require a deposit, which is adequate to cover any and all costs related to the election.
9. Paper and electronic copies of the complete application as required by the Community Development Director.

## Title 16 - LAND DIVISIONS

### Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS

#### Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS

##### *Sections:*

##### 16.08.025 Preliminary subdivision plat—Required plans.

##### 16.08.025 Preliminary subdivision plat—Required plans.

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

- A. **Site Plan.** A detailed site development plan showing the location and dimensions of lots, streets, pedestrian ways, transit stops, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, stormwater and water facilities, total impervious surface created (including streets, sidewalks, etc.) and an indication of existing and proposed land uses for the site. If required by staff at the pre-application conference, a subdivision connectivity analysis shall be prepared by a transportation engineer licensed by the State of Oregon that describes the existing and future vehicular, bicycle and pedestrian connections between the proposed subdivision and existing or planned land uses on adjacent properties. The subdivision connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed subdivision will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- B. **Traffic/Transportation Plan.** The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. In the preparation of the Traffic / Transportation Plan, the applicant shall reference the adopted Transportation System Plan. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.
- C. **Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.** The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and, where practicable, within two hundred fifty feet of the property's boundary. The map shall also illustrate the approximate grade of the site before and after development. Illustrated features must include all proposed streets and cul-de-sacs, the location and estimated volume of all cuts and fills, and all stormwater management features. This plan shall identify the

## Title 16 - LAND DIVISIONS

### Chapter 16.08 SUBDIVISIONS—PROCESS AND STANDARDS

location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries where practicable. Features that must be illustrated shall include the following:

1. Proposed and existing street rights-of-way and all other transportation facilities;
2. All proposed lots and tracts;
3. All trees proposed to be removed prior to final plat with a diameter six inches or greater diameter at breast height (d.b.h);
4. All natural resource areas pursuant to Chapter 17.49, including all jurisdictional wetlands shown in a delineation according to the Corps of Engineers Wetlands Delineation Manual, January, 1987 edition, and approved by the Division of State Lands and wetlands identified in the City of Oregon Local Wetlands inventory, adopted by reference in the City of Oregon City comprehensive plan;
5. All known geologic and flood hazards, landslides or faults, areas with a water table within one foot of the surface and all flood management areas pursuant to Chapter 17.42
6. The location of any known state or federal threatened or endangered species;
7. All historic areas or cultural features acknowledged as such on any federal, state or city inventory;
8. All wildlife habitat or other natural features listed on any of the city's official inventories.

## Title 16 - LAND DIVISIONS

### Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS

#### Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS

##### *Sections:*

##### 16.16.020 Minor partition application submission requirements.

##### 16.16.020 Minor partition application submission requirements.

A minor partition application shall include twelve copies of the proposed partition to the community development director on a reproducible material, drawn at a minimum scale of one-inch equals one hundred feet with the following information:

- A. A completed land use application form as provided by the planning division;
- B. Legal descriptions of the parent parcel(s) and a preliminary plat map;
- C. The name and address of the owner(s) and the representative, if any;
- D. County tax assessment map number(s) of the land to be partitioned;
- E. The map scale and north point;
- F. Approximate courses and dimensions of all parts of the partition;
- G. Around the periphery of the proposed minor partition, the boundary lines and names of adjacent minor partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- H. The location, width and names of all existing or platted streets, other public ways and easements within the proposed partition, and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle access ways, watercourses, power lines, telephone lines, railroad lines, gas lines, water lines, municipal boundaries and section lines;
- I. All areas designated as being within an overlay district;
- J. A connectivity analysis may be required as directed at the pre-application conference. If required, the partition connectivity analysis shall be prepared by an engineer licensed by the State of Oregon which describes the existing and future vehicular, bicycle and pedestrian connections between the proposed partition and existing or planned land uses on adjacent properties. The connectivity analysis shall include shadow plats of adjacent properties demonstrating how lot and street patterns within the proposed partition will extend to and/or from such adjacent properties and can be developed meeting the existing Oregon City Municipal Code design standards and adopted Transportation System Plan, street design standards, and adopted concept plans, corridor and access management studies, engineering standards and infrastructure analyses.
- K. 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

## Title 16 - LAND DIVISIONS

### Chapter 16.16 MINOR PARTITIONS—PROCESS AND STANDARDS

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 as designated by the Oregon Legislative Commission on Indian Services (CIS) and 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.

## Title 17 - ZONING

### Chapter 17.18 R-2 MULTI-FAMILY DWELLING DISTRICT

#### **Chapter 17.18 R-2 MULTI-FAMILY DWELLING DISTRICT**

##### *Sections:*

##### 17.18.020 Permitted uses.

##### 17.18.020 Permitted uses.

Permitted uses in the R-2 district are:

- A. Residential units, multi-family;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- E. Accessory buildings;
- F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A)); and
- G. Management and associated offices and building necessary for the operations of a multi-family residential development.
- H. Residential care facility per ORS 443.400.
- I. Live/work units, pursuant to subsection 17.54.105 Live/work units.



## Title 17 - ZONING

### Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

#### Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

##### 17.22.010 Purpose.

The intent of this chapter is to ensure new development is compatible with the goals and policies of the South End Concept Plan area. Specifically, these standards achieve the following objectives:

- A. Enhance the quality of the streetscape by providing a welcoming and safe area for pedestrians at the front of homes.
- B. Encourage private outdoor space primarily in the rear or side yards of houses.
- C. Locate new homes relatively close to the street to provide “eyes on the street” and encourage neighborly interaction and safety.
- D. Where alleys are required pursuant to Chapter 12.04, assure convenient garage placement and vehicle access and parking.

##### 17.22.020 Applicability.

These standards apply in addition to the Oregon City Municipal Code 17.20—Residential Design Standards. This chapter applies to all new detached single-family and two-family homes, accessory dwelling units, and cottages located within the South End Concept Plan area.

House plans that conform to these standards may be approved as a Type I Decision. House plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.

##### 17.22.030 Alley Loaded Garages.

- A. Garages on an alley may be attached to or detached from the house.
- B. Detached garages on an alley shall be setback no further than 5 feet from the alley.
- C. Attached garages on an alley shall meet the principal building setback of the zone district.
- D. Additional parking outside of an attached or detached garage shall be located beside the detached garage, not in front of the garage doors.

##### 17.22.040 Modulation and massing.

New homes shall have a massing and footprint that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area.

- A. Houses with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.

## Title 17 - ZONING

### Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

- B. Exemption: An exemption from the massing standard of a) above may be approved by the community development director through a Type II process if the resulting plan continues to provide for a pedestrian friendly design and provides sufficient architectural details to mitigate the impact of a house with a large mass on the surrounding neighborhood.

#### 17.22.050 Porches and entries.

- A. Homes within twenty feet of the public sidewalk or front property line, whichever is closer, shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet in area with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.
- B. Exemption: House styles that do not contain porches or require a reduction in the size of the porch or its location may be granted an exemption pursuant to a Type II Land Use process from A. above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.
- C. Each dwelling unit shall have a separate delineated pedestrian connection (including duplexes, cottages and ADUs) from the front door of the unit to the public sidewalk with a minimum width of three feet. At the front of the house, the pedestrian connection shall be separate from any driveway.

#### 17.22.060 Architectural details.

Dwelling units shall contain architectural details. Each architectural detail listed below is worth one point unless otherwise noted. Dwelling units must achieve the equivalent of five points worth of architectural details.

- A. Stonework detailing on columns or across foundation.
- B. Brick or stonework covering more than ten percent of the façade
- C. Wood, clad wood, or fiberglass windows on all four elevations of the building. (two points).
- D. Decorative roofline elements (choose two): roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- E. Decorative siding elements (choose two) barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
- F. Decorative porch elements (choose one) scrolls, brackets, or wrapped and finished porch railings and posts.
- G. Decorative shingle design covering ten percent of the façade.

## Title 17 - ZONING

### Chapter 17.22 SINGLE-FAMILY RESIDENTIAL STANDARDS—SOUTH END CONCEPT PLAN AREA

- H. Exemption: Other architectural detailing may be approved through a Type II process if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the dwelling.

#### 17.22.070 Approved siding materials.

Dwelling units shall have approved siding materials of one or more the types listed below.

- A. Brick.
- B. Basalt stone or basalt veneer
- C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent pursuant to a Type II process.
- D. Board and baton siding (wood or composite siding)
- E. Exemption: Other materials may be approved through a Type II process if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.

#### 17.22.080 Windows.

- A. All windows on all elevations must be recessed at least two inches from the façade and incorporate window trim at least four inches in width. All elevations must provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- B. Exemption: An exemption may be granted through a Type II process from the window standard of A. above if the proposed windows provide for some amount of recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.

#### 17.22.090 Garages and accessory structures.

- A. All detached garages and accessory structures larger than 200 square feet shall be designed consistent with the primary residence. Consistency of design includes the use of similar roofing, siding, and trim.
- B. Detached garages connected by a breezeway will be subject to the setbacks of the underlying zone. Exceptions to this standard shall be processed as a Type II Land Use decision at time of land division or building permit application.

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

## Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

*Sections:*

17.24.010 Designated.

17.24.020 Permitted Uses—NC.

17.24.025 Conditional uses.

17.24.035 Prohibited uses.

17.24.040 Dimensional standards.

### 17.24.010 Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a Site Plan and Design Review application pursuant to OCMC 17.62 is required.

### 17.24.020 Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District.

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.
- C. Live/work units, pursuant to subsection 17.54.105 Live/work units.
- D. Multi-family, single-family attached or two-family residential, when proposed along with any non-residential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.
- E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership;

### 17.24.025 Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in Chapter 17.56.

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.

## Title 17 - ZONING

### Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

- B. Emergency and ambulance services;
- C. Drive-thru facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays.
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas Stations;
- I. Hotels and motels, commercial lodging;
- J. Vet clinic or pet hospital.

#### **17.24.035 Prohibited uses.**

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage.
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).

## Title 17 - ZONING

### Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT

#### 17.29.020 Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, 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;
- R. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;
- S. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- T. Studios and galleries, including dance, art, photography, music and other arts;
- U. 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.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations;
- X. Research and development activities;
- Y. 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;
- Z. Residential care facility.
- AA. Live/work units, pursuant to subsection 17.54.105 Live/work units.

#### 17.29.040 Prohibited uses in the MUC-1 and MUC-2 zones.



## Title 17 - ZONING

### Chapter 17.29 "MUC"—MIXED-USE CORRIDOR DISTRICT

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rental<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities.

## Title 17 - ZONING

### Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

#### Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

##### Sections:

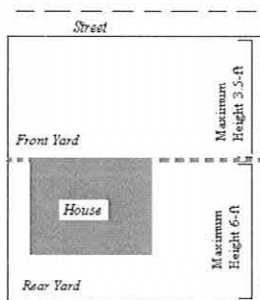
##### 17.54.100 Fences.

##### 17.54.105 Live/work units.

##### 17.54.100 Fences.

###### Fence, Setback and Height Limitations.

A fence may be located on the property or in a yard setback area subject to the following:



*Diagram: Any fence, hedge or wall located in front of your home may be up to three and one-half feet in total height.*

*Diagram: A fence, hedge or wall located next to and behind your home may be up to six feet in total height.*

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

1. Fences and walls—Fences and walls over forty-two inches shall not be located in front of the front facade or within forty feet of the public right-of-way, whichever is less. All other fences (including fences along the side and rear of a property) shall not exceed six feet in total height unless as permitted Section 17.54.100B.
2. Hedges shall not be more than forty-two inches in the underlying front yard setback. Individual plants and trees taller than forty-two inches tall may be permitted provided there is at least one foot clearance between each plant.
3. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.
4. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city Manager.

## Title 17 - ZONING

### Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

- B. Exception. Fence, hedge, wall, or other obstructing vegetation on retaining wall. When a fence, hedge, wall, or other obstructing vegetation is built on a retaining wall or an artificial berm that is not adjacent to or abutting a public right-of-way, the following standards shall apply:
1. When the retaining wall or artificial berm is 30 inches or less in height from the finished grade, the maximum fence or wall height on top of the retaining wall shall be six feet.
  2. When the retaining wall or earth berm is greater than thirty inches in height, the combined height of the retaining wall and fence or, wall from finished grade shall not exceed eight and one-half feet.
  3. Fences, hedges or walls located on top of retaining walls or earth berms in excess of eight and one-half feet in height shall be setback a minimum of two feet from the edge of the retaining wall or earth berm below and shall not exceed a combined height of eight and one-half feet.
  4. An alternative height or location requirement may be approved within a land use process for all non-single-family and two-family residential properties. The fence, hedge or wall shall be compatible with the adjacent neighborhood and achieve the same intent of the zoning designation and applicable site plan and design review process. In no case may the fence, hedge or wall exceed eight feet in height without approval of a variance.

#### 17.54.105 Live/work units.

Live/work units provide important flexibility by combining residential and commercial uses and allowing for commercial uses on the ground floor when the market is ready to support them. These standards apply to all new live/work units. Live/work units that conform to the standards will be approved as a Type II Decision and a live/work permit will be granted for the property. For all zones where live/work units are permitted, the following standards shall apply. Conditions of approval may be implemented to ensure compliance with the standards through a Type II process.

- A. The ground floor business shall provide visibility, signage and access from the primary street. The building in which the live work dwelling is located shall architecturally differentiate the ground floor commercial/office space from the rest of the building by meeting the following requirements:
1. The main front elevation shall provide at least fifty percent transparency at the pedestrian level through the use of a storefront window system. The transparency is measured in lineal fashion (For example, a twenty-five foot long building elevation shall have at least twelve a half feet (fifty percent of twenty-five feet) of transparency in length).
  2. Windows shall begin thirteen to thirty inches above the sidewalk rather than continue down to street level. Large single paned windows over ten feet in width shall be divided into multiple panes to add human scale by dividing the vertical plane into smaller parts.
  3. Highly reflective or glare-producing glass with a reflective factor of .25 or greater is prohibited on all building facades. Exceptions to this prohibition may be granted for LEED certified buildings when documented as part of the application and requested as part of the land use application.

## Title 17 - ZONING

### Chapter 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

- B. A live/work dwelling is allowed instead of, or in addition to, a home occupation as defined by OCMC 17.04. The business portion of the dwelling shall be limited to the ground floor and may not exceed fifty percent of the square footage of the entire dwelling, excluding the garage or one thousand square feet whichever is the smaller number.
- C. The primary entrance to the business must be located on the primary street frontage. Alley access is required to provide refuse and recycling service and residential parking. If alley access cannot be provided an alternative parking and refuse and recycling service plan may be approved by the community development director if it meets the intent of the standards.
- D. The applicant must show that there is adequate on street or off-street parking for the proposed use. One parking space is required for every five hundred square feet of commercial, personal service, or office use or a portion thereof. For example, seven hundred square feet of commercial use requires two parking spaces. Adequate parking can be shown by meeting one of the following:
  - 1. Shared Parking. Required parking 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 overlap (e.g., uses primarily of a daytime versus nighttime nature) or the live/work use is utilizing a parking space that is above the minimum parking requirement of the shared use, and 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 establishing the joint use.
  - 2. On-Street Parking. On-street parking dimensions for livework units shall conform to the standards set forth in OCMC 17.52010C.
  - 3. Onsite Parking. Parking spaces are provided onsite and meet the requirements of OCMC 17.52.-Offstreet Parking and Loading.
- E. The number of employees permitted onsite for employment purposes shall be limited to five persons at one time.
- F. The location of lots where live/work dwellings may be sited shall be specified on the subdivision plat (if applicable) and a deed restriction shall be placed on all units describing the restrictions placed upon these units These include, but are not limited to, the following:
  - 1. The work use shall not generate noise exceeding 55-decibel level as measured at the lot line of the lot containing the live/work dwelling.
  - 2. No outside storage of materials or goods related to the work occupation or business shall be permitted. Solid waste associated with the work use shall be stored inside the building and can be set out no more than four hours before the solid waste pickup.
  - 3. No dust or noxious odor shall be evident off the premises.
  - 4. If the business is open to the public, public access must be through the front door and the business may not be open to clients or the public before seven a.m. or after eight p.m.



# OREGON CITY

## Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

**FILE NO.:** Legislative Files:  
L 13-03 - South End Concept Plan (Ord. 13-1016)  
L 13-04 - Oregon City Municipal Code Amendments (Ord. 13-1017)

**APPLICANT:** Oregon City Planning Division  
221 Molalla Ave, Ste. 200, Oregon City, Oregon 97045

**REPRESENTATIVE:** Cogan Owens Cogan, Planning Consultants  
Kirstin Green, AICP and Steve Faust, AICP  
720 SW Washington Street, Suite 500, Portland, OR 97205

**REQUEST:** Adopt the South End Concept Plan as an amendment to the Oregon City Comprehensive Plan and its Ancillary Documents, and adopt associated amendments to the Oregon City Municipal Code.

**LOCATION:** City-wide.

**REVIEWERS:** Pete Walter, AICP  
Tony Konkol, Community Development Director

### *17.50.170 - Legislative hearing process.*

*A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.*

#### *B. Planning Commission Review.*

- 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*
- 2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*
- 3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

#### *C. City Commission Review.*

- 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the*

*hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*

*2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT 503-722-3789.

## **PROPOSAL**

This proposal is to amend the 2004 Oregon City Comprehensive Plan to include the adoption of the South End Concept Plan (Exhibit 18), to change certain comprehensive plan designations on the Oregon City Comprehensive Plan Map (Exhibit 4), and its Ancillary Documents (Exhibit 13) and to update the Oregon City Zoning Ordinances to implement the South End Concept Plan (Exhibit 21).

In 2002, the Metropolitan Service District ("Metro") amended the Metro urban growth boundary ("UGB") to include a portion of certain land identified as Area 32 into the urban growth boundary for Oregon City. This land currently has a designation of R - Rural on the Clackamas County Comprehensive Plan Map. An additional 290 acres was added to the UGB prior to 2002 (in 1980). This land currently has a designation of LR - Low Density Residential on the City's Comprehensive Plan and a designation of LR Low Density Residential on the Clackamas County Comprehensive Plan.

Per the City / County Urban Growth Management Agreement (UGMA), Clackamas County is required to adopt Oregon City Comprehensive Plan designations for the area with the Oregon City Urban Growth Boundary (Exhibit 12).

Adoption of the concept plan does not affect the current Oregon City Zoning Map. Zoning map changes will be reviewed separately following annexation. Until annexation occurs, properties within the concept plan area retain their existing Clackamas County zoning.

Various ancillary documents and plans will be updated through adoption of the South End Concept Plan. These include the public facilities plans (Water, Sanitary Sewer, and Stormwater master plans), and updates to the Transportation System Plan, Parks and Recreation Plan, and Trails Master Plan (Exhibit 13).

Concept planning guides the orderly transition from rural to urban use in order that provision of city services to newly incorporated areas is efficient. Just as importantly, the concept plan reflects the core values and vision for existing and future residents for the future development of the area (See Executive Summary of Plan on pages I-II).

The following sections of Oregon City Municipal Code are proposed for amendment to supplement existing city code in order to implement the South End Concept Plan. Many zoning, subdivision and



other regulatory code provisions necessary to implement the concept plan already exist within the existing code.

#### OCMC Chapter Title

12.04 Streets, Sidewalks and Public Places  
14.04 Annexations  
16.08 Subdivisions – Process and standards  
16.16 Minor Partitions – Process and standards  
17.18 R-2 Multi-family Zone  
17.22 (new) Single Family Residential Design Standards – SECP  
17.24 NC – Neighborhood Commercial Zone  
17.29 MUC – Mixed Use Corridor Zone  
17.54 Supplementary Zoning Regulations and Exceptions

### **FACTS**

#### **A. Existing Conditions**

The South End study area is adjacent to South End Road, starting at the intersection of Rose Road and South End Road on the southwestern edge of the City. A map of the study area is provided (Exhibit 3).

The South End Concept Plan study area consists of 498 acres located south of Oregon City along South End Road. Approximately 188 acres were brought into the UGB when Metro amended the UGB in 2002. The remaining 290 acres outside the city were added to the UGB prior to 2002. The South End Concept Plan process also includes an additional 133 acres currently within city limits for planning purposes, but which not included in the initial buildable land calculations; however, comprehensive plan designations for portions of these areas are proposed to change in order to implement the concept plan. Subsequently the planning area is 611 acres in total.

The predominant land uses in the concept plan area consist of low-density residential subdivisions developed in the 1970s, estate residential property, churches and the John McLoughlin Elementary School. This semi-rural and suburban development pattern is interspersed with some limited farm and forest uses that still exist. There are no formalized office, commercial, retail, or industrial uses within the planning area. The closest significant commercial nodes are located northeast of the concept planning area at Warner Milne and Molalla Avenue or within the City of Canby's Downtown, located three miles to the south. The planning area is located approximately three miles south of downtown Oregon City.

The detailed existing conditions report in Appendix A of the plan provides a comprehensive discussion of the current physical, environmental and land use conditions present in the study area. The existing conditions report includes a buildable lands analysis.

#### **B. Buildable Lands Inventory**

Buildable lands are those within the urban growth boundary that are suitable, available, and necessary for residential or employment uses. Buildable lands include both vacant land and land that is likely to be redeveloped, and are not severely constrained by natural hazards or subject to natural resource protection measures. The 283 net buildable acres identified in this preliminary analysis are the maximum acres projected to be available for development, as shown below

Gross Area Outside City Limits	498.7 Acres - (minus)
Developed Land	101.8 Acres - (minus)
Unbuildable Land	<u>27.7 Acres</u> =
Buildable Land	369.2 Acres X (0.25)
 New Roads and Utilities	 (25%) = 92.3 Acres
 Net Buildable Area	 <b>276.9 Acres</b>

(From Existing Conditions Report Table 2. Buildable Areas, Oregon City South End, 2012)

#### Current Oregon City Land Use Designations

The portions of the UGB outside the city limits have the current comprehensive plan designations\*:

FU-10 designation 188 acres (58 taxlots)

LR designation 290 acres (289 taxlots)

\*Pursuant to the 1991 Urban Growth Management Agreement with Clackamas County.

#### Density Calculations (See Appendix B. of plan)

The buildable lands analysis is then used to develop and to calculate future land use densities. These calculations are required by Title 11 of Metro's Urban Growth Functional Plan, which states that new urban area plans must provide "for average residential densities of at least 10 dwelling units (du) per acre of net vacant buildable land." The average residential density is only applicable to areas added to the UGB in 2002; the density requirement for the area added to the UGB in the 1980s is permitted to be calculated at a lower density of 8 dwelling units per acre.

The land use evaluation of the plan in Appendix B indicates that the concept plan provides the potential for a buildable range of between 1,747 and 2,637 dwelling units within the South End Plan area, with a mean of 2,192 units. State and Metro requirements indicate that UGB expansion areas within the Metro region must provide for average densities of 8 units per acre for areas added prior to 2002 and 10 units per acre for areas added in 2002 or later. The net developable area of the pre-2002 expansion area is 196 acres, resulting in a need to provide for approximately 1,568 dwelling units at 8 units per acre. The net developable area of the 2002 expansion area is 133 acres, resulting in the need to provide for 1,330 dwelling units at 10 units per acre. Therefore the Metro target for the provision of total units in South End is approximately 2,898 units.

The City is proposing to substantially comply with the Metro Density requirements. The justification for substantial compliance is based on the following factors, which are explained in detail in the attached Title 11 Compliance Analysis in Exhibit 10. These factors include:

- Vision and Values of the Concept Plan
- Transportation System Constraints
- Initial Metro UGB Expansion Projections
- Housing Development Forecast
- Consistent efficiency (100%) and utilization of zoned residential land
- Mixed Use Areas allow for 50% housing
- Adjacent Rural Reserve Considerations

### **C. Public Involvement, Notice and Public Comment**

The South End Concept Planning process provided early and frequent opportunities for public involvement in the plan development process.

Public Involvement in the legislative decision making process is provided through the public hearing process, newspaper noticing, meetings, and continued online participation.

Initial public involvement in the concept planning process for the South End area began in mid to later 2012 with the selection of a consultant. Four consulting teams applied and interviewed by a collaborative team of staff and selected members of the public. The team led by Cogan Owens Cogan was selected unanimously for their proposed approach to the planning process and in particular their public involvement approach needed to undertake an effective and engaging planning process.

Following selection of the consultant, the City Commission approved the contract, scope of work and budget in June 2012.

Cogan Owens Cogan coordinated the formal public involvement process for the concept plan. The following is the complete chronology of meetings and events.

See Exhibit 6 for a summary of public notices.

#### Public Notice

Notice of the first Planning Commission public hearing for the proposal was published in the Clackamas Review on, and mailed to the affected agencies, the CIC and all Neighborhood Associations 20 days prior to the November 25 Planning Commission public hearing in accordance with . In accordance with ORS 197.610 and OAR 660-018-000, a Notice of Proposed Amendment to the Oregon City Comprehensive Plan was provided to the Oregon Department of Land Conservation and Development 35 days prior to the first noticed Evidentiary Hearing on October 17<sup>th</sup>, 2013. Measure 56 Notice was mailed to landowners within Oregon City property owner, within or abutting the Urban Growth Boundary along South End Road (over 10,500) on October 30, 2013.

#### Amended Public Notice

Due to incorrect language regarding appeal procedures for legislative proposals on the initial newspaper public notices, a second, amended Public Hearing notice was published in the Clackamas Review on November 13<sup>th</sup>, 2013, 20-days prior to the second scheduled Planning Commission hearing on December 9<sup>th</sup>, 2013 (Exhibit 6).

#### Public Comments

Comments received throughout the process prior to the opening of the formal record have been compiled in the Community Engagement Summary in Appendix I (Exhibit I).

Public Comments provided via the project website and [www.southendconceptplan.org](http://www.southendconceptplan.org) and via email have also been compiled in Exhibit 8.

Public Comments received in response to the formal public notice process are provided in Exhibits 26-30.

Adoption of the concept plan, amendment of the city Comprehensive Plan and the associated code changes are legislative decisions. Any individual may raise new issues at any of the public hearings or submit written testimony at or prior to the hearing identified above.

#### **D. Summary of Plan and Code Amendments**

The proposed changes and additions to the Municipal Code and Comprehensive Plan are organized into the following Exhibits.

- Exhibit 21. Code amendments critical to Concept Plan implementation.
- Exhibit 13. Updates to Existing Ancillary Comprehensive Plan Documents (Transportation System, Water, Sewer, Stormwater and Parks and Trails Master Plans)

The City of Oregon City proposes to adopt a revised comprehensive plan, zoning ordinance amendments to implement the South End Concept Plan and Metro regional requirements, new amendments to the Comprehensive Plans Ancillary Documents (sewer, water, storm water, parks and trails plans). New comprehensive plan map designations and development code changes are proposed.

As mentioned earlier, when properties within the concept plan area are annexed into Oregon City by upon approval of petitions for annexation by property owners, new zoning designations on specific parcels will be applied.

#### Transportation Planning Rule

Rezoning of properties at annexation following adoption of the South End Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. Some of these improvements were identified previously during the recent TSP update. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area. Exhibit 5 contains a memorandum from DKS Engineering further explaining the plans compliance with OAR 660-012-0060.

#### Metro Title 11 – Planning for New Urban Areas

Oregon City must comply with the relevant portions of Metro's Urban Growth Management Functional Plan (aka the 2040 Functional Plan), known as Title 11. The Oregon City Comprehensive Plan also requires that concept planning be completed for areas along South End Road prior to annexation of land within the Urban Growth Boundary.

The Metro Functional Plan is a regional land use plan that implements the Metro 2040 Growth Concept. The Concept Plan is required to comply with State and Metro Title 11 requirements. Title 11 and Concept Plans are intended to lay a foundation for urbanization of areas added to the region's Urban Growth Boundary (UGB) in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development, and protects natural resources. The following land use elements of Metro's Title 11 regulations governing concept planning within Metro's jurisdiction, "3.07.1120 Urban Growth Boundary Amendment Urban Reserve Plan Requirements":

- Annexation
- Housing density
- Variety of housing types
- Housing affordability
- Commercial/Industrial development
- Transportation
- Mapping
- Public Facilities and Services
- Schools
- Urban Growth Diagram
- Plan Amendments

A separate report which details findings for compliance with Metro Title 11 is provided in Exhibit 10 and a letter from Metro that responds to this report is expected to be provided for the record during the Planning Commission's consideration of the concept plan.

#### **DECISION-MAKING CRITERIA:**

The remainder of this report details compliance of the South End Concept Plan with the applicable state, regional and local requirements.

#### **Oregon City Comprehensive Plan**

*Comprehensive Plan Maintenance and Implementation - Regular Review and Update.*

##### Considerations

Section 2 – Land Use of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. *Plan implementation process.*

**Finding: Complies.** This amendment to the Comprehensive Plan is required in order to adopt appropriate land use designations that will guide future land use planning for the UGB area response to Metro Title 11 Requirements. Metro Title 11 – Planning for New Urban Areas requires that the City adopt a concept plan prior to annexation and urbanization of areas brought into the UGB. The concept planning process was initiated in order that public facilities and services can be planned to serve future development within the South End area.

The plan implementation process must following local, metro and state guidelines.

Completion of the concept plan and amendment of the Comprehensive Plan complies with the City's Comprehensive Plan *Goal 14.3 - Orderly Provision of Services to Growth Areas*, which provides that the City plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

Additionally, adoption of the concept plan will maintain compliance with Metro's Functional Plan, and will be forwarded to the state following adoption through the Oregon Department of Land Conservation and Development's post-acknowledgement process.

2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*

**Finding: Complies.** The Existing Conditions report (Appendix A) of the Concept Plan includes detailed land use, market, infrastructure, transportation system, demographic and housing analyses in order to determine trends to guide future land use actions. The results of this analysis are the basis on which the concept plan is developed and need to be incorporated into the Comprehensive Plan. The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and preliminary cost estimates for improvements that will be necessary in order for the concept plan to be carried out.

The Comprehensive Plan amendments proposed with the concept plan are necessary in order for land use actions to be carried out within the concept plan area subsequent to the annexation of property. Please note that adoption of the concept plan does not rezone property within the planning area until said property is annexed into the City. The concept plan forms the basis for the City's Comprehensive Plan map designations, relevant code amendments, and text and maps required in the event that annexation takes place. Likewise, the amendments to the ancillary documents and plans assure that the necessary improvements in the concept plan can be incorporated into the appropriate ancillary plan, as well as be included in the City's Capital Improvement Program.

The plan includes a detailed examination of trends, not only from an economic perspective, but also from a social perspective. The economic perspective is detailed in the market analysis, which includes population analysis and projections, demographic and economic data, and a commercial and residential housing development forecast for the planning area.

The social trend perspective is based on both the market analysis and the robust public engagement process for the plan, which is summarized in Appendix J.

3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

**Finding: Complies.** The concept plan is based on a shared Vision and set of Core Values that established what the South End community values today about South End and what the community would like to see in the future. The vision and core values were developed based on the extensive public involvement process described earlier. Additionally, the existing conditions report includes a comprehensive analysis of land use, buildable lands, natural resources, demographics, market conditions, existing development patterns, and housing needs for the South End Community to guide future development of the area.

4. *Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

**Finding: Complies.** In addition to the Community Advisory Team, the planning process was informed by a Technical Advisory Team (TAT) of representatives from the following agencies who provided current technical and regulatory compliance information. The TAT met formally four times throughout the process and provided informal input to the project manager via email and other correspondence.

Technical Advisory Team

- Clackamas County Transportation and Development



- Clackamas County Planning Department
- Clackamas County Sheriff's Office
- Clackamas Fire District #1
- Oregon City School District
- Metro
- Tri-City Sewer Service District
- Clackamas River Water District (CRW)
- Oregon City Public Works Department
- Oregon City Police Department
- Oregon City Parks and Recreation Department
- Oregon Department of Land Conservation and Development (DLCD)
- Oregon Department of Transportation (ODOT)
- Tri-Met

Participation on the TAT by representatives of Metro and the State informed the regulatory framework which the concept plan must comply with, including the elements of housing, transportation and natural resources. These elements are illustrated in the concept diagram and associated maps in the plan. For example, policies support the provision of a variety of housing types and income levels and creation of mixed use zones to encourage more walkable communities and housing, and the application of the designation of Metro Design Types (Outer Neighborhoods). Habitat Conservation Areas, slope data and other known resource overlay information was also provided to develop a variety of maps, notably the habitat conservation areas, steep slope, transportation (street system, transit, functional classification, street sizing, bicycle and pedestrian needs, trails), water, stormwater and sewer system maps.

Factual information on housing needs by income level is provided in the plan as well as policies to comply with Metro Title 11 and state Metropolitan Housing Rule housing policies. The Concept Plan also responded to targets for future population growth provided by Metro. Policies in the Concept Plan support Metro and DLCD requirements and factual information is reflected in the plan.

### **Section 1 Citizen Involvement**

#### *Goal 1.2 Community and Comprehensive Planning*

*Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

*Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.*

*Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

*Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

*Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.*

*Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.*

**Finding: Complies.** Development of the plan included an extensive public involvement effort as documented in the Community Engagement Summary (Exhibit 18I, Appendix I). The public involvement effort employed a two-phased approach; Phase 1 consisting of a extensive series of smaller group

meetings and surveys to reach out, listen and educate, and Phase 2 consisting of plan guidance by the CAT through regular meetings and updates to various groups throughout the process. A summary and chronology of all meetings held is provided in Exhibit 9).

#### South End Concept Plan Community Advisory Team (SECP-CAT)

Through a formal application process, the city received enthusiastic response from the community to form the 16-member South End Concept Plan Community Advisory Team (SECP-CAT).

As the project's public steering committee, the SECP-CAT is made up of energetic volunteers (both residents of the city and county) who represent a broad cross section of interests of the South End community, including city and county residents, youth, faith-based communities and business interests. SECP-CAT members applied for these positions and were appointed by Mayor Neeley. An overview explaining the role of the CAT is provided in Exhibit 14. The makeup of SECP-CAT membership is as follows:

- City At-Large (2)
- County At-Large (2)
- Leland Rd / New Era / Central Pt CPO
- Development/business (2)
- Faith-based organization (2)
- Hazel Grove Neighborhood Assn
- McLoughlin Elementary School
- OC Natural Resources Committee
- Parent Teacher Association
- OC Parks and Rec. Advisory Committee
- Planning Commission
- South End Neighborhood Assn
- OC Transportation Advisory Committee
- Youth/Student/Teen (2)

The SECP-CAT met formally seven times over the course of the project (See Community Engagement timeline, Exhibit 9), not including small group meetings that individual SECP-CAT members facilitated.

#### Community Conversations and Small Group Meetings

Oregon City staff and CAT members teamed up to present the project to the public at a wide variety of larger public meetings, smaller "community conversations", Citizen Involvement Council, Neighborhood Associations, and Planning Commission and City Commission updates.

#### Large Venue Meetings - Open Houses and Forums

(Please see Appendix J for detailed results of the open houses and forums)

1. Community Open House #1: Phase 1 Kickoff Meeting.
2. Community Open House #2: December 13, 2012.
3. Forum on the Future Part 1: April 13, 2013.
4. Forum on the Future Part 2: June 1, 2013.

#### Website and Social Media

Website: Documentation produced with the South End Concept Plan has been posted on the project website [www.southendconceptplan.org](http://www.southendconceptplan.org) throughout the duration of the project and all comments have been integrated into the final draft.

Facebook: Staff made weekly regular facebook posts with news of meetings, website updates and project deliverables.

Twitter: Staff tweeted weekly updates with news of meetings, website updates and project deliverables.

#### On-line Interactive Maps and Surveys

Early and throughout the planning process the team used new ways to engage the public to complement the traditional format of attending meetings.

#### *On-Line Interactive Forums (MetroQuest)*

Sub-consultants MetroQuest (website <http://www.metroquest.com>), specialists in interactive online public involvement, developed two series of public interactive on-line forums to complement Phases 1 and 2 of the public involvement process. The on-line format consisted of a combination of place-based comments, graphic maps and surveys in one intuitive process, and allowed people to identify areas of importance and specific locations for development preference within the concept plan area.

#### *Survey Monkey*

27 on-line surveys were used to complement the process and gather feedback on the plan. The results of these surveys are integrated into the public engagement summary.

#### Email Distribution - "EBlasts"

Staff maintained an email distribution list and provided weekly "EBlasts", or mass emailings to inform the public and plan participants about the process, summarizing and directing people to the website for the most recent news and updates about the planning process.

#### Public Notices

Once the final draft plan was ready for formal public review, staff opened the legislative file for the adoption of the South End Concept Plan opened on October 16, 2013. The formal draft plan is required to be adopted by Ordinance as an amendment to the City Comprehensive Plan through the Legislative approval process. This began a process of formal public notices as detailed in the public notice section earlier in this report.

#### Mail and Paper Surveys

Paper Surveys were circulated the Phase 1 and Phase 2 meetings ask targeted questions about the plan. 40 surveys were completed.

### **Section 2: Land Use**

#### *Goal 2.1 Efficient Use of Land*

*Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

#### *Policy 2.5.6*

*Develop a concept plan for South End that includes commercial designations in an amount sufficient to serve the needs of the South End neighborhood. The area designated as “Future Urban Holding” on South End Road lacks sufficient commercial services.*

**Finding: Complies.** The proposed concept plan includes two areas for neighborhood commercial use to serve the adjacent area. These areas will be designated as Mixed Use Corridor on the Oregon City Comprehensive Plan, however the final zoning of NC – Neighborhood Commercial to implement these areas would not change until annexation.

The comprehensive plan draft indicates approximately 16 acres of land on both sides of South End Road would be designated as Mixed Use Corridor. These locations have been scaled back considerably from earlier drafts in response to public comment, but will still assure that the development of well-designed retail amenities within easy walking distance of adjacent residential land use can be achieved.

The plan draft recommendations that help inform a market-supportable development program for housing, commercial, and office development in the South End over the long-term planning period.

#### ***Section 6: Quality of Air, Water and Land Resources***

*Goal 6.1 Air Quality - Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

*Policy 6.1.2 -Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Finding: Complies.** Amendments to the Oregon City Transportation System Plan were recently adopted and went into effect on August 16, 2013. The concurrent timing of the TSP update with the South End Concept Plan process was advantageous, since it allowed for coordination of planning level assumptions for buildout of the UGB and proposed improvements. As shown in the TSP, the share of improvements recommended in the TSP update that result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

Many of the transportation recommendations within the SECP were already implemented with the recent TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K).

The concept plan calls for a transportation network that provides greater pedestrian and bicycle mobility, improved transit opportunities, and improved street connectivity as the area develops at higher, urban densities.

The land use portion of the concept plan includes two neighborhood scale commercial areas within easy walking distance to adjacent abutting residential development. The intent of these areas is to provide appropriately scaled and well-designed commercial amenities to serve the immediate South End Area and reduce the dependence on the automobile to get basic amenities.

The above plan provisions are consistent with the goal and policy of promoting air quality.

### ***Section 11: Public Facilities***

#### ***Goal 11.1 Provision of Public Facilities***

*Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Finding: Complies.** The South End Concept Plan is necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. As shown in the findings below, the proposed update of the TSP is consistent with Goal 11.1.

#### ***Policy 11.1.1***

*Ensure adequate public funding for the following public facilities and services, if feasible:*

**Finding: Complies.** The SECP includes "planning level" estimates for proposed public facilities, including preliminary cost expenditures and financing tools expected to fund needed water, sewer, storm water and transportation improvements as the concept plan area develops. The Funding and Finance section of the plan, starting on Page 45, identifies, summarizes and describes the needed improvements and described variety of potential funding and financing resources (See Exhibit 18). It should be stated that pursuant to Metro Title 11, these estimates are preliminary, and further refinements should be made as additional resources are available. A more detailed description of these costs is provided in Appendices C, F, and G to the concept plan. The preliminary costs do not include extraordinary costs for right-of-way acquisition, permitting, or geotechnical soils work. Such costs may include special environmental mitigation, subsurface soil enhancements, structural engineering, and business/residential relocation assistance.

The recently adopted Transportation System Plan, which dovetailed with the SECP process, establishes both a financially constrained set of proposed transportation improvements that can be funded by expected revenues, as well as a planned set of transportation improvements that are not reasonably expected to be funded by 2035, but many of which are important to making progress on the goals and performance targets for the transportation system. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan. The proposed TSP is consistent with this policy.

#### ***Policy 11.1.2***



*Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**Finding: Complies.** The proposed concept plan provides guidance for the timely, efficient and economic provision of transportation facilities within the existing city and to new development areas within the UGB consistent with the relevant goals, policies and implementing measures of the Comprehensive Plan.

***Policy 11.1.4***

*Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*

**Finding: Complies.** The proposed improvements in the concept plan respond to the housing demand that is estimated to be generated through 2035. The projected growth is based on land use inventories and plans from Metro and the City, and in accordance with Metro Title 11 goals for new residential growth.

***Policy 11.1.5***

*Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.*

**Finding: Complies.** The concept plan includes a transportation and public infrastructure component that addresses this policy. Appendix C: Transportation Element provides refinements of the 2013 Transportation System Plan based on the growth estimates and goals for the concept plan. Appendix D: Public Infrastructure Element provides preliminary estimates for the proposed water, sewer and stormwater system expansions that will be necessary to serve the concept plan area.

These estimates, in accordance with Metro Title 11, are preliminary recommendations and it is recommended that further refinements be made to analyze the South End area, particularly with respect to sewer capacity.

The City has adopted development code and engineering standards to ensure concurrent provision of public facilities and services at uniform levels. Pursuant to these requirements, the full range of public improvements is typically required to be extended to a new development area at the same time (roads, city sewer, storm drainage, water, and emergency services). The proposed concept plan is consistent with this policy.

***Policy 11.1.7***

*Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.*

**Finding: Complies.** The South End Concept Plan, consistent with OAR Chapter 660, Division 11, includes preliminary cost estimates and funding strategies for the necessary improvements, including likely financing approaches.

Total capital costs for major roads, sewer, water, stormwater and parks/trails systems have been estimated for build-out of the South End area and are summarized in the Funding and Finance section of the plan. A more detailed description of these costs is provided in Appendices C, F and G. Unit costs were prepared based on local and regional experience with a variety of capital projects.

The draft plan estimates are preliminary and serve for the purposes of concept planning. The plan includes implementation actions to refine and prioritize these estimates. Key steps to be undertaken over the next four years include:

- Adopt the South End Concept Plan.
- Prepare and adopt recommended local ordinance amendments.
- Document potential fiscal impacts to the city, county and service districts, including potential tax and fee revenues and service costs that are associated with South End annexation.
- Perform value engineering to scale down costs for green streets, parks and stormwater improvements.
- Consider public-private partnerships for providing community park facilities; and work with local citizens, property owners and service providers to further evaluate and adopt new funding sources that have been identified in this plan document.
- Prepare a detailed Public Facility Plan that refines project capital cost estimates, and identifies short-term public facilities and their funding sources.
- Revisit inter-local urban service agreements with Clackamas County and utility service providers to ensure that the roles and responsibilities for advance financing required public infrastructure and providing adequate operations and maintenance service levels are clarified.

**Policy 11.6.1**

*Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.*

**Finding: Complies.** Please refer to the concept plan document on pages 20-29, and Appendix C, Transportation Element.

The South End Concept Plan envisions an interconnected network of multi-modal streets, one that takes advantage of the relatively flat terrain at the top of the bluff, yet builds upon and connects with the existing streets in the area. The design of the streets will represent the context of the neighborhood, reinforcing its rural nature while accommodating all modes of travel for users of all ages and abilities. The streets will be more than just places for automobile travel, recognizing that they are also where people gather, walk, bike, access transit, and park their vehicles. They will be designed to safely connect people to where they need to go, giving residents, and visitors more travel choices to destinations.

As a major street connection through the Concept Plan area, South End Road will continue to connect residents, commuters, and visitors to the regional transportation system. It will be designed in a manner to serve the through travel demand, while still being viewed as an asset to the neighborhood rather than a barrier. Bicyclists will be accommodated with an exclusive on-street bike facility that is physically separated from motor vehicle traffic with a parking lane and/or a buffer. Where on-street parking is allowed, the cycle track will be located to the curb-side of the parking (in contrast to bike lanes). Those walking will be accommodated with sidewalks buffered from the street with landscaping and/or street furnishings. Safe and comfortable pedestrian and bicycle crossings will be provided where facilities cross South End Road.

To the east and west of South End Road will be a connected network of streets and shared-use paths providing on and off street connections to schools, parks, housing and shopping. Primary street connections to South End Road for those driving in the Concept Plan area will be via Deer Lane-Madrone Drive, Beutel-Parrish Road, and Rose Road. These streets will employ design techniques to create safe,



slow streets without significantly changing vehicle capacity, mitigating the impacts of the traffic on the adjacent housing and providing greater balance between safety and mobility.

Those walking and biking in the Concept Plan area will be accommodated primarily through street side sidewalks or pathways, or on-street shared-roadways. Off the main street system will be a network of comfortable, low-stress walking and biking routes between neighborhoods and local parks, schools, and shopping areas. It is intended to attract less experienced walkers and bikers, acting like a linear park system linking parks, schools, jobs and other destinations in the Concept Plan area to other parts of the City.

## **Section 12: Transportation**

### **Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

*Policy 12.1.1 - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

*Policy 12.1.4 - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

*Policy 12.1.5*

*Investigate the possibility of a new street connection between South End Road and Highway 99E between Downtown and New Era.*

**Finding: Complies.** The South End Concept Plan provides opportunities to facilitate increased travel options for vehicles, pedestrians and bicyclists by identifying new locations for the complete hierarchy of street designs, and identifies prioritized projects within the city-wide Transportation System Plan. Implementation of these projects will result in a more complete transportation system with a variety of multi-modal travel opportunities.

### **Goal 12.2 Local and Regional Transit**

*Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.*

**Finding: Complies.** The proposed concept plan includes a detailed discussion of transit options within and adjacent to the concept plan area and supports mass transit by providing a more complete community which include walkable amenities, mixed uses and higher density residential land uses along arterial roads, and a transportation facility which will allow safe access for mass transit users, pedestrians and bicyclists.

### **Goal 12.3 Multi-Modal Travel Options**

*Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.*

*Policy 12.3.1 -Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut through traffic.*

*Policy 12.3.2 -Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.*

*Policy 12.3.3 - Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.*

*Policy 12.3.4 -Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.*

*Policy 12.3.5 -Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.*

*Policy 12.3.6 -Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.*

*Policy 12.3.8 -Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.*

*Policy 12.3.9 -Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.*

**Finding: Complies.** The concept plan provides opportunities to facilitate increased mobility for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects within and outside of the concept plan area. Implementation of the projects and the associated amendments to the Oregon City Municipal Code will result in a more complete transportation system with a variety of connected multi-modal travel options and a truck route network which support one another. The plan was created in conjunction with input from transportation specialists from Clackamas County, ODOT and Metro.

#### **Goal 12.5 Safety**

*Develop and maintain a transportation system that is safe.*

*Policy 12.5.1 -Identify improvements that are needed to increase the safety of the transportation system for all users.*

*Policy 12.5.2 -Identify and implement ways to minimize conflict points between different modes of travel.*

*Policy 12.5.3 -Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.*

**Finding: Complies.** Please refer to Findings above under Policy 11.6.1.

#### **Goal 12.6 Capacity**

*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

*Policy 12.6.1 - Provide a transportation system that serves existing and projected travel demand.*

*Policy 12.6.2 - Identify transportation system improvements that mitigate existing and projected areas of congestion.*

*Policy 12.6.3 - Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

*Policy 12.6.4 - Identify and prioritize improved connectivity throughout the city street system.*

**Finding: Complies.** Please refer to Findings above under Policy 11.6.1. Transportation policy and projects in the South End area are proposed to serve existing and planned uses within the urban growth boundary along South End Road as detailed in Appendix C: Transportation Element. The recommended projects within the planning area are projected to meet performance targets within the planning area and identify and prioritize improved connectivity throughout the concept plan area. The concept plan details specific enhancements to the transportation system that will be required as condition of future land use approval within the concept plan area, if and when any such areas are annexed to Oregon City. These improvements will ensure that travel mode options and travel routes (parallel systems) are required. There are identified deficiencies outside the planning area that are exceptions, as discussed during the prior TSP adoption process. Outside of the concept plan area, the city-wide TSP identifies a list of funded and non-funded projects that if funded and implemented in the future, will mitigate existing and projected areas of congestion.

#### **Goal 12.7 Sustainable Approach**

*Promote a transportation system that supports sustainable practices.*

*Policy 12.7.4 - Promote multi-modal transportation links and facilities as a means of limiting traffic congestion.*

**Finding: Complies.** Please refer to Findings above under Policy 11.6.1. The proposed concept plan and associated amendments to the Oregon City Municipal Code allow for a complete transportation network for all modes of transportation.

***Comprehensive Plan Goal 14.3 - Urbanization - Orderly Provision of Services to Growth Areas***

*Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*

**Finding: Complies.** Adoption of the proposed comprehensive plan amendments, zoning code amendments and subsequent amendments to the capital improvements plan will ensure that public services within the Urban Growth Boundary will be made available at or prior to the time of development.

***Comprehensive Plan Goal 14.1 Urban Growth Boundary***

*Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

**Finding: Complies.** The Urban Growth Boundary along South End was expanded in 1980 and again in 2002 to accommodate residential growth projections for the region through 2035.

***Policy 14.1.1***

*The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*

**Finding: Complies.** Findings for compliance with Title 11 are provided in Exhibit 10. The concept plan will provide a long range plan to guide future land use and result in an efficient growth pattern, promoting in-fill and redevelopment and preserving land outside the Urban Growth Boundary for rural land uses.

***Goal 14.3 Orderly Provision of Services to Growth Areas***

*Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*

**Finding: Complies.** The plan includes a detailed preliminary public infrastructure plan with estimated costs for public sewer, water, storm water, parks and trails, schools, fire and emergency service provision and includes financing and funding strategies. The plan includes recommendations for updates to the Capital Improvement Program.

***Comprehensive Plan Goal 14.3 - Goal 14.4 Annexation of Lands to the City***

***Urbanization - Policy 14.4.2***

*Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

***Policy 14.1.2***

*Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.*

**Finding: Complies.** The South End Concept Plan details the funding and financing necessary to provide public services to the area upon annexation and subsequent development. Planning level estimates have been provided for all necessary infrastructure components including the transportation, water, sewer and storm water improvements.

While further refinements may be necessary to assess these costs prior to or at the time of annexation, these preliminary fiscal impact assessments provide an adequate basis for initial analysis and reliable recommendations for more detailed study where needed.

## CONSISTENCY WITH STATEWIDE PLANNING GOALS

### STATEWIDE PLANNING GOAL 1: CITIZEN INVOLVEMENT

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Finding: Complies.** The concept plan included an innovative, robust, two-phased public involvement approach, which was discussed earlier in this report. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. An overview of the public involvement process is provided within this report and demonstrated in the Community Engagement Summary (Appendix I of Plan, See Exhibit 18I). Staff finds that the concept plan process is consistent with Statewide Planning Goal 1.

### STATEWIDE PLANNING GOAL 2: LAND USE PLANNING

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding: Complies.** The Draft Concept Plan includes identification of facts, issues, and problems in the "Background" discussion for each element. Updated and market relevant documentation in the technical report provided the basis for the Land Use, Schools, Parks, Transportation, Water, Stormwater, Sanitary Sewer and Natural Resources elements, helping assure the proper factual basis for decisions in updating the maps, goals, policies, action items, and implementation measures. Inventories, such as for housing, economic development, and natural resources, have been provided either in the technical appendices to the plan or in other ancillary documents, such as the Parks and Recreation Master Plan and the new water and sewer master plans. Implementation measures proposed as part of the plan update are provided.

### STATEWIDE PLANNING GOAL 3: AGRICULTURAL LANDS AND GOAL 4 FOREST LANDS

**Finding: Complies.** By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB and therefore those goals are not strictly applicable. However, the land use element discusses these lands within an urban and rural-to-urban transitional context. Lands within the UGB have low density residential and future urban land use designations. Some existing farm and forest uses can and do exist in the concept plan area, and may continue as pre-existing lawful non-conforming uses unless the owner seeks to change the use. Once annexed, most single

family residential zones already permit commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area, including retail sales of materials grown on site, is permitted by right. Additionally, community gardens may be considered an appropriate use option for private developments, including multi-family and senior living residential uses.

#### **STATEWIDE PLANNING GOAL 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

**Finding: Complies.** Goal 5 resources are addressed in detail in the Existing Conditions report (Appendix A, pages \_\_). The South End buildable lands methodology aggregates all of the vacant and developable land in the area and removes land that have slopes greater than 25%, a “high” or “moderate” Habitat Conservation Area rating includes designated wetlands and essential riparian habitat), established easements, or a registered historic building. Additionally, new development will be required to comply with the City’s Environmental Overlay Zoning in compliance with this goal. Wildlife habitat and natural areas are identified on Metro’s Goal 5 resource inventory and Oregon City. The HCA Map in the Concept Plan illustrates the areas in the region that are subject to the performance standards and best management practices described in Section 4 of Title 13 “Nature in Neighborhoods.” Highly ranked riparian habitat areas within the current urban growth boundary were identified as “habitat conservation areas” and will be subject to high, moderate, and low levels of conservation based on habitat value or quality.

Historic buildings within the planning area will fall under the jurisdiction of the City’s Historic Overlay Code. The Parks and Recreation Master Plan inventories open spaces with other recreation facilities in the city. The element lists the City’s four open space areas.

Concept Plan goals and policies for preserving open space and tree cover, protecting scenic views, preserving and rehabilitating historic buildings, conserving natural resources and water quality are updated with the attached code and comprehensive plan amendments.

#### **STATEWIDE PLANNING GOAL 6 AIR, WATER AND LAND RESOURCES QUALITY**

*To maintain and improve the quality of the air, water and land resources of the state.*

**Finding: Complies.** Existing Comprehensive Plan policies that apply to the Concept Plan require development practices to comply with regional, state, and federal standards for air and water quality, to protect water quality from erosion and sediment, to minimize the effects of noise, and to protect mineral resources. These goals and policies are implemented through the City’s grading and erosion control ordinances, water quality resource protection regulations, development standards, and nuisance laws. DEQ regulates air quality but Oregon City’s TSP recognizes the link between air quality and transportation (through vehicle emissions) and works to reduce impacts from single-occupancy vehicles. The TSP and Capital Improvements Fund will be updated to reflect transportation improvements recommended in the plan.

Minimum lighting standards already exist in Chapter 12.24 for Pedestrian/Bicycle Access ways to limit glare and light pollution at night.

Finding: Complies

#### **STATEWIDE PLANNING GOAL 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**



To protect life and property from natural disasters and hazards.

**Finding: Complies.** Limited areas (less than 5% of the planning area) at the southern and western edge of the concept plan fall within areas identified as having potential for geologic hazards and which would be regulated under OCMC Chapter 17.44 – Geologic Hazard Overlay District following annexation to Oregon City. Land Use review of development within the overlay district is required to provide additional site specific studies, subsurface investigations, documentation and mitigation of any known hazards or hazards that may exist, with the following additions;

- Reference most recent geologic maps and reports, including new LIDAR mapping of Oregon City,
- Require geotechnical evaluation for new construction and future development in areas
- Within 50 feet of 25% slopes or steeper, and
- Within 200 ft of the crest and toe of slopes, and areas previously mapped with landslides.
- Require development-specific investigation and report by a Professional Engineer (PE) and Certified Engineer Geologist (CEG).
- Review of final grading, drainage, and foundation plans and specifications by geotechnical engineer.
- At the City's discretion, peers review of the geotechnical report by city-selected reviewer.
- Special inspection during construction provided by the geotechnical engineer.

Approval of any new development within the geologic hazard overlay zone must show compliance with the application requirements and standards of OCMC 17.44.

#### **STATEWIDE PLANNING GOAL 8: RECREATIONAL NEEDS**

*To satisfy the recreational needs of the citizens of the state and visitors, and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Finding: Complies.** The Concept Plan provides for an interconnected series of trails, parks and open spaces areas throughout the study area to implement this Goal. Specific plan policies related to this Goal include amending the parks and recreation, open space and trail master plans to be consistent with the Concept Plan, partnering with the School District to provide shared community use of recreational facilities at schools, working with private property owners and others to develop a trails system, implementation of a hierarchy of connections (roads and trails of various types), partnering with Metro to enhance the public understanding of the regionally significant Canemah Bluffs habitat conservation area immediately abutting the planning area to the west, with future trail and facility planning proposed to provide access to resources, and regional and neighborhood parks located with easy access by trails and roads. Additionally the Concept Plan recognizes the opportunity for acquisition and/or dedication of sensitive areas for open space and habitat by private landowners.

#### **STATEWIDE PLANNING GOAL 9: ECONOMIC DEVELOPMENT**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding: Complies.** As part of the Concept Plan process, Oregon City worked with a consultant to inventory and evaluate the local and regional market conditions within and adjacent to the Concept Planning area. This report details patterns in the community, the profile of local employment, the supply of commercial and office land, and potential for commercial development within the area. Although key to the design of the two neighborhoods envisioned in the plan, commercial development is not seen as

necessary for the economic success of the area, which is expected to be developed largely for residential use. The commercial needs of the planning area can be met outside of the concept planning area by existing and planned developments. However, neighborhood commercial development can serve to organize the concept plan by providing a “center” to the community. In addition, commercial development can meet some of the needs of the community, providing a marketable amenity for residential development while reducing trips out of the neighborhood.

#### **STATEWIDE PLANNING GOAL 10: HOUSING**

*To provide for the housing needs of citizens of the state.*

**Finding: Complies.** This goal corresponds with Metro Title 11 subsection D (See Exhibit 10b) and the City’s comprehensive plan goals in Chapter 10. As part of the Concept Planning process, an inventory was done of existing housing units in Oregon City, vacant residential land, and the potential for redevelopment of existing development. The housing report evaluated existing population by income and distribution of available housing units by cost, vacancy rates, expected housing demand, including by housing type. The buildable lands inventory indicates that the developable land area of the plan can accommodate between 2,300 and 2,8860 units in compliance with Metro Title 11 housing requirements. The Concept Plan recommends and provides for a mix of different Comprehensive Plan and zoning designations (Low, Medium, High and Mixed Use Corridor) that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units, transitional living for seniors, and mixed commercial/residential uses. The South End Concept Plan will provide for housing affordable to a range of incomes. As noted above, the Concept Plan provides or allows for a range of housing types and densities, including those that are most likely to be affordable to households or families with lower incomes, including single-family homes on small lots, cottage housing, townhouses, duplexes and multi-family units. The concept plan also identifies potential zoning or development code strategies for distributing less expensive housing units among different areas rather than concentrating them all in one place. Please refer to the Addendum Report entitled “South End Concept Plan Affordable Housing Program (revised 11/22/13)” in Exhibit 10b for additional support of this finding.

#### **STATEWIDE PLANNING GOAL 11: PUBLIC FACILITIES AND SERVICES**

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Finding: Complies.** Urban development shall be guided and supported by types and levels of public facilities and services appropriate for, but limited to, the needs and requirements of the urban and urbanizable areas to be served. A provision for key facilities is included in the plan.

This goal applies to urban areas within the city limits of Oregon City and to urbanizable areas within the city’s UGB. “Urban Facilities and Services” means appropriate types and levels of, at a minimum, the following: police protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services.

Chapters 2, 3, 4, 6, and Appendix A address the following public facilities and services: wastewater, water distribution, stormwater management, transportation infrastructure, police protection, fire protection, parks and recreation, health services, and other civic facilities.



## STATEWIDE PLANNING GOAL 12: TRANSPORTATION

*To provide and encourage a safe, convenient, and economic transportation system.*

**Finding: Complies.** Please refer to Findings above under Policy 11.6.1. The Concept Plan forecasts future travel and provides a horizon year study of 2035. The transportation analysis indicates that existing road system will need significant improvements to preserve safety and capacity, and regional solutions are required outside the planning study area to relieve congestion, including greater use of transit and reduced reliance on single-occupancy vehicles. The Concept Plan is responsible for resolving problems caused by its growth. The plan describes solutions and provides methods of funding to accomplish this task. Elements of the transportation system plan include recognition of regional improvements outside the planning area such as improvements to the 99-E corridor,

Regardless of the impacts of regional traffic, local improvements are necessary within the concept plan area when development occurs. Table 2 from Appendix J provides an overview of these improvements and their corresponding project reference within the TSP.

**Table 2: Funded Street System Improvements**

Project	Location	Project Source
Install a traffic signal at the South End Road/ Warner Parrott Road intersection with dedicated left turn lanes for the South End Road approaches to Warner Parrott Road	Outside of the Concept Plan area	2013 Oregon City TSP Project D32
Install a roundabout at the South End Road/ Lafayette Avenue-Partlow Road intersection	Inside the Concept Plan area	2013 Oregon City TSP Project D33
Install a roundabout at the South End Road/ Beutel Road-Parrish Road intersection	Outside of the Concept Plan area	2013 Oregon City TSP Project D41
Install a roundabout at the South End Road/ Deer Lane extension intersection	Inside the Concept Plan area	2013 Oregon City TSP Project D42
Extend Deer Lane from Rose Road to Buettel Road as a Residential Collector	Inside the Concept Plan area	2013 Oregon City TSP Project D51
Extend Deer Lane east from Buettel Road to Central Point Road as a Residential Collector	Inside the Concept Plan area	2013 Oregon City TSP Project D52
Extend Madrona Drive to Deer Lane as a Family Friendly Collector	Inside the Concept Plan area	Modified version of 2013 Oregon City TSP Project D53 (Change from Residential Collector to Family Friendly Collector)
Complete the gap between Parrish Road as a Residential Collector	Inside the Concept Plan area	2013 Oregon City TSP Project D65
Improve South End Road from Partlow Road to south of South End Court to a Residential Minor Arterial	Inside the Concept Plan area	Modified version of 2013 Oregon City TSP Project D89 (Street type changes for two segments from Residential to Mixed-Use)
Improve South End Road from south of South End Court to north of Fandango Drive to a Mixed-Use Minor Arterial		
Improve South End Road from north of Fandango Drive to north of Navajo Way as a Residential Minor Arterial		
Improve South End Road from north of Navajo Way to north of the Deer Lane extension as a Mixed-Use Minor Arterial		
Improve South End Road from north of the Deer Lane extension south to the UGB as a Residential Minor Arterial	Inside the Concept Plan area	2013 Oregon City TSP Project D93
Improve Beutel Road north of South End Road as a Residential Collector*		

\* The Beutel Road improvement project (Project D93) included on the "Not Likely to be Funded" list of the TSP was also assumed since it is a collector street within the South End Concept Plan area. It would need to be improved before development could occur.

Alternative modes of transportation have also been discussed and addressed as part of the transportation element of the concept plan. Implementation strategies and financing tools for these improvements have been identified at a preliminary level and will be further defined as part of the TSP and Capital Improvement Plan updates.

Rezoning of property after adoption of the South End Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Compliance with OAR 660-012-0060 will also be required to be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

Please refer to the TPR compliance analysis prepared by DKS Engineering in Exhibit 5.

#### **STATEWIDE PLANNING GOAL 13: ENERGY CONSERVATION**

*To conserve energy.*

**Finding: Complies.** Goals and policies in the concept plan aim to conserve energy through efficient use of land, green streets, encouragement of construction practices and materials that result in energy conservation, implementing energy conservation measures in City activities and facilities, and supporting the concepts of sustainability.

#### **STATEWIDE PLANNING GOAL 14 URBANIZATION**

*To provide for an orderly and efficient transition from rural to urban land use.*

**Finding: Complies.** This goal essentially defines the purpose of the Concept Plan. Oregon City's Urban Growth Boundary was expanded in December 2002 through Metro's regional review process to include more residential land. This was the result of a demonstrated need for additional land to accommodate projected population growth. The revised element of the updated plan calls for implementing Metro's "concept plan" requirements under Title 11 of the Functional Plan that will result in subarea planning of new areas added to the UGB. Metro requires the concept plan to be adopted by Oregon City by December of 2006. The concept plan establishes policies to convert rural to urban land within the UGB while monitoring the supply of land to ensure its adequacy to accommodate growth. Oregon City coordinates with Clackamas County through an intergovernmental agreement that guides land uses and extension of public services in the unincorporated UGB. In addition, the transportation, parks, trails, water, and sewer master plans address orderly extension of services to accommodate growth. To ensure consistency and orderly transition of rural plan and zoning designations to urban designations, Oregon City zoning designations will be applied to areas annexed to Oregon City upon voter approval of the annexation of such areas to the city.

#### **OAR 660 Division 12 Transportation Planning Rule (TPR)**

*The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure*

*that planned land uses are supported by and consistent with planned transportation facilities and improvements.*

**Finding: Complies.** Findings demonstrating compliance with the TPR are located Exhibit 5.

#### **Regional Transportation Plan**

*The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.*

The conceptual transportation plan is presented on Pages 20-29 of the concept plan and in Appendix C, Transportation Element.

The plan provides detailed street design cross-sections and functional classifications, as well as a detailed “grid” which shows conceptually how new local streets can be extended to re-development areas to improved connectivity.

The plan is consistent with the applicable provisions of the Regional Transportation Plan. The South End Concept Planning process was coordinated with the city’s recently adopted Transportation System Plan (August 2013), which is consistent with the RTP.

The TSP requirements were codified in OCMC 12.04 (Street Standards), OCMC 16.12 (Land Division), OCMC 17.52 (Parking), OCMC 17.62 (Site Plan and Design Review) codes in August 2013. These include complete street design standards, full sections for all functional classifications, maximum block lengths, driveway intersection spacing, alley requirements, pedestrian and bicycle accessway standards, and vehicle access and connectivity requirements, many of which already existed in the Oregon City code prior to 2013 but which have been revised to reflect the new TSP update.

Consistent with RTP, the TSP assumed urbanization of the South End Concept Plan area. Street standards and improvements were identified in the TSP for its urbanization, in a manner consistent with the Metro RTFP. No new regional transportation improvements were identified in the South End Concept Plan area beyond what had been adopted in the TSP.

The South End Concept Plan provides greater detail than the TSP and will provide extensive guidance to improve future local street connectivity throughout the planning area.

A detailed analysis of compliance with the statewide Transportation Planning Rule is provided in a separate memorandum from DKS Engineering (attached).

#### **METRO TITLE 11: URBAN GROWTH FUNCTIONAL PLAN: PLANNING FOR NEW URBAN AREAS.**

**Findings: Substantially Complies.** Staff has prepared a separate report in Exhibit 10, which details how the South End Concept Plan substantially complies with Metro Title 11 and Metro Ordinance 02-9698 Conditions of Approval.

#### **RECOMMENDATION**

For the reasons set forth above, staff recommends approval of Planning Files L 13-03 and L 13-04, adopting the South End Concept Plan as an amendment to the Oregon City Comprehensive Plan and its Ancillary Documents, and approval of the associated amendments to the Oregon City Municipal Code.

#### **EXHIBITS TO THIS STAFF REPORT**

\*Documents noted as "On File" are hereby made a permanent part of the record for this file and are available for viewing at the Planning Division office.

- 1) Ordinance No. 13-1016 Draft
- 2) Ordinance No. 13-1017 Draft
- 3) South End Concept Plan Study Area Map
- 4) Proposed Oregon City Comprehensive Plan Designations (Revised)
- 5) TPR Compliance Memo, DKS Engineering.
- 6) Public Notices – *On File*\*
  - a) M56 Postcard
  - b) DLCD Notice – Proposed Plan Amendment
  - c) Clackamas Review / Portland Tribune Newspaper Notice and Affidavit
  - d) Clackamas Review / Portland Tribune Newspaper Notice and Affidavit – Revised Notice
- 7) Public Comments received via Project Website
- 8) Written and Emailed Public Comments
- 9) Public Involvement Timeline (to be submitted at December 9 Public Hearing)
- 10) Draft Title 11 Findings of Substantial Compliance with Metro Urban Growth Management Functional Plan - *Planning For New Urban Areas*; and Metro Ord. 02-9698B *UGB Conditions of Approval*.
  - a) Response to Title 11 Section C: Housing Density Analysis
  - b) Response to Title 11 Section E: Section South End Concept Plan Affordable Housing Program (revised 12/01/13)
- 11) Best Management Practices for Non-Habitat Conservation Areas (HCAs)
- 12) Clackamas County / Oregon City Urban Growth Management Agreement (UGMA), 1991
- 13) Updates to the Ancillary Documents (i.e. Public Facility Plans) to the Oregon City Comprehensive Plans – *Each update consists of 1-2 page summaries with tables of projected costs and cross-references to the applicable section of the South End Concept Plan, each to be inserted into the front of each Ancillary Document.*
  - a) Water Master Plan (2010)
  - b) Sanitary Sewer Master Plan
  - c) Stormwater Master Plan
  - d) Parks and Recreation Master Plan
  - e) Trails Master Plan
- 14) Community Advisory Team Documents - *On File*\*

This includes CAT meeting agendas, sign-in-sheets, materials and summaries (Numerous documents which are summarized in *Appendix I – Community Engagement Summary*).

\*Documents noted as "On File" are hereby made a permanent part of the record for this file and are available for viewing at the Planning Division office.

#### **EXHIBITS ENTERED INTO RECORD PRIOR TO NOVEMBER 25 PUBLIC HEARING**

**Please go to website (See <https://oregon-city.legistar.com/Calendar.aspx>)**

- 15) Staff Report Cover
- 16) Memorandum to Planning Commission
- 17) City Engineer Comments
- 18) South End Concept Plan Final Draft Document
  - a) Final Draft Concept Plan – October 2013 Draft
  - b) Concept Plan Map
  - c) Appendix A. Existing Conditions Report
  - d) Appendix B. Land Use Evaluation
  - e) Appendix C. Transportation Element
  - f) Appendix D. Public Infrastructure Element
  - g) Appendix D. Zoning Code Amendment Recommendations
  - h) Appendix E. Standards for Building and Site Design
  - i) Appendix F. Public Facilities Future Costs
  - j) Appendix G. Parks Facilities Future Costs
  - k) Appendix H. Municipal Code Revisions
  - l) Appendix I. Community Engagement Summary
- 19) Concept Plan Map Draft
- 20) SECP - Draft Comprehensive Plan - 11x17P
- 21) SECP Code Worksession Draft
- 22) SECP Implementation Schedule 10.24.13
- 23) Public Comment - Levy
- 24) Public Comment - Toth
- 25) Public Comment - Greater Oregon City Watershed Council

**EXHIBITS ENTERED INTO RECORD AT NOVEMBER 25 PUBLIC HEARING**

- 26) 1. Comments of Robert Wendling
- 27) 2. Comments of Paul Edgar
- 28) 3. Comments of Paul Edgar
- 29) 4. Comments of Tom O'Brien
- 30) 5. Comments of Rachel Thompson and Andrea Schmierbach
- 31) Consultant/Staff Powerpoint Presentation

**EXHIBITS FROM NOVEMBER 12 JOINT PC / CC WORK SESSION**

- 32) Consultant/Staff Powerpoint Presentation





# OREGON CITY

## Community Development Department

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

### MEMORANDUM

To: City Commission  
From: Pete Walter, AICP, Associate Planner  
Re: South End Concept Plan Public Hearing – February 19, 2014  
Date: February 12, 2014

---

This memorandum provides an additional explanation and summary of the Planning Commission's February 10, 2014 vote of 5-0 to recommend approval the South End Concept Plan, summarize additional findings from the Planning Commission "Issues Matrix" to supplement the staff report and findings, and enter all exhibits received to date into the record for the adoption of the South End Concept Plan.

#### ***Additional Findings***

Staff prepared the Planning Commission Issues Matrix (Exhibit 2) in order to summarize and respond accurately to specific concerns raised during the Planning Commission public hearing process. This "issue matrix" contains further recommendations for adoption of the South End Concept Plan and was accepted in its entirety as adequately addressing the outstanding concerns raised during the hearing process.

The following specific findings are provided to tie back the Issues Matrix to the Comprehensive Plan Goals and Policies addressed in the December 9 Staff Report.

#### **Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

**Additional Finding: Complies.** The public raised specific concerns regarding traffic demand relying on 2011 traffic counts, Regional Travel Demand methodologies and ITE manual classifications as a means of calculating demand rather than DKS Engineering and Replinger and Associates, licensed transportation-engineers, and explained that these are not accepted ways to project demand. These findings were confirmed by Metro and ODOT representatives. DKS explained that demand issues are addressed by the Transportation Element and Appendices in the plan, the fact that the Metro Regional Transportation Plan requires use of Transportation Demand methodology, and the various Transportation Elements and follow-up reports from DKS, Replinger and Associates, County Transportation Department, ODOT and others. Current actions include DKS Consulting's explanation of the methodology at the Planning Commission and City Commission



hearings. The Traffic Advisory Committee voted 9-0 to approve the SECP Transportation element with the addition of any information from consultants DKS (See minutes attached). Based on the following, the Planning Commission recommended approval of the Concept Plan and also included the following recommendations:

- *Update and refine Traffic Count Information as it becomes available*
- *Review and Monitor Traffic Intersections for adequate LOS / V/C ratio*
- *Continue to review Transportation SDC rates*
- *Refine CIP to accurately reflect cost of identified improvements*

Staff believes that all of these items will occur as properties within South End are rezoned and developed over time. Similarly, the City has a process in place for periodically reviewing Transportation SDC rates as well as its CIP.

### Goal 12.2 Local and Regional Transit

*Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.*

**Additional Finding: Complies or Not Applicable.** The Planning Commission received specific concerns about the lack of transit service to South End, limiting senior mobility options, and the need to restore transit service as economic conditions improve after recession, and the need for a “B. Plan” if Tri-Met union negotiations fail. The South End Concept Plan provides recommendations for a range of options for Transit on page 28. The Planning Commission acknowledged the impossibility of providing transit service until there are a sufficient number of residents to support the service. Withdrawing from Tri-Met is a larger issue not within the scope of the City’s consideration of this concept plan. The City Commission and Public Works Director are working on this issue and are seeking to restore transit where possible. Tri-Met is kicking off South East Service Enhancement public involvement process. The Transportation System Plan already provides recommendations for transit service which will continue to guide urbanization decisions in this area over time.

The Planning Commission concluded that this plan policy is directed at encouraging City participation in larger regional discussions about mass transit service, and to further than end, *the Planning Commission recommended that staff continue to work within framework of Tri-Met Service Enhancement Plan process for the Southeast portion of the District* [www.trimet.org/sep/](http://www.trimet.org/sep/) or the city’s website at <http://www.orcity.org/community/trimet-launches-outreach-process>

### Goal 12.5 Safety

*Develop and maintain a transportation system that is safe.*





*Policy 12.5.2 -Identify and implement ways to minimize conflict points between different modes of travel.*

**Additional Finding: Complies.** Specific concerns were raised regarding impacts from 99-E Accident Route Diversion. South End is an incident route for when 99-E is closed. Closure of 99E occurs 2-3 times a year and may impact South End Road. This was not identified as an issue by the public during the hearings and it is outside the scope of this legislative proposal that is limited to land use planning. However, *the Planning Commission recommended that additional signage and early public information alerts be used to notify residents during those events to be aware of the additional traffic and consider alternative routes.*

### Policy 12.1.5

*Investigate the possibility of a new street connection between South End Road and Highway 99E between Downtown and New Era.*

**Additional Finding: Complies.** Specific concerns were raised by the public for an additional access road to serve the area. Neither TSP nor SECP includes vehicle access roads through Canemah Bluffs due to jurisdiction, cost and environmental impacts, however a regional multi-modal walking and biking trail is part of the city's TSP and the Metro RTP. This is addressed through the TSP and SECP with a second collector loop Road connection to South Central Point Rd. *Although the Planning Commission found that adequate access and capacity was available to support the planned uses, the Planning Commission recommended the coordination of future studies with Clackamas County, Metro and ODOT via the Public Works Director and Transportation Advisory Committee for further work in this area, if resources become available.*

### Goal 5.4 Natural Resources

*Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*

**Additional Finding: Complies.** The Planning Commission heard concerns over impacts to water quality areas, detention facilities locations and designs, off-site impacts to a drainages outside of plan areas. This issue is addressed by the Natural Resource sections of the SECP, its Appendix, Chapter 5 -Natural Resources, through the application of OCMC 17.49 – NROD, OCMC 13.12 – Stormwater, and through the City's NPDES-MS4 permit compliance process. Additionally, drainage plans for development applications must document soil conditions on site and map Water Quality Resource Areas (WQRAs). These standards include mandatory standards within Natural Resource Overlay District (NROD) areas, and voluntary best management practices outside of NROD.



Additionally, Public Works has a multi-year work program for NPDES (National Pollutant Elimination Discharge System) Permit Implementation and is in the process of updating the Stormwater Mgmt. and LID standards.

Regarding habitat and tree protection, specific concerns were raised about protection of upland habitat, trees and stands outside of mapped NROD areas. This is addressed by the identification of specific habitat and tree areas in the plan, and through OCMC 17.41 Tree Protection. No additional action is proposed at this time.

*Although the Planning Commission found the existing regulatory protections adequate, the Planning Commission also recommended that staff review OCMC 17.41 to determine whether additional protection or mitigation is needed via legislative process in 2014.*

*The Planning Commission recommended implementation of Best Management Practices (BMPs) for Low Impact Development to maximize public involvement and input on the NPDES permit compliance and LID standards when the process begins.*

### Goal 10.1 Diverse Housing Opportunities

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

**Additional Finding: Complies.** The Planning Commission received testimony emphasizing the need for senior dwelling single-story floor plans, and housing that supports aging in place with mobility. This concern is addressed in detail in the Title 11 Compliance Report regarding housing variety and affordability. City code and policies already provide for transitional living, senior living, group homes and cottage housing in Single Family Residential zones as well as other zones. The code does not prohibit single story dwellings. The market will provide if there is sufficient demand. *Although the Planning Commission concluded that the proposed concept plan does permit the construction of a variety of housing options, it also directed staff to draft possible incentives for single-story plans or ground floor master bedrooms in the Residential Design Standards in OCMC 17.20 in late 2014 as part of city-wide code updates.*

### Goal 11.1 Provision of Public Facilities

*Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Additional Finding: Complies.** The public voiced their concern over the need for accurate estimates for costs of infrastructure and SDCs, and the need to update concept plan estimates for public infrastructure as new information is made available. This is addressed in the Title 11





Analysis for public infrastructures as reviewed by the Technical Advisory Team and approved by Metro. See also the applicable updates to the various "Ancillary Documents" (Water, Sewer, Transportation, Storm water Master Plans). Currently, Public Works Department is starting to update the storm water and sewer master plans 2014-2015 which will inform these determinations as well.

*Although the Planning Commission concluded that adequate public facilities can be made available to support uses identified in the Concept Plan, the Planning Commission recommends that staff provide regular updates regarding public infrastructure plan updates to the Planning Commission.*

### Goal 11.3 Water Distribution

*Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.*

### Policy 11.3.2

*Collaborate with the South Fork Water Board to ensure that an adequate water supply system is maintained for residents. Coordinate with the South Fork Water Board, the City of West Linn, and Clackamas River Water to ensure that there is adequate regional storage capacity.*

**Additional Finding: Complies.** The public raised concerns over the adequacy of water supply to serve the planned growth. This is addressed by the South Fork Water Board Master Plan (updated 2010). Also, see attached letter from SFWB General Manager John Collins attesting to the specific capacity of the water supply.

*Planning Commission directed staff to publicize SFWB conservation plan tools on City website <http://www.sfwb.org/index.php/conservation> and it will do so.*

### Goal 7.1 Natural Hazards

*Protect life and reduce property loss from the destruction associated with natural hazards.  
Geologic Hazards*

### Policy 7.1.8

*Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.*



**Additional Finding: Complies.** The Planning Commission heard testimony that the City should adopt slope susceptibility mapping now available from the Oregon Department of Geology and Minerals (DOGAMI), that the city should look closely at the existing code OCMC 17.44 to determine if additional standards are needed. OCMC 17.44 Code and Maps were updated following the Park Place Concept Plan and again in 2010. These standards require that steep slope regulation is imposed pursuant to all current DOGAMI mapping. Further, the majority of plan area planned for development is flat. There are no unknown deep or shallow slide hazards that were not previously mapped on the slope susceptibility maps. There is some shallow slide potential indicated where water features and streams cross the planning area, where high ground water is indicated, and near engineered cut banks and fill piles. These areas are shown on city's LIDAR data layer. Public Works and GIS Department is already incorporating the new DOGAMI mapping data into the City's GIS. City-owned LIDAR data is the basis for the mapping that DOGAMI has done to date. City is a DOGAMI partner.

*Although the Planning Commission finds the current regulations will adequately protect existing and proposed development within the South End area from landslide, the Planning Commission also directed Staff to review the Factors of Safety, Landslide Deposits and Headscarp Mapping from DOGAMI in the latest report, to amend code section 17.44 to include references to on-line DOGAMI Slope Susceptibility mapping resources as an additional resource, <http://www.oregongeology.org/sub/slido/index.htm>, and to link the City website to the DOGAMI hazard viewer on-line mapping tool **Oregon HazVu: Statewide Geohazards Viewer**.*

### *Goal 5.1 Open Space*

*Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.*

### *Goal 8.1 Developing Oregon City's Park and Recreation System*

*Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.*

**Additional Finding: Complies.** The Planning Commission received specific concerns regarding acquisition or dedication of trails and open space identified on the concept plan. This is addressed through the specific code amendment recommendations, through the plan recommendations for capital funding of parks and trails, and with the upcoming city-wide code amendments in 2014.

*Although the existing and planned park and recreation amenities contained in the plan will be adequate to serve future residential growth, the Planning Commission recommended that trail and*





*open space acquisition and dedication requirements be reviewed as part of city-wide code amendments in 2014.*

### ***Miscellaneous Corrections, Formatting and Maps***

Staff is requesting that the City Commission review and suggest any revisions to the map and plan as soon as possible in order that the consultant can efficiently make final revisions to the plan and map by March 5, 2014. No further changes to the following list were recommended by the Planning Commission:

- Improve map resolution, existing street labeling and overall graphic quality.
- Add sidebar captions where missing.
- Pages: i, ii (road near Metro property), 1, 2 (process), 5, 8-9 (parks and trails), 23 (local v. family friendly clarification), 25, 26, 37 (schools), 46 (in relation to 22-23)
- Update Stormwater Figure and adjust following figure numbers accordingly
- Add fire protection discussion
- Add concept plan diagram legend, city limits and UGB
- Correct page 12 of Appendix C (the multi-modal street system map is mirrored, i.e. the text and map are backwards).
- Revised regional detention facility locations to be more general / conceptualized with dashed polygon rather than blue dot.

### **CONCLUSION AND RECOMMENDATION**

The Planning Commission recommends that the City Commission approve Planning Files L 13-03 and L 13-04 with these additional findings and recommendations.

### ***Final steps for Adoption***

- |                |  |
|----------------|--|
| March 5, 2014  | - Review Final Completed Plan and Concept Map                        |
| March 5, 2014  | - First Reading of Ordinances No. 13-1016 and Ordinance No. 13-1017  |
| March 19, 2014 | - Second Reading of Ordinances No. 13-1016 and Ordinance No. 13-1017 |

### **EXHIBITS**

See separate list of Exhibits.