

ORDINANCE NO. 14-1016

AN ORDINANCE ADOPTING A CONCEPT MASTER PLAN, ADOPTING AMENDMENT TO ANCILLARY DOCUMENTS OF THE COMPREHENSIVE PLAN AND AMENDING OREGON CITY MUNICIPAL CODE CHAPTERS:

**17.06.020 ZONING DISTRICT CLASSIFICATIONS, OFFICIAL ZONING MAP,
17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT,
17.48.110 WILLAMETTE RIVER GREENWAY, PROHIBITED ACTIVITIES
17.52.020 OFF STREET PARKING AND LOADING, NUMBER OF AUTO SPACES
REQUIRED,**

AND AMENDING THE COMPREHENSIVE PLAN MAP BY CHANGING A PORTION OF THE PROPERTY IDENTIFIED AS CLACKAMAS COUNTY MAP 419 MAIN STREET, AND NO ADDRESS, IN OREGON CITY, OR 97045 2-2E-31BD-00300, 500, 600, 390 FROM GENERAL INDUSTRIAL ("GI") TO A NEWLY CREATED WILLAMETTE FALLS DOWNTOWN DISTRICT ("WFDD") AND AMENDING THE COMPREHENSIVE PLAN DESIGNATION FROM INDUSTRIAL ("I") TO MIXED USE DOWNTOWN ("MUD").

OREGON CITY PLANNING FILE

**MASTER PLAN: CP 14-02, ZONE CHANGE AND TEXT AMENDMENT: ZC 14-03,
COMPREHENSIVE PLAN MAP AMENDMENT AND AMENDMENTS TO ANCILLARY
DOCUMENTS OF THE COMPREHENSIVE PLAN: PZ 14-01**

WHEREAS, the City of Oregon City has adopted a Zoning Map and Comprehensive Plan Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning and Comprehensive Map may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and the Comprehensive Plan; and

WHEREAS, the subject properties are located at 419 Main Street, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390 (referenced herein as the "Willamette Falls property" or "Blue Heron Paper Company site"); and

WHEREAS, notice of the proposed Master Plan, Zone Change and Comprehensive Plan and Map amendments were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed; and

WHEREAS, on September 8, 15, and 22, the Planning Commission held public hearings and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions to the City Commission by a 7-0 vote for the requested Master Plan, Zone Change, Text Amendments and Comprehensive Plan and Map Amendments; and

WHEREAS, the Comprehensive Plan requires that "a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses;" and

WHEREAS, Oregon City wants to strengthen its downtown and provide for additional development and visitors to a newly designated open space along the Willamette River overlooking Willamette Falls and is concurrently approving a New Mixed Use Multi-Modal area ("MMA"), adopted through Ordinance No. 14-1015.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. For the reasons set out in the findings attached as Attachment A, the following Oregon City Municipal Code Sections are amended as depicted in Attachment B:

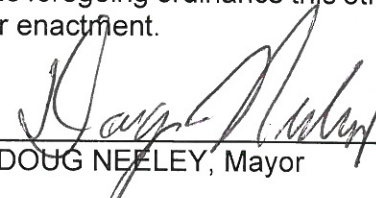
- 17.06.020 Zoning District Classifications, Official Zoning Map
- 17.35 Willamette Falls Downtown District
- 17.48.110 Willamette River Greenway, Prohibited Activities
- 17.52.020 Off Street Parking and Loading, Number of Auto Spaces Required

Section 2. Also for the reasons set out in the findings attached as Attachment A, the amendments to the Parks Mast Plan and the Transportation System Plan, ancillary documents to the Comprehensive Plan, as set forth in Attachment C, are hereby adopted.

Section 3. The zone change request from I- Industrial to WFDD Willamette Falls Downtown District (ZC 14-03), Comprehensive Plan Map Industrial to Mixed Use Downtown (PZ 14-01), and the request for approval of a Master Plan (CP 14-02) are hereby approved as proposed by the applicant for the properties located between Main Street south of Highway 99E, and identified as 419 Main Street, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390

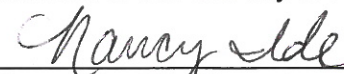
Section 4. The Commission adopts the findings and conclusions that are attached to the Ordinance as Attachment A, and incorporated herein to support the City's approval to amend the zoning map and text, Comprehensive Plan and map and approve the Mater Plan application.

Read for the first time at a regular meeting of the City Commission held on the 15th day of October 2014, the City Commission finally enacted the foregoing ordinance this 5th day of November 2014 and this ordinance will take effect 30 days after enactment.



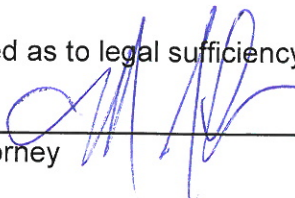
DOUG NEELEY, Mayor

Attested to this 5th day of November 2014:



Nancy Ide, City Recorder

Approved as to legal sufficiency:



City Attorney

Attachment:

- A. Findings of CP 14-02, PZ 14-01 and ZC 14-03.
- B. Amendments to OCMC
- C. Amendments to Comprehensive Plan ancillary documents



MEMORANDUM

To: City Commission
From: Christina Robertson-Gardiner, AICP, Planner
Re: Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)
Date: September 18, 2014

This memorandum provides a summary of the Planning Commission's additional findings from the Planning Commission "Issues Matrix" and response to public testimony to supplement the staff report and findings for the adoption of the Willamette Falls Legacy Project Master Plan and associated files.

Additional Findings

Staff prepared the Planning Commission Issues Matrix (Exhibit a) in order to summarize and respond accurately to specific concerns raised during the Planning Commission public hearings process. This "issue matrix" contains further findings and recommendations for adoption of the Land Use application to adequately address the outstanding concerns raised during the hearing process. The following findings have additionally been provided to tie back the Issues Matrix and public testimony to the applicable criteria and supplement the existing findings found in the staff report.

Infill Compatibility and Willamette River Greenway OCMC 17.48.080 (D) (E)

In order to maintain flexibility and to ensure that unforeseen design solutions are not constrained by an arbitrary height limit, the Design Guidelines and Willamette River Greenway are proposed to be the limiting instrument to ensure that riverside redevelopment preserves views and does not create a canyon effect. The following Design Guidelines and Greenway code are applicable.

Design Guideline 1, which includes the following principle: "Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge."

Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.



The Greenway review standards. 17.48.080(D) additionally directs development away from the river “to the greatest possible degree,” in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve “the natural scenic, historic, and recreational qualities” of the greenway. Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires “maximum possible” landscaped area close to the river, and necessary public access to and along the river.

The Planning Commission also refined Design Guideline 3 to empathize the need to compare new construction to existing buildings heights in the district. This revision is intended not to require new construction be shorter than the highest adjacent building. Rather, existing building heights should be included as a factor in determining compatible infill designs. Design Guideline 3, “Maintain Downtown Character,” which acknowledges the unique industrial scale and history of the site and existing building height but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

Guideline 3. Maintain Downtown Character

Principles:

Continuity. The Willamette Falls District is an extension of the historic downtown. At the same time, the scale of buildings and industrial history of the district should create a different feeling. Buildings and open space areas should pay special attention to existing heights and the transition between the two downtown districts. New development should consider architectural patterns and materials existing in downtown, and also create a new sense of place

Parking

OCMC 17.65.050.A.1.h - Existing transportation analysis, baseline parking demand

While future development applications will be required to adhere to the city’s development parking standards, the projections for Riverwalk visitor parking cannot be evaluated at this time with sufficient specificity to ensure that off site parking will not adversely affect Downtown. The Planning Commission included an additional condition that requires a parking plan and Transportation Demand Management Program be submitted at the time of detailed development plan of the Riverwalk . This condition will allow the applicant to respond to this concern at the time of development and be able to look at both traditional and non-traditional ways of ensuring that visitors to the site will not unduly burden any specific business or area.

Transportation

MMA- OAR 660-012-0060 & OCMC 17.65.050.B.1.h- Transportation Impact

Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that



ODOT and Oregon City have agreed on allow for a finding for amendments to a comprehensive plan or land use regulation that there is no significant effect on the transportation system, or if there is a significant effect, to put in place measures that that ensure that uses allowed by the proposed amendments are consistent with the function, capacity, and performance standards of the facility.

The proposed MMA designation exempts application of performance standards related to motor vehicle traffic congestion (capacity), but does not exempt a proposed amendment from other transportation performance standards or policies, including safety for all modes and other considerations (OAR 660-0120060(10)). Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding that the land uses allowed by the proposed amendments are consistent with the identified function and performance standards of the transportation facility.

Goal 5 – Historic and Aesthetic Resources

During the proceedings before the Planning Commission, testimony was presented that Goal 5 and the administrative rules implementing Goal 5 with regard to historic resources applied to the subject plan amendment, also known as post-acknowledgment plan amendment (PAPA). OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the PAPA “creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource,” or “allows new uses that could be conflicting uses with a particular significant Goal 5 resource site.” OAR 660-023-0250(3).

The Willamette Falls Legacy Property

The existing Willamette Falls Legacy property does not currently contain any inventoried Goal 5 historic structures. The City’s Goal 5 inventory list adopted in 1982 makes no reference to any structures or sites located on land south or west of Highway 99E. The PAPA does not propose amendment of the City’s Goal 5 inventory to include additional historic resources at this time. With regard to the structures on the subject site, evidence was presented in the hearing that a number of the existing structures may qualify for inclusion on the inventory either through inclusion on the National Register of Historic Places or through local designation. In light of that potential, the master plan application proposes the retention and reuse of five existing resources and encourages the full or partial preservation of five additional resources. Conditions of approval are imposed that require that result. The applicant proposed preservation plan and the corresponding conditions are entirely separate and distinct from the Goal 5 protections that come from inclusion within the City’s inventory that is adopted as part of the City’s Comprehensive Plan and regulated through the Historic Overlay District program OCMC 17.40.050.



In *Urquhart v. Lane Council of Governments*, 80 Or App 176, 721 P2d 870 (1986), the Court of Appeals held that a local government with an acknowledged Goal 5 inventory is not required to update that inventory when adopting a PAPA that does not itself alter the acknowledged Goal 5 inventory. Where an existing acknowledged comprehensive plan Goal 5 inventory has become outdated due to a change in circumstances, the appropriate mechanism for addressing that change in circumstances is periodic review, rather than a PAPA that does not directly or indirectly affect the inventory. *See also Johnson v. Jefferson County*, 56 Or LUBA 25, 28, 2008.

Similarly, the specific rules governing historic resources, OAR 660-023-0200, do not require local governments “to amend acknowledged plans or land use regulations in order to provide new or amended inventories” and, instead, the local government may “choose” to do so. OAR 660-023-0200(2). The City has not amended its Goal 5 inventory as part of this approval at this time and additional analysis and information in the future may result in a decision to amend the inventory.

For these reasons, the PAPA does not affect any existing Goal 5 historic resources and therefore, Goal 5 does not apply.

Willamette Falls

The City’s Goal 5 inventory list adopted in 1982 contained no reference Willamette Falls as a historic resource or as a scenic site. However, in the 1982 Comprehensive Plan, Willamette Falls was referenced as a Historical Landmark where it states:

The Falls are the most prominent City landmark, visible from many locations and detailed by a marker at Falls Vista on Highway 99E. Care should be taken to preserve views of the Falls, particularly in building construction, which could obstruct the view in certain locations.

In 2004, the City adopted a new Comprehensive Plan. This new plan, presumably based on the same 1982 inventory list, identified Willamette Falls as a scenic rather than a historic resource. It provides:

Policy 5.2.1

Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.

With regard to the special Goal 5 rules governing Scenic Views, OAR 660-023-0230 imposes the Goal 5 review process on local government decisions only where the “amend acknowledged plans in order to provide or amend inventories of scenic resources.” The proposed PAPA will not alter the City’s existing Goal



5 inventory including the Willamette Falls as a scenic resource. Therefore, it is likely that Goal 5 does not apply.

However, as noted above, the more general Goal 5 provisions of OAR 660-023-0250(3) state that Goal 5 applies where the PAPA “allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.” Although Willamette Falls is not included on the City’s acknowledged inventory list, its inclusion in the 2004 Comprehensive Plan suggests that the scenic view of Willamette Falls is a significant Goal 5 site. It is possible that the PAPA, creating the new Willamette Falls Downtown District plan designation and zone, including increases in building heights, could negatively impact views of Willamette Falls. Therefore, though the City does not believe that Goal 5 is implicated through this PAPA, adoption of the proposed PAPA and master plan will result in a program to achieve Goal 5 for Willamette Falls based on consideration of the economic social, environmental, and energy (ESEE) consequences resulting from this decision.

Currently, views into the site are limited from Highway 99E and views within the site are non-existent because there is no public access. Neighbors have views of the site from above, up on the bluff, and across 99E from the current southern terminus of Main Street. The site is currently occupied by industrial buildings and structures once needed for the paper-making process that was the core of the site’s use for the last 100 years. Development at the industrial site was not subject to any design standards or guidelines. The natural resource that abuts the property—the Willamette River and its waterfall—is obscured from view by topography and buildings.

Adoption of the PAPA along with the general development plan will improve the appearance of the site by: establishing a framework to organize development in an orderly fashion, encouraging buildings and open space to be of high quality design, and opening up access and views of the river and the falls, which are the core of the property’s visual experience. By improving the site appearance and providing public access for individuals to view the falls will provide economic and social opportunities that do not currently exist. A condition of approval requires the provision of a Riverwalk along the Willamette River that must be designed and constructed no later than the time of completion of the first 300,000 square feet of new development.

Although the new Willamette Falls Downtown District increases the building heights allowed on the Legacy property, the new rules for the development will make more direct interaction with the site possible, and give ordinary citizens visual access to the waterfall. Increasing the building heights to 80 feet will have no affect on the view of the falls currently enjoyed by residential homes located on the bluff. Further, the plan requires that development is consistent with design guidelines, which include:



Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge. Open up views toward Canemah down Main Street, and toward river from future 3rd and 4th Streets and the Riverwalk.

The proposed plan for the Willamette Falls Downtown District extends the existing downtown further to the south. The new district is anticipated to have a similar mixed-use feel as downtown, but also have larger buildings and a wider range of uses that are reflective of the industrial and employment history of the area. The change in zoning will allow for a wide range of uses within the area that are typical of Oregon City's downtown, shopping, employment, culture and recreation, and also potentially light industrial uses. The plan creates a network of multi-use paths for pedestrian and bicycle traffic, and preserves and enhances the natural amenities of the site, which are largely related to the river. Most of all, the redevelopment and opening up of this district will preserve and enhance views of Willamette Falls and the Willamette River, by creating public access to the historic center of the region in a way that has not been possible for the last 100-plus years. Further protection for views of Willamette Falls is provided by an existing city Greenway standard requires that new development be directed away from the river "to the greatest possible degree" (OCMC 17.48.080.D).

With regard to energy consequences, Willamette Falls is no longer used as an energy source for industrial and commercial development, but the proposed plan does not interfere with or preclude future use of the falls for this purpose. PGE will retain its current ownership of the dam on the Oregon City side of the falls. It has the authority to use the dam to create and/or transmit hydro power in the future.

Based on the foregoing, to the extent that Goal 5 applies to Willamette Falls as a scenic resource, adoption of the PAPA and general development plan with conditions will provide greater protection to the scenic and aesthetic values provided by Willamette Falls.

Notwithstanding the above Goal 5 discussion, the Planning Commission identified a need to provide additional documentation for future site interpretation and revised the Conditions of Approval to require Intensive Level Surveys be completed for all structures listed as potentially eligible for the National Register prior to any demolition request or detailed development plan.

CONCLUSION AND RECOMMENDATION

Staff recommends the Planning Commission recommends that the City Commission approve Planning Files Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA) with these additional findings and the attached Revised Conditions of Approval.



EXHIBITS

- a. Updated Planning Commission Matrix
- b. Revised Conditions of Approval
- c. Willamette Falls Downtown District Policies and Design Guidelines (Revised)
- d. 17.35 Willamette Falls Downtown District (Revised)
- e. Items entered into the record at the September 15, 2014 Planning Commission Meeting (onfile)
 - I. Blue Heron Beginning: A Compendium of Research, submitted by James Nicita
 - II. Public Comment Packet
 - III. Revised Willamette Falls Downtown District (allowing food and beverage production)
 - IV. Public Testimony
 - V. September 15, 2014 Planning Commission Agenda and Exhibits
 - i. Commission Report
 - ii. Public Comments
 - iii. WFLP Market Memo
 - iv. Development Assumptions and Analysis Memo
 - v. Planning Commission Issues Matrix for 9.15.14 hearing
 - vi. Revised Conditions of Approval
 - vii. SHPO Guidelines for Historic Resource Surveys 2011
 - viii. Mill C,G and Carpentry Shop Assessment Forms
 - ix. Willamette Falls Legacy Project- Historic Context Statement –SDB
 - x. 17.35 Willamette Falls Downtown District with Interim Use
 - xi. 17.52 Off Street Parking and Loading- Amended
 - xii. Master Plan CP 14-02-Willamette Falls Comment Ltr ODOT
- f. Items entered into the record at the September 8, 2014 Planning Commission Meeting (onfile)
 - I. Public Comment Packet
 - II. Public Testimony
 - III. Applicant's Presentation
 - IV. Staff Presentation
 - V. September 15, 2014 Planning Commission Agenda and Exhibits
 - i. Commission Report Sept 8
 - ii. CP 14-02 Staff Report WFLP (September 2, 2014)
 - iii. Vicinity Map
 - iv. Land Use Application Form
 - v. Master Plan Narrative
 - vi. Maps and Drawings
 - vii. App A - Transpo Report attachments
 - viii. App A - Transpo Report with TSP Amendment
 - ix. App B - Site Utilities memo
 - x. App C - Hist Res Matrix



- xi. App D - SHPO Eligibility Info
- xii. App E - Enviro Assessment
- xiii. App F - MMA Exhibits
- xiv. App G- Public Engagement Summary
- xv. Willamette Falls Legacy Archaeology Memo
- xvi. Public Notice
- xvii. 17.48 Amendment to Willamette River Greenway
- xviii. 17.35 Proposed Willamette Falls Downtown District
 - xix. Willamette Falls Downtown District Policies and Design Guidelines(amended by staff)
- xx. TSP Project Amendment
- xxi. Trails Master Plan-Parks Master Plan Amendment
- xxii. Public Comment Summary 9-2-2014
- xxiii. Public Comments Combined 9-2-2014
- xxiv. Memo from City Attorney re Review Process
- xxv. Memo from Oregon City Public Works – Engineering
- xxvi. Replinger & Associates Transportation Letter
- xxvii. ORS Fact Sheet - Protection of Publicly Owned Properties
- xxviii. Citizen Guide to sec 106
- xxix. Rediscover the Falls video link
- xxx. Vision Report link
- xxxi. Site Stabilization and Building Assessment Report link

Planning Commission Issues for September 22, 2014 Hearing

Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment
and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

Issue	Description	Specific Concerns	How Concern Is Currently Addressed Or Can Be Conditionally Addressed	Recommended Action
1.	Parking	<ul style="list-style-type: none"> Where are visitors to the Riverwalk going to park? How can we ensure that they will not overrun downtown and abutting neighborhoods Where will the tour buses park? Generally unease of leaving parking ratios and parking plan to the detailed development plan stage What happens if the Riverwalk and development are so successful that it fundamentally and negatively alters downtown? 	<p>These concerns are very understandable and there is often a want to prescribe a condition to ensure that the worst case scenario cannot happen. This Framework Plan was setup to ensure that the Planning Commission would be able to look at these issues again as projects move to the development stage where specific logistics and design solutions can be further analyzed.</p> <p>A broad unease regarding the logistics of Riverwalk visitors seemed to be a major theme at the September 8, 2015 Hearing. Staff has recommended that Condition of Approval #24 be revised to require a Parking and Transportation Management Plan (TGM) be required as part of the Riverwalk Detailed Development Plan</p> <p>A parking plan and Transportation Demand Management Program will look at traditional and non-traditional ways of ensuring that visitors to the site will not unduly burden any specific business or area.</p>	Revise Condition of Approval #24 to require a Parking and Transportation Management Plan (TGM) to be required as part of the Riverwalk Detailed Development Plan
2.	Historic Resources	<ul style="list-style-type: none"> Role of basin and steamship use should be better woven into site's history Not enough information on the buildings in the existing reconnaissance inventory. Need additional information on buildings before any building is demolished Obtaining National Register status of the buildings is important for tourism. Need better understanding of the process that identified the buildings and structures for retention. Specifically need better understanding why Mill C, Mill G and Pullery building/carpentry shop was not included in buildings identified for regulatory retention. 	<p>The role of the steamships and the river basin to the site has been part of the site analysis and is mentioned in the context statement for the site, which staff is attaching to the record.</p> <p>Staff has also revised the conditions of approval to require an Intensive Level Survey for all buildings eligible for listing on the National Register before request for demolition or detailed development plan. All other structures older than 50 years old will require updated photos for the existing Reconnaissance level survey.</p> <p>While the Master Plan is not requiring local historic designation for the buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.</p> <p>George Kramer, Kramer and Company, A preservation consultant with a long history of work on this site, will provide an explanation of the historic resource analysis in 2012 (Site Stabilization Report) and through the 2013-214</p>	<p>Revise Condition of Approval #9 to require prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos.</p> <p>Add an additional condition for Detailed Development Plans involving structures identified for retention:</p> <p>Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level Survey of these elements as part of the Detailed Development Plan completeness review.</p> <p>Finally a condition should be added to reflect the Planning Commission's desire to see buildings retained for reuse be local and Nationally designated:</p>

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			<p>Visioning and Master Plan process. The large site stabilization report was entered in to the record on September 8, 2014 hearing. Staff has attached the assessment forms for Mill C, Mill G and the Carpentry/Pulley building for easy reference.</p> <p>Mill C, also known as the Sulphite Plant was mostly rebuilt built in the mid-1950s and was analyzed as part of the site stabilization report for ability to reuse was not selected to be studied further based on the condition of the steel structure and the lack of adaptive reuse opportunities.</p> <p>Mill G –as known as the Boiler plant was built in 1949 and was analyzed as part of the site stabilization report for ability to reuse. It was not selected to be studied further based on the condition of the steel structure and the lack of adaptive reuse opportunities.</p> <p>The Pullery building- as known as the Carpentry Shop – was built as early as 1905 and was not deemed eligible for listing on the National Registers due to the extensive alterations and full removal of the exterior siding and encased in metal siding. While not specifically identified in the assessment report, there is also significant water intrusion on the second floor which is accessed from Mill O.</p>	<p>While the Master Plan is not requiring local historic designation for the buildings identified for retention, and the city recognizes Oregon’s local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.</p>
1.	Stepping Down Height Closer To The River	<ul style="list-style-type: none"> Concern over larger buildings creating a canyon feeling on Main Street. Specifically concerned with Blocks 1 &2 Not enough comfort that design guidelines can give Planning Commission ability to reduce heights 	<p>In order to maintain flexibility and to ensure that unforeseen design solutions are not constrained by an arbitrary height limit, the Design Guidelines and Willamette River Greenway are proposed to be the limiting instrument to ensure that riverside redevelopment preserves views and does not create a canyon effect.</p> <p>Design Guideline 1, which includes the following principle: “<u>Views</u>. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water’s edge.”</p> <p>Design Guideline 3, “Maintain Downtown Character,” which acknowledges the unique industrial scale and</p>	<p>Revised Guideline 3 to include the analysis of existing building height in new development. Carrie Richter, Assistant City Attorney believes this provides future Planning Commissions the ability to redirect large building away from the water side of the development if they are not compatible with the Mater Plan.</p> <p>Design Guideline 3, “Maintain Downtown Character,” which acknowledges the unique industrial scale and history of the site and <u>existing building height</u> but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.</p>

Planning Commission Issues for September 22, 2014 Hearing

Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment
and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

			<p>history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.</p> <p>Greenway review standards. 17.48.080(D) directs development away from the river “to the greatest possible degree,” in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve “the natural scenic, historic, and recreational qualities” of the greenway. Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires “maximum possible” landscaped area close to the river, and necessary public access to and along the river.</p>	
2.	Rail Spur Large industrial use	<ul style="list-style-type: none"> • Can it still be used if a new tenant wants to use it? • What if a large industrial user wants to come to the site and is above 60,000 square feet? • Can interim warehousing be allowed? • <u>Is food and beverage production or a food innovation center an allowed use?</u> 	The Framework Plan allows the reuse of the spur line.	<p>Outdoor storage or warehousing not accessory to a use allowed in in the zone has been added to the interim use section of the district.</p> <p>Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed 60,000 square feet has been added as a conditional use;</p> <p><u>While always considered a light industrial use, food and beverage production was specifically identified as a permitted use in the Willamette Falls Downtown District</u></p>
3.	Transportation Modeling	<ul style="list-style-type: none"> • What type of transportation modeling occurred with this plan and how did the application coordinate with ODOT? 	<p>Since the ultimate build-out of the Willamette Falls Legacy Project site is currently unknown, a high and low land use scenario was developed to identify minimum and maximum development potential of the site. The high land use scenario consisted of about 240 housing units and over 1,600 employees, while the low land use scenario included about 215 households and over 1,200 employees. Taking a conservative approach, the transportation impacts of redeveloping the Willamette Falls Legacy Project site were based on the high land use scenario to represent the reasonable worst case.</p> <p>Overall, the Willamette Falls Legacy Project site is expected to generate about 700 motor vehicle trips</p>	None at this time

Planning Commission Issues for September 22, 2014 Hearing

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and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

			during the p.m. peak hour, or 560 more than what was assumed in the 2013 TSP.	
4.	Multimodal Access	<ul style="list-style-type: none"> • Tri-Met coordination for service • Bike parking • Site circulation • Was Bus/truck maneuvering taken into account? • Why is the turnaround not depicted in the Framework Master Plan? 	<p>Walker Macy coordinated with Tri-Met to ensure that site circulation could support expanded bus service to the site at the time of detailed development.</p> <p>Both Walker May and DKS reviewed the site circulation to ensure that truck traffic and buses could be accommodated during detailed development. The Master Plan does not identify a specific traffic circle design for the end of Main Street. This will be further refined as detailed development plans move forward.</p> <p>Bike parking is required as part of detailed development. It is also envisioned that the Riverwalk will utilize public bike parking throughout the Riverwalk experience.</p>	None at this time
5.	Financing and phasing the project improvements	<ul style="list-style-type: none"> • What kind of tax abatements or tax credits can the applicant use? • Will this be in an Urban Renewal District • Who is paying for the infrastructure the city or the applicant? 	<p>As a land use document, the Framework Master Plan does not detail the financial contributions or individual pro formas of the development proposal.</p> <p>The city is currently pursuing an RFP to hire a development consultant to help the city and the applicant form a better understanding of the phasing and funding strategy needed to ensure full implementation of the project. This is in addition to the Riverwalk funding strategy currently being led by Metro.</p>	None at this time
6.	Flood Plain	<ul style="list-style-type: none"> • Can we make sure to show that parking is allowed in the flood plain on the riverside. It is not depicted in the parking options visual. 	Parking garages can be built in the flood plain if they meet applicable standards. The complexity of the riverside parcels and the city's balance cut and fill requirement drove the consultant to not specifically call out that option in a diagram. However, it is absolutely allowed.	None at this time
7.	Response To ODOT Letter Dated September 8, 2014	<ul style="list-style-type: none"> • Recommended Revisions to Conditions of Approval # 20 & 21 • Findings for OAR 660-012-0060 (1) (2)&(10) 	The applicant and staff have provided findings for OAR 660-012- (1) (2)&(10) into the staff report. However, staff is happy to add the additional language as requested by ODOT into the final findings.	<p>ODOT requested revisions have been incorporated into the revised conditions of approval.</p> <p>The following findings will be also added to the record:</p> <p>Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding for amendments to a comprehensive plan or land use regulation that there is no significant effect on the transportation system, or if there is a</p>

Planning Commission Issues for September 22, 2014 Hearing

Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment
and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

				<p>significant effect, to put in place measures that that ensure that uses allowed by the proposed amendments are consistent with the function, capacity, and performance standards of the facility.</p> <p>The proposed MMA designation exempts application of performance standards related to motor vehicle traffic congestion (capacity), but does not exempt a proposed amendment from other transportation performance standards or policies, including safety for all modes and other considerations (OAR 660-0120060(10)). Additional trips expected to and from the Willamette Falls site would have a significant effect with regard to safety due to lengthened queues, lack of site distance, and poor road geometry. The proposed projects that ODOT and Oregon City have agreed on allow for a finding that the land uses allowed by the proposed amendments are consistent with the identified function and performance standards of the transportation facility.</p>
8.	Revisions Identified By Staff At Beginning Of 9.8.14 PC Hearing	<ul style="list-style-type: none"> • Change in use for parking • Remove condition of approval #16- allow vesting of 2014 code • Warehousing allowed in conjunction with permitted use 	These Items were announced at the September 8, 2015 Hearing	These revisions have been incorporated in the revised Conditions of Approval and code amendments.
9.	Interim Uses in the Willamette Falls Downtown District.	<ul style="list-style-type: none"> • Interim uses such as warehousing and filming has been added to the WFDD to provide an avenue for uses that may be appropriate for the early phases of site redevelopment but are not compatible with long term implementation. These uses are allowed through a Type II process for up to three one year approvals. 	<p>The applicant has been working with on this issue with staff and the city attorney and is ready to submit the revisions into the record.</p> <p>Staff supports this approach to allow interim uses in the early phases of redevelopment that may not necessarily be appropriate at full development.</p>	The Interim use section has been added to the Willamette Falls Downtown District.
10.	Live work units	<ul style="list-style-type: none"> • Concern if live work and work live units can both be allowed onsite. 		Revised WFDD to allow Live work units, including an individual residential unit in association with a permitted use.

Revised for September 15, 2014 Hearing
Recommended Conditions of Approval
CP 14-02, ZC 14-03, and PZ 14-01

1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District ~~will~~ shall be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.
3. For all projects requiring for Type III review, the ability to comply with district design guidelines ~~will~~ shall be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.
4. As the site is located within the newly created Mixed Use Multi-Model area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.
5. The following are listed in the Master Plan as Structures Identified for Retention and Reuse.
 - a. Mill O
 - b. Hawley Building
 - c. DeInk/Mill B
 - d. No. 4 Paper Machine
 - e. Woolen Mill Foundations
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention.
 - a. Oregon City Flour Mill Foundation
 - b. Digesters
 - c. Horton Sphere
 - d. Boilers
 - e. No.1 Paper Machine
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met.
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified for Full or Partial Retention shall be processed as a Type III Land Use action.
9. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit an Intensive Level Survey following the guidelines set forth by the Oregon State Historic Preservation Office. Prior to the demolition of structures not identified as eligible for listing on the National Register or not 50 years old, the applicant shall submit a reconnaissance level survey which shall include at a minimum, photos of all interior floors/rooms and exterior context photos.
10. Any Detailed Development Plan that includes structures or secondary elements identified for retention or partial reuse shall submit an Intensive Level Survey of these elements as part of the Detailed Development Plan completeness review.

11. While the Master Plan is not requiring local historic designation for buildings identified for retention, and the city recognizes Oregon's local consent legislation. Structures deemed eligible should be considered for designation as part of detailed development review.

9.12. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings that adhere to the Section 106 documentation process.

10.13. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.

11.14. The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.

15. Tennant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.

16. Amend Guideline to read: Design Guideline 3, "Maintain Downtown Character," which acknowledges the unique industrial scale and history of the site and existing building height, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

12.

13.17. Amend Policy Guideline 4 as proposed to ensure interpretive elements be included in all development proposals,

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.

14.18. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an

open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.

~~15-19.~~ The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.

~~16. The applicant has requested, for ease of long term implementation, to follow the development code in affect at the time of each development application.~~

~~17-20.~~ Main Street is a “collector” street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.

~~18-21.~~ Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

- a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.
- b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
- c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.

~~19-22.~~ Oregon City will assure design and construction of the three projects as follows:

- a. A \$1,940,000 project to replace the tunnel’s illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project “a” with this illumination project. Should the \$1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to \$500,000 to cost of the project, which will include up to \$250,000 contribution by the applicant.
- b. Design of and right of way acquisition for Project “b” will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
- c. Project “c” will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction adjacent to Water Avenue.

- ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework i
- ii. Master Plan Once development on the site has surpassed 140 peak hour trips.

~~20. If after the three safety mitigation projects identified in condition 18 & 19 are constructed, Oregon City or ODOT determines, as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to \$60,000 (2014 dollars) for the cost of a multimodal safety audit in cooperation with Oregon City and ODOT. Identified safety projects may be required to be implemented after the development has exceed 700 peak hour trips.~~

23. In addition, if Oregon City or ODOT determines as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to \$60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.

~~21. Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.~~

24. The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the Willamette Falls area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT.

~~22-25.~~ The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.

~~23-26.~~ The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.

~~27. For any development that creates over 20,000 square feet of new habitable space, or requests approval of the Riverwalk, the applicant will shall be required to submit a transportation demand management program plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.~~

28. At the time of the Riverwalk Detailed Development Plan, the applicant shall be required to submit a transportation demand management and parking plan that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the Riverwalk to the site and abutting downtown.

~~24.~~

~~25-29.~~ Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include:

- a. Detailed operational and maintenance plan for the private water system during the interim period.

- b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
- c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
- d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.
- e. Concurrence from the City and CCFD#1 on the final interim water utility plan.

26-30. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publically supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.

27-31. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.

28-32. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.

29-33. A utilities/infrastructure phasing plan which ~~will~~ shall be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission:

a. Stormwater Management

- i. Compliance with City Standards including Public Works Utility Standards
- ii. New stormwater facilities that provide for collection and treatment prior to discharge.
- iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface).
- iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
- v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.

b. Sanitary Sewer

- i. Compliance with City Standards including Public Works Utility Standards
- ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.
- iii. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

c. Water

- i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.
- ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.
- iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change.
- iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.
- v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable
- vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

d. Streets

- i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director.
- ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director .
- iii. Phasing plan as applicable for phased redevelopment of the site.

Willamette Falls Downtown District Policies and Design Guidelines

The District Policies and Design Guidelines are mandatory for future development within the Willamette Falls Downtown District, and will be applied during detailed development plan review.

Purpose. The plan policies and design guidelines promote development of high-quality buildings and open space that reinforce the four core values of the site: public access, economic development, healthy habitat, and cultural and historic interpretation. The guidelines are also intended to promote compatibility with the historic character of the district, while allowing contemporary interpretations of the historic patterns.

Guideline 1. Enhance the Special Character of the Willamette Falls Downtown District.

Principles:

Unique setting. Buildings and landscape elements should establish an aesthetic that considers the site's natural setting and industrial history, and promotes permanence and quality. Design elements to consider are materials, massing, views and viewing areas, building transparency, orientation to public and semi-public spaces, and landscaping.

Celebrate the river and falls. Where appropriate, the unique natural setting of the site should be celebrated by building and open space design. Integrate the experience of the river and the falls through site design. Special attention should be paid to development at the river's edge.

Streets. Re-establishment of the historic street grid is fundamental to the new district. Buildings and open spaces should orient themselves toward or open up to these streets. Special care should be taken for the design of ground floor, street-level uses.

Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water's edge. Open up views toward Canemah down Main Street, and toward river from future 3rd and 4th Streets and the Riverwalk.

Materials. Building materials should reflect the industrial character of the site. Proposed materials must be high quality and express a sense of permanence fitting for the

industrial history of the site. The first two floors of development especially should use materials that reinforce the high-quality, comfortable pedestrian environment.

Guideline 2. Design for the Comfort and Safety of Pedestrians.

Principles:

Network. Incorporate the pedestrian network that accompanies the street grid and public pedestrian ways into the design of buildings and open spaces. Link pedestrian paths in open space areas to public sidewalks and building entrances. Incorporate main entrances that orient to Main Street.

Visual Interest. Establish areas of visual interest on the ground floor of buildings where they face main streets. Incorporate seating and viewing areas in front of buildings and in open space areas where appropriate.

Natural setting. Locate and design buildings and open space areas to consider effects of sunlight, rain, shadow, wind, and views of the river and the falls. Maximize the amount of direct and indirect sunlight to adjacent public spaces.

Signs. Use pedestrian-scaled signage within the district that offers clear direction into and around the site. Private commercial signage should reflect the pedestrian character of the district and reflect the history of the site. Signage should not obscure or detract from views toward the water or the falls. Conversely, larger publicly-oriented and gateway signage is encouraged when appropriate and complementary to the district.

Lighting. Place and direct outdoor lighting to ensure that the ground level of the building and associated outdoor and pedestrian areas are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. Lighting should be Dark Sky compliant.

Guideline 3. Maintain Downtown Character

Principles:

Continuity. The Willamette Falls District is an extension of the historic downtown. At the same time, the scale of buildings and industrial history of the district should create a different feeling. Buildings and open space areas should pay special attention to existing heights and the transition between the two downtown districts. New development should consider architectural patterns and materials existing in downtown, and also create a new sense of place.

Block Structures. Respect the block structures of the historic downtown. The pedestrian and vehicular experience of streets and sidewalks should be continuous across the barrier of 99E.

Parking. Locate parking to minimize impact on building appearance, streetscape, and pedestrians. Plan for the primary method of car storage to be within structures. Show that parking can flexibly serve different users, times of day, and could be reconfigured for other purposes. Develop, orient and screen structured parking to complement adjacent buildings. Reduce automobile/pedestrian conflicts around parking areas and support the pedestrian environment.

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures

Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.

Guideline 5. Build for Long-term Use

Principles:

Future development. Locate buildings to allow for infill on adjacent vacant or underdeveloped parcels. Design compatible transitions between buildings and open spaces. Promote visibility and accessibility between open spaces and adjacent uses.

Quality materials. Promote permanence and quality in new development through the use of substantial and attractive building materials. Re-use existing industrial materials where appropriate.

Guideline 6. Incorporate Ecology into Design

Principles:

Riparian edge. Promote healthy habitat when designing new buildings and open space at river's edge. Take advantage of natural resource enhancement opportunities along the riverbank.

Landscape. Integrate and juxtapose ecological landscape elements with the intense urban and industrial history of district. Create continuous canopy of street trees, where practicable. Integrate innovative stormwater treatment systems with the overall site and development site design.

Buildings. Incorporate sustainable building practices into site and building design. Bring features of the site's natural setting inside buildings as a means for better integrating buildings with significant site elements. Consider shared utilities (eco-districts).

Guideline 7. Create a World-Class Riverwalk

Principles:

Riverwalk design. Establish permanent, prominent and breathtaking public access along the riverfront to structures, water, cultural history, and the falls. The riverwalk should be inviting to a wide range of people, including families and children. Allow for multiple, creative and unexpected opportunities to physically and visually connect to the river.

Integration. Integrate riverwalk with private development as it moves through the site, yet maintain its prominence along the river frontage. Reflect unique aspects of the place

with unifying design elements integrated throughout and connects people physically and emotionally with the river

Views. Emphasize diverse scenic views of the falls and river from the riverwalk. Include views of the falls that reveal themselves as one proceeds along the riverwalk.

Guideline 8. Create Quality Public Spaces

Principles:

Access to public space. Emphasize arrival by foot, bike or transit while accommodating the automobile. Public spaces should accommodate different ability levels.

Flexibility. Invite flexible programming through site design, rather than being designing for single use. Design for use in multiple ways by many different groups, on seasonal and daily basis. Public space should work at different times of day, weather conditions, and for different users.

Relationship to surroundings. Capitalize on adjacent buildings or natural features to create interesting visual experiences or vistas. Integrate design with adjacent private development. Reflect local character and personality.



**TYPE IV APPLICATION
STAFF REPORT AND RECOMMENDATION**

September 2, 2014

Planning Commission Public Hearing: September 8, 2014

FILE NO.: Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA)

APPLICATION TYPE: Type IV

APPLICANT/ OWNER: Falls Legacy LLC c/o George Heidgerken. 3303 S. 35th St. Tacoma, WA 98409

REPRESENTATIVE: Ben Schonberger, AICP, Winterbrook Planning, 310 SW 4th Avenue, Suite 1100, Portland, Oregon 97204

REQUEST: Proposed Zone Change and Text Amendment, Comprehensive Plan Map Amendment and amendments to ancillary documents, creation of a new Mixed Use Multi Modal Area (MMA) and Master Plan to create a framework for future development of the former Blue Heron site. No specific construction projects are proposed in this application. Future development can include a combination of open space, commercial, recreational, residential, and employment uses, with provisions for public access, cultural and historic interpretation, and enhancement of riparian resources.

LOCATION: 419 Main Street, and no address, in Oregon City, OR 97045 2-2E-31BD-00300, 500, 600, 390

ZONING: Industrial "GI"

REVIEWERS: Christina Robertson-Gardiner, AICP, Planner and Kelly Moosbrugger, Assistant Planner

RECOMMENDATION: Planning Commission Approval with Conditions.

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within **fourteen days** of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

DECISION CRITERIA:

The development proposal will be analyzed for compliance with the following Chapters of the Oregon City Municipal Code:

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

- 17.50 - Administration and Procedures
- 12.04 – Street, Sidewalks and Public Places
- 12.08 – Public and Street Trees
- 17.36 - "GI"—General Industrial District
- 17.68 – Zone Changes
- 17.65 – Master Plans
- 17.49 - Natural Resource Overlay District
- 17.42 - Flood Management Overlay District
- 17.48 - Willamette River Greenway
- 17.44 - Geologic Hazards Overlay District
- 17.62 - Site Plan and Design Review
- 17.52 – Off-street Parking and Loading

EXISTING USE: The 22-acre site is currently occupied by industrial buildings and infrastructure related to the recently-closed Blue Heron Paper Mill. An office building is located near the northwest corner of the site. The built elements of the site include remnants of previous uses.

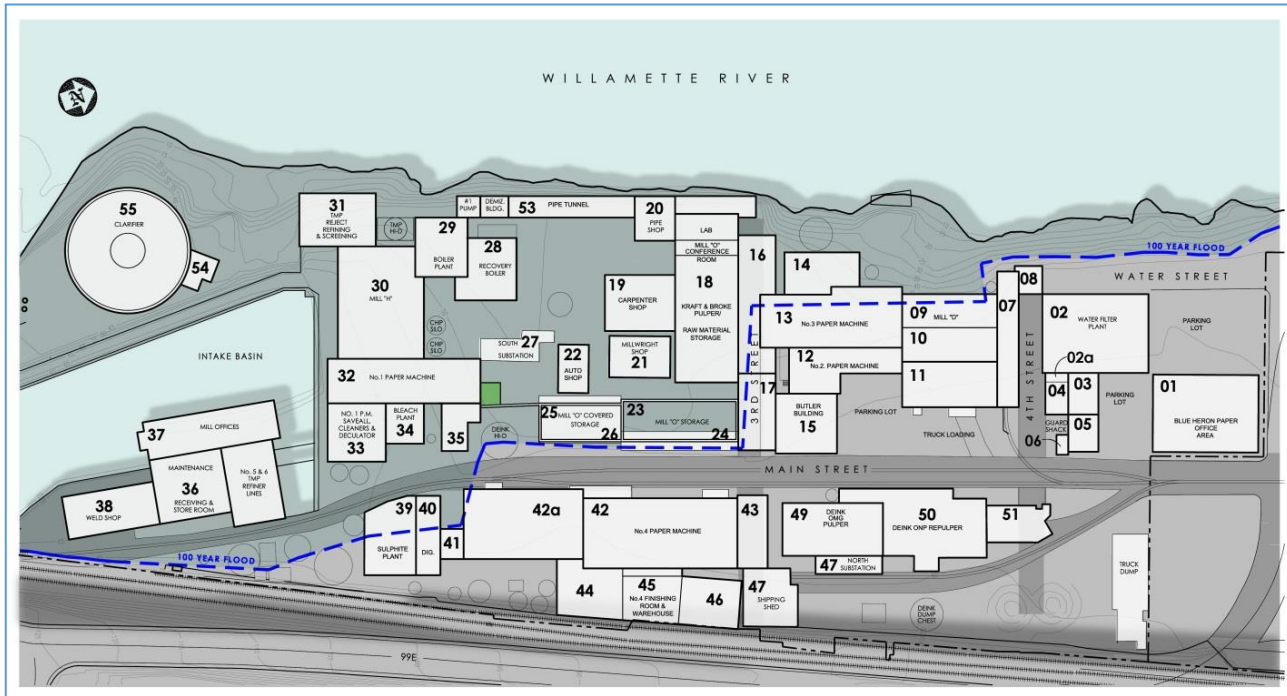
DEVELOPMENT HISTORY OF THE SITE.

Industrial development began at the site in 1829 when what was almost certainly the first permanent water-powered sawmill in the Oregon Territory was established by Dr. John McLoughlin. The need to portage around the falls and the availability of waterpower they offered made the site logical for settlement. Oregon City, later to become the territorial capital, was founded in 1829. As the “end” of the Oregon Trail, the city was incorporated in 1844. By the mid-19th century development lined both sides of the main commercial corridor, Main Street, in Oregon City. Continued expansion saw the Hawley Company, and later Publishers Paper and others, completely absorb all of Main Street south of 4th Street, resulting in the closure of the public right of way. The original plat, with Main Street and the numbered cross-streets, was vacated within the mill site. Despite the property’s location, immediately adjacent to the downtown core of Oregon City, public access and any direct connection to the site and falls was almost entirely eliminated in favor of the industrial development. Expansion and new industrial construction associated with the paper mill, including water management and treatment facilities, continued into the 1970s. The Blue Heron Paper Company, which purchased the site in 2000, remained in operation until it closed in February 2011.

PROCESS FOR LAND USE APPLICATION

Carrie Richter, Assistant City Attorney submitted a letter to the City Commission in the spring of 2014 providing additional direction on the proper land use process for this application. Ms. Richter concluded that “although the creation of the Willamette Falls Downtown District does include some policy making components, overall this decision is more likely quasi-judicial in character in that it requires the application of specific criteria and affects a single, closely circumscribed factual situation. Providing the procedural protections required by a

quasi-judicial process is the most conservative course in any event and will result in a decision by unbiased decision-makers that is not susceptible to a further procedural challenge.” Her March 26, 2014 memo is attached as an exhibit to this report.



PROPOSED DEVELOPMENT: This application is for a zone change, text amendment comprehensive plan amendments and concept Master Plan. No specific building projects are proposed in the short term.

The Master Framework Plan outlines how development will generally occur, identifying key areas for public access, open space and development. It re-establishes the Main Street grid and creates connections for people to view majestic Willamette Falls. The site will also change zoning, from industrial to a new mixed use zone that will allow commercial, residential and employment uses.

framework plan



The areas identified in **green** fall within the 1996 flood inundation area. These areas are more suitable for open space and harder to redevelop. The numbered areas in **yellow** are mostly out of the flood area and are considered easier to develop. These areas will form new City blocks in downtown Oregon City. The **light yellow** areas contain structures that have opportunity for rehabilitation but are within the flood area. These parts of the site will need further refinement and may be a mix of open space and development. In cooperation with the new owner, the master plan has been amended to include a new area in **hashed red**, which represents the most complicated area of the site that has some opportunity for new development above the flood plain but will require special development review. The historic **street grid** is proposed to be reintroduced to the site. Five historic **structures** outlined in black are required to be utilized in redevelopment through adaptive re-use or rehabilitation of some form. The remaining buildings on site may be retained, but are not required to remain. A **shared multiuse path (Riverwalk)** along the riverfront, identified in orange, is also a requirement of the Framework Plan. This walkway leads to a platform that provides fantastic viewing access to Willamette Falls.

SURROUNDING LAND USES: The 22 acre site is currently zoned Industrial and abuts the existing historic downtown which is zoned Mixed Use Downtown "MUD". The master plan boundary includes four contiguous tax lots (2-2E-31BD-0300, 500, 600, and 390). The plan does not include the PGE dam, which zig-zags into the site's south end. It also excludes a property at the northeast corner of the industrial area that is under different ownership, and zoned Mixed Use Downtown (owned by Endres NW).

VISION REPORT

This document is the inspiring "big picture" report we will use over the coming years to secure funding for long term implementation of the Riverwalk and other infrastructure elements, while the Master Plan is a technical land use document and plan that guides future development on the site.

The Vision Document (Exhibit 28) aims to distill the public vision of the site into a dynamic and visually appealing document that includes many inspiration drawings of how the site could be developed. It, however, was never intended to be part of the Master Plan approval criteria. The City Commission will be adopting the

report via resolution as part of the Master Plan and Zone change hearings for this project. This document should be viewed by this and future Planning Commissions with the same direction as any other document adopted by resolution by the City Commission. That is, it provides broad policy direction but should not be construed as being part of the regulatory requirements of any detailed development plan.

PUBLIC INVOLVEMENT PROCESS

This Willamette Falls Legacy Project Master Plan and vision strategy is the result of an intensive, nine-month long community engagement process that has built a broad base of supporters and champions. Project leaders and staff connected with thousands of participants through in-person conversations and online forums, including discussions with more than 62 local and regional groups ranging from civic to business, environmental and government organizations. Staff spoke one-on-one with hundreds of people of all ages at seven summer events including farmers markets, West Linn's Centennial Celebration and Concerts in the Park.

The first of three community interactive events was held at the First City Festival in July 2013 in Oregon City where participants contributed nearly 1,000 distinct comments and ideas for the site. In July and August more than 2,100 people commented through Metro's regional Opt In Online Opinion Panel and the online survey on the project website. Approximately 130 people learned and shared ideas in small group discussions at the second community interactive event in October at the Museum of the Oregon Territory. A second round of surveys through Opt In and the project website garnered an additional 1,900 responses. Nearly 100 people participated in the third community event at Ainsworth House and Gardens to review the draft Master Framework and Demonstration Plans. In addition, nearly three dozen participants signed up to become community champions to support implementation of the Willamette Falls Legacy Project.

The project team continues to stay connected with champions and engage new champions each week. Hundreds of people stay informed through the project website, Facebook page, Twitter feed, Oregon City News, email newsletter, and weekly online blog. The Facebook page alone reaches more than 1,400-1,700 people on a daily basis with updates on events as well as with a photo of the day. Weekly guided tours of the site are just one more way in which members of the public were involved with the master planning process.

On March 6th, approximately three hundred supporters from throughout the region gathered at Keen Headquarters in Portland to celebrate the vision and spread the word about this historic opportunity. The number of Community Champions soared to more than one hundred people as elected officials and residents alike pledged their support to help implement the vision.

Additionally, project partners release a 1 1/2 minute video on August 26, 2014 which has been attached to the staff report.

OREGON CITY MUNICIPAL CODE CRITERIA:

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

Finding: Complies. The Master Plan (formally known as a Concept or General Development Plan), Zone Change and Comprehensive Plan Amendment applications and request for adoption of an MMA were processed as Type IV applications. A neighborhood association meeting was held and a pre-application conference took place on PA 13-38 (Date of Meeting: December 4, 2013) with Oregon City staff. The application was submitted to the City on August 1, 2014 and deemed complete the same day. Notice of the development was mailed to property owners within 300 feet of the site, taxlots within the proposed MMA area, the Two Rivers Neighborhood Association, Citizen Involvement Committee and affected agencies on August 2, 2014. The property was posted with a land use action sign providing details and requesting comments.

Public comments received as of September 2, 2014 have been added as an exhibit 20 to the staff report with a brief content summary. A majority of the letters provide general support for the proposal.

Jackie Hammond Williams- Executive Director of the Oregon City Farmers Market, however, identifies specific items of concern, Staff has responded below:

1) In reference to providing enough flexibility to encourage private investment on the site, removing regulatory and other barriers to redevelopment: On page 64 of the pdf, the proposed zoning prohibits warehousing. Light manufacturing or small-scale food processing (and therefore possibly some kind of warehousing connected to them) would be an excellent use at this site, providing living wage jobs. I think it's too early to start prohibiting this use unless it applies to "stand alone" warehousing.

Staff response: Warehousing in conjunction with a permitted use is allowed in the zone. Stand along warehousing is prohibited. Staff will provide an update to the zoning district at the September 15th hearing that will clarify this item.

2) In reference to retaining site authenticity: The 13 or so buildings (out of 55 on the site) that are determined to be eligible for the National Register of Historic Places should all be included in the plan and preserved. History is what Oregon City and particularly this site is about.

Staff response: As described further in this staff report, the process for determining which buildings were both viable for retention and provided the strongest ability for retaining a sense of authenticity while allowing new buildings and uses, was presented to the public through the yearlong visioning process and a majority of the responses advocated for balanced approach to retention of structures onsite in order to create a plan that fully incorporated the four values and created a market driven model that maintained a balance of certainty and flexibility for long term implementation.

3) I do not believe the Pullery or Picking House is listed as eligible for the Register, yet is the oldest building on the site. (#19 on the map on pdf page 9) I think it's called the Carpentry Shop now. This is where the wool was "pulled" from the sheep skins and this building would have been integral to the Woolen Mills operation, and therefore is very much part of the history of the site.

Staff response: While the carpentry building is indeed quite old, it did not meet the threshold for eligibility on the National Register due to extensive exterior alterations. Additionally, the second story and roof has substantial water intrusion problems that removed it from further adaptive reuse analysis.

Chapter 17.65 – MASTER PLANS

17.65.050.A Existing Conditions Submittal Requirements

17.65.050.A.1.a *Current uses of and development on the site, including programs or services.*

Findings: Complies as Proposed. The site is currently a no-longer-operating industrial use. Most recently the site was used as a paper mill.

17.65.050.A.1.b *History or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the concept development plan.*

Findings: Complies as Proposed. The site is not an institution. It was until, just recently, owned by the bankruptcy trustee that took control of the site from the Blue Heron Paper operation. Falls Legacy LLC purchased the site in May 2014. They do not have any specific development plans at this time. The applicant submitted a narrative with a variety of information about the subject site (Exhibit 2).

17.65.050.A.1.c *A vicinity map showing the location of the Concept Development Plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities.*

Findings: Complies as Proposed. The applicant submitted a vicinity map displaying the subject site relative to the larger community (Exhibit 2).

17.65.050.A.1.d *Non-institutional uses that surround the development site. May also reference submitted maps, diagrams or photographs.*

Findings: Complies as Proposed. The site is bounded by non-institutional uses. Residential development borders the site to the east, though this is high above the site on the bluff. The river bounds the site to the west and south. To the north, across 99E, is existing downtown Oregon City, which is a commercial district. Aerial photos (Sheet 2) shows surrounding development. The applicant submitted a map displaying the adjacent buildings and zoning designations.

17.65.050.A.1.e *Previous land use approvals within the Concept Development Plan boundary and related conditions of approval.*

Findings: Complies as Proposed. The subject site has received approval of multiple land use applications. City land use files go back only as far as the 1980s. While there are numerous land use review cases in the city's database relating to this property, none have conditions that still apply to the site. File numbers for land use actions on the site are listed below.

CU 95-13	CU 94-04	CU 83-03	SP 95-41
CU 95-09	CU 88-03	CU 80-06	PA 99-50
CU 95-18	CU 86-04	CU 81-08	PA 05-09
SP 88-6	CU 82-00	CU 93-06	SP 95-41
CU 97-02	CU 95-09	CU 95-13	PA 99-50

The land use actions at the site were for site plan and design review activities related to construction or modification of industrial buildings or uses at the site. None are applicable to the proposed uses or development included in this master plan.

17.65.050.A.1.f *Existing utilization of the site. May also reference submitted maps, diagrams or photographs.*

Findings: Complies as Proposed. The applicant provided a narrative statement describing the existing uses of the site and a series of maps (Exhibit 2). The site is fully and intensely developed for industrial use, though the mill use is no longer in operation. The south side of the property contains a lagoon and a long rail spur toward Canemah.

17.65.050.A.1.g *Site description, including the following items. May also reference submitted maps, diagrams or photographs.*

- (1) *Physical characteristics,*
- (2) *Ownership patterns,*
- (3) *Building inventory,*
- (4) *Vehicle/bicycle parking,*
- (5) *Landscaping/usable open space,*
- (6) *FAR/lot coverage,*
- (7) *Natural resources that appear on the City's adopted Goal 5 inventory,*
- (8) *Cultural/historic resources that appear on the City's adopted Goal 5 inventory, and,*

(9) *Location of existing trees 6" in diameter or greater when measured 4' above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually.*

Findings: Complies as Proposed. The applicant provided a narrative including a description of the site and a series of maps displaying the above existing conditions (Exhibit 2). The site is mostly flat, occupying a basalt shelf at the base of a bluff. The site drops off quickly into the Willamette River, which bounds the site to the west. Willamette Falls is located southwest of the site. Buildings and structures relate to the industrial past that occupied the site for the last 100 years, most recently a paper mill.

17.65.050.A.1.h *Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.*

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

(2) *Transit routes, facilities and availability;*

(3) *Alternative modes utilization, including shuttle buses and carpool programs; and*

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

Findings: Complies as Conditioned. The applicant submitted a transportation impact letter prepared by Carl Springer and Kevin Chewuk of DKS Associates identifying the traffic impacts to the area. As this project is also in conjunction with the adoption of a Mixed Use Multi- Modal MMA area, the applicant was limited to addressing safety conditions on and near the site. As part of the analysis, several system wide improvements were recommended offsite that would address existing safety conditions and mitigate the additional trips created by full build-out of the project. Throughout the last year, the applicant, City and ODOT have met to discuss the planned improvements to 99E proposed as part of this project.

Additional consultation with ODOT has resulted in a modification to the applicant's proposed improvements. This modification removes the proposed traffic signal at 6th Street and has replaced that project with a project that modifies the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.

ODOT found significant sight distance constraints with the proposed traffic signal on 6th and 99E and recommended the revised safety project on Railroad Avenue. The reconfiguration of Railroad Avenue will allow a small deceleration lane outside of the northbound through lanes and provide better sight distance for pedestrians crossing Railroad Avenue to and from the ODOT pedestrian tunnel. The specific dimension and layout of the deceleration lane will be further detailed and defined in cooperation with the City and ODOT. The transportation study was reviewed by John Replinger, transportation consultant for the City from Replinger Associates who concurred with the transportation analysis and the refined project list and determined that approach presented by the applicant and revised by ODOT was consistent with the goals and intent of City code and the proposed Master Plan.

As part of the approval process for this application, the City Commission will adopt an intergovernmental agreement (IGA) with ODOT addressing safety measures on 99E in conjunction with the approval of the Master Plan and Zone Change. A draft of the IGA is will be submitted into the record as soon as it is finalized. Staff anticipates that a draft will be ready by the September 15th Planning Commission meeting.

Conditions of approval for the Master Plan from the proposed IGA , are as follows:

- 1) Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:
 - A. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.

- B. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
 - C. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.
- 2) Oregon City will assure design and construction of the three projects as follows:
- a. A \$1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT statewide Transportation Improvement Program (STIP). ODOT will design and construct project "A" with this illumination project. Should the \$1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to \$500,000 to cost of the project, which will include up to \$250,000 contribution by the applicant.
 - b. Design of and right-of-way acquisition for Project "B" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project "B", which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
 - c. Project "C" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction.
 - ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master
 - iii. Once development on the site has surpassed 140 peak hour trips.
 - d. Master plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon agreement on other countermeasures not provided in association with proposed development.
- 3) The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.
- 4) The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.
- 5) If after the three safety mitigation projects are constructed, Oregon City or ODOT determines that significant safety issues remain or develop, the applicant shall, as part of, the next detailed development plan, pay up to \$60,000 (2014 dollars) of the cost of a multimodal safety audit in

cooperation with Oregon City and ODOT and pay for the proportional share of any additional safety measures conditioned as part of a detailed development plan.

The circulation plan for the project is simple, with the most important element being the reconnection of Main Street into the site and the reestablishment of a grid of streets. This new Main Street is proposed to be a multimodal, “complete street” with a full mix of users, including transit, walking, bikes, cars, delivery/service and emergency vehicles. Main Street (along with Water, 3rd and 4th Streets) is intended to be low-speed, with on-street parking and generously-sized sidewalks. It is intended to feel like a seamless extension of Main Street from Oregon City’s existing downtown. The crossing of Highway 99E will be a critical point in this extension, so generous crosswalks are proposed, to encourage pedestrian movement and safety. Along the riverbank, the re-extension of Water Street into the site is another important circulation element, with the associated Riverwalk serving as a generous sidewalk to Water Street and extending south as a shared use path along the river into the site and to the Falls, with connections back to 3rd and 4th streets. Circulation into and within the site strives to meet the following City and State objectives:

Active Transportation

- Strengthening the existing urban crossing of Main Street across McLoughlin Boulevard to the site.
- Create at least one pedestrian and bicycle overcrossing of McLoughlin Boulevard and the rail tracks at the south end of the site.
- Create a continuous walking and biking connection between the Willamette Terrace and the site and further south to Canemah.
- Extend transit service into the site on Main Street and support existing service downtown

Motor Vehicle

- Institute transportation demand management policies to reduce vehicle trips generated by the site.
- Understand that congestion on nearby streets is acceptable and actually reflects a successful and thriving downtown.
- Identify at least one additional site access point for motor vehicles.
- Allow for safe left-turns for motor vehicles from McLoughlin Boulevard to Main Street.
- Enhance the McLoughlin Boulevard/Main Street intersection.

The existing private dock offers an opportunity to explore providing a light watercraft launch point into the river and to encourage people to interact with the river safely, both for fishing and other more passive pursuits. Small craft can also be launched along the basin edge of Mill E. Finally, given the site’s proximity to the main north-south trunk railroad line, the applicant proposes that future plans should consider and allow for the possibility of passenger rail improvements, with potential for an on-site station.

As this is a framework plan with no specific development being proposed, Staff has also identified the following conditions of approval be added to the report to create a process to address utility and street infrastructure analysis closer to the time of development application:

- Right of Way dedication shall be governed by a street and utility plan which shall be submitted at the time of the first development application of new habitable space. The Public Works Director may approve or require an alternate proposal of a private streets governed by a public access easement if the design meets or exceeds the intent of the Master Plan.
- The Master Plan includes a new pedestrian bridge connecting the McLoughlin Promenade over 99E and the Union Pacific rail line to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publicly funded project. However, future development applications will need to plan for its location. Completion of and payment towards the project can be used to meet transportation demand management requirements.

Baseline Parking Demand and Supply.

ON-SITE PARKING STRATEGY

Each development block in the Willamette Falls District is sized to park itself, that is, accommodate its own parking, without the need for offsite spaces. Oregon City's parking rules are flexible, both in terms of the location and amount of parking. Parking can be located on each block, or it can be consolidated in the form of a shared garage. Because the site is part of the downtown parking district, minimum requirements may be reduced by up to 50%. The Master Plan envisions that parking will occur in structures at the back of new buildings, or on their upper stories in order to support an active streetscape. Underground parking is highly unlikely because the site is located on solid basalt rock. Parking supply at full build out of the site is estimated at 1,150 spaces off-street, and 85 spaces on-street. Visitor parking is expected to be woven into existing parking garages and on street parking. There is no specific location nor financing plan for a municipal garage at this time. However, the Master Plan anticipates this type of approach and will be processed the same as any development associated with this Master Plan.

OFF-SITE PARKING STRATEGY

This site will be considered integral to the existing downtown and McLoughlin Neighborhood. A Transportation Demand Management approach that works to utilize and improve the existing transportation network and re-stitch the site back into the urban framework should be the guiding approach and will be needed to redevelop the site to its full potential. The development of housing, employment and retail in the subject site and the existing downtown will have a substantial effect on the community's approach to multi-modal living. Investing in the Riverwalk and the 99E/Promenade overcrossing as well as working with Main Street Oregon City and the City on innovative parking strategies for off-peak and peak hour visitor parking will be an essential part of the site's success.

Minimum Parking Standards			
Uses	Oregon City Minimum Parking Standards	Oregon City Downtown Parking District (WFDD) minimums	Comparison - City of Portland Near or on Transit Streets
Residential	Multi-Family: Studio 1.00 per unit Multi-Family: 1 bedroom 1.25 per unit Multi-Family: 2 bedroom 1.5 per unit Multi-Family: 3 bedroom 1.75 per unit	Multi-Family: Studio .5 per unit Multi-Family: 1 bedroom .63 per unit Multi-Family: 2 bedroom .75 per unit Multi-Family: 3 bedroom .86 per unit	a. Where there are up to 30 units on the site, no parking is required; b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit; c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.
Office	2.7 spaces per 1,000 square feet	1.35 spaces per 1,000 square feet	none
Hotel	1 space per guest room	.5 spaces per guest room	none
Retail	4.1 spaces per 1,000 square feet	2.05 spaces per 1,000 square feet	none

Guideline 3. Maintain Downtown Character

Parking. Locate parking to minimize impact on building appearance, streetscape, and pedestrians. Plan for the primary method of car storage to be within structures. Show that parking can flexibly serve different users, times of day, and could be reconfigured for other purposes. Develop, orient and screen structured parking to complement adjacent buildings. Reduce automobile/pedestrian conflicts around parking areas and support the pedestrian environment.

A robust transportation management plan will be the critical for the success of the site. While it is implied in the following guidelines , staff recommends a specific condition that spells out what is expected of the applicant during subsequent development applications.

For any development that creates over 20,000 square feet of new habitable space, or requests approval of any phase of the Riverwalk, the applicant will be required to submit a transportation demand management program that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.

17.65.050.A.1.i Infrastructure facilities and capacity, including the following items.

- (1) Water,
- (2) Sanitary sewer,
- (3) Stormwater management, and
- (4) Easements.

Findings: Complies with Condition. The site is served by City sanitary sewer, water, and stormwater management. Use of existing public facilities is very low because the mill is not operating and the property is unoccupied. Additional utility analysis can be found later in this report.

17.65.050.A.2.a Existing conditions site plan.

Findings: Complies as Proposed. The applicant submitted a site plan of the existing conditions of the site (Exhibit 2).

17.65.050.A.2.b. Vicinity map.

Findings: Complies as Proposed. The applicant submitted a vicinity map of the development site (Exhibit 2).

17.65.050.A.2.c. Aerial photo.

Findings: Complies as Proposed. The applicant submitted an aerial photo depicting the subject site and adjacent property (Exhibit 2).

17.65.050.B. Proposed Development Submittal Requirements **17.65.050.B.1.a The proposed duration of the concept development plan.**

Findings: Complies as Proposed. The General (Master) Plan will be implemented over a period of 20 years from initial adoption.

17.65.050.B.1.b The proposed development boundary. May also reference submitted maps or diagrams.

Findings: Complies as Proposed. The applicant submitted a boundary that includes several taxlots.

17.65.050.B.1.c A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams

Findings: Complies as Proposed. Development will occur in multiple phases over the 20-year lifespan of the master plan. The precise location and sequence of development is uncertain because public and private investment in the property has not been finalized.

17.65.050.B.1.d *An explanation of how the proposed development is consistent with the purposes of Section 17.65, the institutional zone, and any applicable overlay district.*

Findings: Complies as Conditioned. The purpose of Chapter 17.65 is to “foster the growth of major institutions and other large-scale development.” The site consists of 22 acres of re-developable land, and this master plan fosters its growth by establishing a framework for the locations of streets, development, and open space areas within the district. Compatibility and design quality is ensured through development standards and design guidelines. The site is located in the Willamette River Greenway, Natural Resources, and Geologic Hazards Overlays. The purpose of these chapters is stated in OCMC 17.44.010, 17.48.020, and 17.49.010. As part of this master plan, all future development must still meet the regulations of the overlay districts as part of the detailed development plan process. As a result, the plan is consistent with the purposes of these districts.

17.65.050.B.1.e *A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within 250 feet of the proposed development boundary.*

Findings: Complies as Conditioned. Impacts on inventoried Natural Goal 5 resources will depend on the specifics of actual development, which is not proposed as part of this master plan. This general development plan establishes a framework for future development. When building or open space redevelopment is proposed, these plans must demonstrate compliance with city rules for the protection of Goal 5 natural resources at that time. Additional findings can be found in 17.65.050.C.4

As discussed above, there are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city’s Goal 5 inventory. Adoption of this master plan and zone change will not serve to amend the City’s acknowledged historic preservation plans. Rather, adoption of this plan serves as a preliminary step in identifying those resources that may be suitable for designation of historic resource or landmark and could be subject to the City’s Historic Resource Overlay, OCMC 17.40.050, in the future. Moreover, local designation of historic resource requires owner consent and staff understands the applicant’s apprehension for requiring local designation of structures prior to detailed development plans.

The Blue Heron site, despite its stunning location on the Willamette Falls and its historical importance as the founding place of Oregon, also presents significant challenges to attracting private investment. The combination of market conditions, inadequate infrastructure, and challenging site conditions are all barriers to private development. Staff finds that the approach taken in the Master Plan balances these two forces and creates a future development program that requires retention of the buildings with the high adaptive reuse opportunities but provides a fair amount of flexibility for market implementation. An description of this process can be found below.

Through the Vision and Master planning process, the city, in cooperation and on behalf of the applicant, structured the historic resource analysis, protection and mitigation approach based on the best practices model of ORS 358 and the Section 106 process.

Oregon Revised Statute (ORS) 358.653 is an Oregon state law obligating state agencies and all “political subdivisions” of the state—including counties, cities, universities, school districts, and local taxing districts—to consult with the State Historic Preservation Office (SHPO) to avoid inadvertent impacts to historic properties for which they are responsible. Impacts are usually the result of construction projects (additions, remodeling, etc.), but may also include the transfer of properties out of public ownership. The statute does not provide many specifics, and there are currently no clarifying administrative rules, so, as a practical matter, SHPO follows a “lite” version of a similar federal

law, Section 106 of the National Historic Preservation Act. In cases where federal funds, permits, or licenses are used, ORS 358.653 is superseded by Section 106.

Section 106 requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them. Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that preservation values are factored into federal agency planning and decisions. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

Section 106 Process Overview

Step One: The agency determines whether its proposed action is an undertaking. An undertaking is defined as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.

Finding: There is currently no federal undertaking on the property. However, the applicant and the city anticipate the use of federal funding for site implementation.

Step Two: The agency determines the Area of Potential Effect (APE) and decides on an appropriate survey methodology in consultation with the Oregon SHPO. The appropriate APE will vary from project to project and may include physical, visual, and auditory effects. Contact the SHPO before work begins to avoid unnecessary documentation or delay in completing the Section 106 process.

Agencies are required to contact and consult with the appropriate Native American Nation when an undertaking takes place on tribal lands or when an undertaking will affect Native American cultural sites. A list of contacts can be found on our website: [Native American Nation Contacts](#). Consultation with other interested parties such as Certified Local Governments is also encouraged.

Finding: The APE for this site was limited to the boundaries of the property. The project site is located on the site of Dr. John McLoughlin's original homesite and mill as well as the original first 5 blocks of historic Oregon City, which were slowly overtaken by mill development through the years. The site is also adjacent to scenic Willamette Falls (second largest falls by volume in the United States). Willamette Falls is also recognized by the Confederated Tribes of the Grand Ronde and Warm Springs, and Siletz, and the Confederated Tribes of the Umatilla Indian Reservation, and Yakama Indian Nation as a sacred gathering place of high cultural significance.

While this project did not trigger formal consultation with affected tribes, the city, in cooperation with the owner, contacted and requested engagement with all the tribes listed above. Additionally, the project will be presented at the September 2014 tribal cluster meeting. Moreover, as part of the recently adopted MOU between the Legacy project partners, State Parks has agreed to take the lead on all future tribal communications.

Step Three: The agency determines if the resources within the APE are already listed in the National Register of Historic Places or may be eligible for listing. Eligible historic properties are those that are at least 50 years of age and maintain the majority of their historic features, called historic integrity. If a building meets these minimum qualifications it is considered eligible for the Register unless the agency

can prove otherwise through further historical or archaeological studies. The eligibility of archaeological resources is based on careful recordation and evaluation according to professional standards. These guidelines are available here: [Guidelines for Conducting Field Archaeology in Oregon](#).

Finding: As this application is for a framework master plan and no specific development proposal has been submitted, the level of archeological review has been shaped to be more of an overview document that provided direction for future development applications. A memorandum from Rick Minor, Archaeologist from Heritage Research Associates, discusses the archaeological issues and potential for the site and is part of the applicant's submittal.

As discussed above, there are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city's Goal 5 inventory.

However, a fair amount of information exist on the site. A report was prepared for Portland General Electric & the Blue Heron Paper Company, in cooperation with the West Linn Paper Company, in May 2002 by Kramer and Company, George Kramer, M.S., HP, Sr. Preservation Specialist. This report indicated that some of the buildings located onsite are contributing historic structures. *"Willamette Falls Industrial Area Request for Determination of Eligibility 2002"*— George Kramer.

In the spring of 2012, the City of Oregon City provided updated survey data to the 2002 Determination of Eligibility, including additional information on the 1950s structures into the Oregon Historic Site Database. In the fall of 2012, the Oregon State Historic Preservation Office issued a Revised Determination of Eligibility for the site that concurred with the updated information and indicated that the site was not eligible for listing as a National Register District. Therefore, all of the buildings were reviewed for individually eligibility. A revised Determination of Eligibility review was completed in September 2012 and is attached in the exhibits section of the staff report.

Step Four: The agency decides what the effect of the undertaking will be. A project is said to have "No Effect" if there are no eligible properties in the APE, or a historic property is not affected in anyway. An undertaking may have "No Adverse Effect" if the project does impact the historic property, but the effect is minimal. If the proposed work will diminish the features that qualify a resource for listing the project is said to have an "Adverse Effect."

From the onset of this process, it was understood that a determination of an adverse effect would be the outcome of the master plan, as the city would not be regulating the retention of all structures identified as potentially eligible for listing on the National Register.

As part of the 2012 Site Stabilization and Building Assessment Report, a consultant team comprised of Kramer & Company, DiLoreto Architecture, KPFF, Environmental Science Associates and Environmental Resource Management (ERM) provided historic, reuse, structural, stormwater/habitat and demolition expertise to generate an integrated evaluation of the structures and site. Shiels Obletz Johnsen managed the consultant team's efforts on behalf of the project partners.

KPFF conducted a preliminary structural analysis of each building and sought to identify any "fatal flaws" that would preclude opportunities for reuse. No structural "fatal flaws" were discovered; although some of the buildings scored low in terms of their existing condition and renovation potential, KPFF believes that all of the buildings could be salvaged and re-purposed given sufficient financial resources. Due to the complexity of the basement levels throughout the site, the building foundations were visually reviewed but not individually assessed. The buildings were also evaluated based on historic value and reuse potential.

These evaluations resulted in the identification of fourteen buildings with the greatest potential for adaptive reuse and support for interpreting the history of the site. Note that as building remnant, the woolen mill foundation was not eligible for individual listing on the National Register, but because of size, history and aesthetic reasons, was later included as an element regulated for retention onsite through the Vision and Master Plan process. .

Given the size and complexity of the site, the consultant team conducted an initial site overview session to prioritize the level of evaluation to be conducted on each building based on their general attributes, and categorize buildings into two major groups. The 57 buildings plus miscellaneous structures were identified as either “Category A” buildings or “Category B” buildings. Category A Buildings stood out as having the greatest opportunity for adaptive reuse based on their combined historic integrity, building condition, physical layout, access, structural condition and value for supporting adjacent historic structures. There are 16 structures identified as Category A, including four that have sufficient historic integrity to be considered individually eligible for listing on the National Register of Historic Places. Category B Buildings include minor structures with low priority for retention, although some of these buildings may be worth retaining to support adjacent Category A buildings and broader site goals. A few Category B structures were determined to have high historic value and are considered eligible for listing on the National Register of Historic Places. However, they were found to have low reuse potential as a result of their construction, design, original function or position on the site.

All of the buildings were then evaluated on their historic value, reuse potential and structural condition. More thorough analyses were performed on the prioritized Category A buildings.

This analysis was further refined in 2013-2014 Vision and Master Planning process through the consultant team lead by Walker Macy. In an effort to provide a vision that balanced the four values and provides a balance of certainty and flexibility, the Walker Macy team recommended the Master Plan regulate the retention of No.4 Paper Machine (bldg. 42, 42a), Mill O (bldg. 18), De Ink (bldg.. 49) and the Hawley Building (33) in addition to the Woolen Mill foundation and leave the remainder of the buildings onsite be left to market forces to determine viability. Through the vision process, the consultant team heard from many that the retention of non-building elements was very important for site interpretation as well as retaining a level of authenticity to the site. As part of the Master Plan policies, the applicant will be required show how they are proposing to retain the secondary elements onsite to help tell the story of the site.

As part of the Master Plan process, subsequent development applications must adhere, in addition to the city’s development code, to the proposed Master Plan policies. Proposed by the applicant and applicable during future detailed development applications, and Guideline 4 speaks to the historic nature of the site. This guideline will also guide how development proposals will include cultural and historic interpretation as a way to meet this guideline. For the purposes of this report the buildings/ structures fall into two categories.

Guideline 4. Re-Use, Rehabilitate, and Restore Buildings and Structures

Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

The Applicant has provided a strong guideline statement for building retention. However, interpretation measures should be integrated into this policy. These could include retention of existing industrial elements, historic panels, or other creative ways to tell the story of the site. Staff recommends the following amendments to this policy.

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures

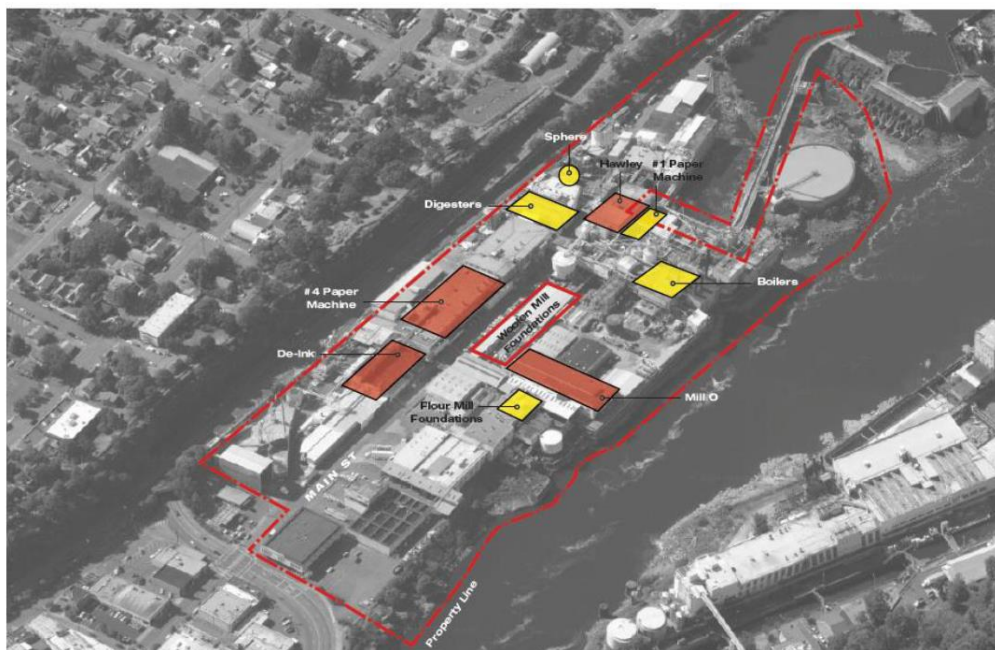
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Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.



Structures Identified for Retention and Reuse

1. Mill O
2. Hawley Building
3. DeInk/Mill B
4. No. 4 Paper Machine
5. Woolen Mill Foundations

Secondary Elements Identified For Full or Partial Retention

1. Oregon City Flour Mill foundation
2. Digesters
3. Horton Sphere
4. Boilers
5. No.1 Paper Machine

However, future developers are encouraged to reuse or repurpose any of these elements onsite as part of redevelopment projects, as they help in conveying a connection to the past history of the site.

Step Five: The agency or government consults with the State Historic Preservation Office (SHPO) on its determinations by submitting proper documentation for the impacted properties.

Finding: Again, while this site is currently not involved in a federal undertaking, nor is it owned by a public entity, the City has been in close coordination with the State Historic Preservation Office for the last three years to ensure that all site analysis meets the process and intent of the Section 106 process to ensure that future federal funding or public ownership would not be compromised.

Step Six: SHPO either concurs with the agency's determinations or does not concur.

Finding: The city submitted a request to review the Section 106 methodology to SHPO. While the site is not currently subject to ORS 358 or Section 106, SHPO will be submitting a concurrence letter acknowledging that the applicant and city have followed a best practices model in preparation for a future Section 106 or ORS submittal.

Staff recommends the addition of the following conditions of approval to help guide the future owner and Legacy Project Partner agencies when they submit specific development proposals to the Planning Commission.

1. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings the adhere to the Section 106 documentation process.
2. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action could include archeological monitoring during times of site disturbance.
3. Removal of structures not identified for retention (including the secondary elements) will be processed as a Type I Land Use action provided all applicable conditions of approval from the CP 14-02 have been met.

4. Substantial alterations or request for demolitions to structures identified for retention (including the secondary elements) shall be processed as a Type III Land Use action.

If SHPO Concurs:

- No Historic Property, No Effect, or No Adverse Effect: The applicant is finished with the Section 106 Review consultation process.
- Adverse Effect: The agency enters into a "Memorandum of Agreement" (MOA) to mitigate the adverse effect or submits a research design to mitigate adverse effects through proper recovery. The MOA is signed by the agency and SHPO. The federal agency submits the MOA to the Advisory Council, along with a description of the project and the alternatives that were considered to mitigate the "adverse effect." The Advisory Council has 30 days to review the project and decide if it is willing to sign the MOA. Once the MOA is signed, the documentation should be completed and accepted by designated repositories before the project begins.

If SHPO Does Not Concur: Federal agencies may appeal to the Keeper of the National Register of Historic Places or the Advisory Council on Historic Preservation.

Finding: Complies as Conditioned. As stated above, the site is currently not involved with a federal undertaking nor is it owned by a public entity.

17.65.050.B.1.f *An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:*

- (1) *Transportation impacts as prescribed in Subsection "g" below;*
- (2) *Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within 250 feet of the development boundary;*
- (3) *Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems;*
- (4) *Neighborhood livability impacts;*
- (5) *Natural, cultural and historical resource impacts within the development boundary and within 250 feet of the development boundary.*

Findings: The applicant submitted documentation on the impacts of the proposed development. Please refer to the analysis within this report. Building and open spaces placement, development standards, design guidelines, and environmental enhancement opportunities identified in Section 1 will ensure the development's compatibility with the surrounding community. Transportation impacts from full build-out of the site can be managed with incremental improvements to the existing street network. There will be a net positive impact on natural features, as upgrades will occur with new development. Section 1, Development Impacts and Mitigation, identifies potential impacts on the community.

17.65.050.B.1.g *A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan.*

Findings: Complies as Conditioned. Please refer to the analysis in OCMC Chapter 17.65.050.B.1.i of this report.

17.65.050.B.1.h *In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:*

- (1) *address the impacts of the development of the site consistent with all phases of the concept development plan; or*

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

Findings: Complies as Conditioned. As this is a unique Framework plan that that does not include a concurrent detailed development plan, the applicant and the city are proposed a bit of hybrid approach for ensuring safety impacts are mitigated during the full build out of this plan. A traffic impact study prepared by Carl Springer of DKS Associates has been developed for the site, based on broad assumptions about the long term redevelopment of the site. This study summarizes impacts from proposed development, and identifies mitigation measures that will allow the existing transportation system to accommodate anticipated new trips. The transportation study was reviewed by John Replinger, transportation consultant for the City from Replinger and Associates who agreed with the analysis and the revised project list as agreed upon by ODOT. His letter has been attached to this report as well as the condition requiring a safety audit after the completion of the three off- site projects is additional safety concern are addressed.

Mr. Replinger specifically found that the traffic analysis (TA) provides an adequate basis upon which to assess the impacts of the redevelopment proposal and found believes that the TA provides sufficient documentation and mitigation measures showing that the transportation needs and safety associated with a Mixed Use Multimodal Area (MMA) will be satisfied. He specifically recommends that approval of the master plan, the rezoning, and designation of the MMA be conditioned on the identification and commitment of adequate resources from the applicant and others to assure that the identified mitigations or other alternative solutions can be constructed and operational at the time when the impacts become significant. Staff believed that the conditions and timing relating to the three offsite projects as proposed by ODOT and integrated into a future IGA, will address Mr. Replinger's concern.

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

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

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

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

Findings: Complies as Conditioned. The applicant submitted a traffic impact analysis prepared by DKS and Associates discussing the transportation impacts of the proposed development. The traffic impact study has quantified transportation impacts based on anticipated future development. As discussed in the narrative, this plan includes a range of potential improvements to the area around and adjacent to the site. The study addresses impacts consistent with all phases of the general development plan.

This analysis is based on a full build-out of 700 peak hour trips. As part of the agreement with ODOT, the city and the applicant have agreed that additional safety measures may be required when the development exceeds 700 peak hour trips. A safety audit may also be triggered after the construction of the three offsite improvement to

identify safety projects, but at this time, additional offsite safety measures will not be required prior to the exceeding 700 peak hour trips. Internal infrastructure improvements will be assessed at each development application.

The Master plan approval additionally requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.

17.65.050.B.1.j *The applicant or city staff may propose objective development standards to address identified impacts that will apply within the proposed development on land that is controlled by the institution. Upon approval of the concept development plan, these standards will supersede corresponding development standards found in this code. Development standards shall address at least the following:*

- (1) Pedestrian, bicycle and vehicle circulation and connectivity;*
- (2) Internal vehicle and bicycle parking;*
- (3) Building setbacks, landscaping and buffering;*
- (4) Building design, including pedestrian orientation, height, bulk, materials, ground floor windows and other standards of Chapter 17.62; and*
- (5) Other standards that address identified development impacts.*

Findings: Development standards specific to this facility are contained in the new zoning chapter for the Willamette Falls Downtown District. In addition to the adopted municipal development code, this application contains design guidelines for future development in the area. See page 17 of this report.

17.65.050.B.2.a. *A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.*

Findings: Complies as Proposed. The applicant submitted a site plan for the proposed development displaying the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas. Sheet 8 of the applicant's submittal shows the circulation patterns on the site. The historic street grid will be re-established on the site, and a pedestrian/bike access will be created along the riverfront and south to Canemah.

17.65.050.B.2.b *The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within 250 feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within 250 feet may be extended to and/or through the proposed development.*

Findings: Complies as Conditioned. The proposal shows the location of all proposed streets and pedestrian/bicycle access ways. The historic street grid will be re-established on the site, and a pedestrian/bike access (The Riverwalk) will be created along the riverfront and south to Canemah. It should be noted that ROW acquisition and/or dedication of a public access easements will be determined at the time of a detailed development review.

This plan establishes the expectations for the general location and purpose of connections into and through the site. The final configuration and location of the pedestrian paths and streets will be determined during the development review process and through negotiations for a public easement across the site.

In certain situations or locations, it may be in the city's best interest to retain streets in private ownership with a public access easement. This analysis is contingent and should be related to a specific development application.

17.65.050.B.2.c *The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.*

Findings: Complies as Conditioned. Sheet 10 of the applicant's submittal, the proposed utility plan, shows approximate location of water, sanitary sewer, and stormwater management facilities. Please refer to the analysis within this report.

17.65.050.B.2.d *The approximate projected location, footprint and building square footage of each phase of proposed development.*

Findings: Complies as Proposed. The approximate location and footprint of proposed development is outlined by the framework plan map, on Sheet 7 of the applicant's submittal. The precise location, footprint, and square footage of structures will depend on future development. The City will review location and building design at detailed development plan review.

17.65.050.B.2.e *The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.*

Findings: Complies as Conditioned. Open space is proposed in the framework plan. These areas are below the floodplain and will develop with a combination of open space/recreational uses and rehabilitated industrial buildings. The exact nature of the open space will be determined at the time of development or purchase of public easements. The natural resources subject to protection are related to the riparian corridor and are subject to the city's natural resource overlay. Historic structures to be preserved are shown Section 1.

To ensure proper planning, construction and maintenance of these facilities,

1. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space parcel that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.
2. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.

17.65.050.C. Approval Criteria for a General Development Plan.

17.65.050.C.1 *The proposed General Development plan is consistent with the purposes of Section 17.65.*

Findings: Complies as Proposed. Chapter 17.65.010 of the Oregon City Municipal Code states:

“It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.”

The Master Plan is consistent with the purpose and intent statement in OCMC Chapter 17.65.010 as it identifies the growth expected on the former Blue Heron Paper mill over the next twenty years.

The Willamette Falls Legacy Project site is a 22 acre site, and has the potential for large-scale development to the benefit of Oregon City and the region. The potential impacts of the redevelopment of the site are favorable with regard to economic development, public access, and new opportunities for people to experience the natural wonder of the largest falls in Oregon. The impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development. A re-developed and revitalized Willamette Falls District would provide a range of services and employment opportunities to Oregon City residents--which are as-yet undefined, and contingent on market conditions.

This plan provides the first step in setting the future of the new district and establishes a flexible review process for major new development. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for the subsequent detailed development plan, and further, compliance with a district-only set of design guidelines that will be approved with the general development plan. Setting up the master plan in this way allows planning and design of individual projects within the larger district to go forward, and gives a clear path to gaining future approval for development of both new buildings and open space. Establishing parameters for future development on the site allows for renewal of the area to occur over time, in a phased manner, while assuring consistency with the general principles of the plan, which have been expressed by a broad and inclusive public process that leads up to this document. This general development plan addresses the larger development issues, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase. Ultimately, the general development plan will foster the growth of the Willamette Falls District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and setting up a future land use approval process, including new design guidelines, that ensure a clear path forward for high-quality future projects.

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

Findings: Complies as Proposed. The master plan for the new Willamette Falls District establishes street locations and dimensions that are generally consistent with OCMC 12.04. The primary facilities that will be established over the life of the master plan are a new Main Street, Water Street, 3rd and 4th Streets, and a multi-use pedestrian and bicycle path along the waterfront and potentially south toward Canemah. The grid of

public streets is the continuation and re-creation of the historic pattern that already exists in downtown Oregon City. This network of streets was vacated in the past to make way for large-scale industrial development. As the site re-develops with a mix of uses, the site can again benefit from the accessibility that can be provided by a continuous street network.

Main Street is a “collector” street and future development of this street will comply with the City’s standards for collector streets with one exception. Rather than a standard 10.5 foot sidewalk, the Main Street profile will include 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This proposed change will accommodate an expected high level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested. Additional findings relating to this chapter can be found later in the staff report.

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

Findings: Complies with Condition. An analysis of the proposed impacts is provided below. As part of the pre-application meeting, city and area service providers provided information in response to the applicant’s request regarding water, sanitary, storm, and other public services. The applicant provided the response in the application.

Oregon City Public Works staff submitted a memorandum dated August 27, 2014 which updates and refines the initial analysis from the pre-application conference. Staff has incorporated the recommend conditions from Public Works and adjusted the mas needed to ensure they met the compliance triggers identified in the conditions. The comments mainly focused on two items:

1. Submittal requirements needed in a utilities/infrastructure phasing plan which will be required at the time of the first detailed development plan of new habitable space over 1,000 square feet. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project.
2. Immediately addressing an existing condition of the onsite manhole at the intersection of 3rd St and Main St that has been changed with the addition of a weir to direct the storm water flow into the onsite sanitary sewer system, which flows directly to the TCSD interceptor pipe. This storm water issue further exacerbates the surcharging condition in the TCSD interceptor sewers and needs to be rectified prior to the submittal of a detailed development plan.

PUBLIC FACILITIES AND SERVICES

WATER

Existing Water System

The existing public water system serving the former Blue Heron site consists of an onsite 10-inch cast iron (CI) water main that connects to a bi-directional pressure reducing valve (PRV) station at the north end of the property in Main Street just south of the intersection of Highway 99E (5th Street) and Main Street. The 10-inch CI water main extends south from the PRV station in the alignment of Main Street to approximately the middle of the property just south of where 3rd Street would be located. Then the 10-inch CI turns easterly in a location under the existing building and continues easterly under the railroad tracks and Hwy 99E. On the east side of Hwy 99E, the water main transitions from underground to above ground and is located vertically on the bluff wall, attached with pipe supports, from Hwy 99E at the bottom to the McLoughlin Promenade at the top where the water main

transitions back to underground. The 10-inch water main continues easterly underground from the bluff wall to a second PRV station at 3rd Street just westerly of High Street. The 10-inch main is the source of water supply to the former Blue Heron's large metered water service and onsite private water system.

The 3rd/Bluff PRV station is the primary source of water supply to the 10-inch main. The station contains two PRVs that control the flow of water from the upper pressure zone to the lower pressure zone with one small PRV providing water service during normal operating conditions and one large PRV providing higher flows during fire flow conditions. During normal operating conditions the 10-inch system is a dead end main served by the 3rd/Bluff PRV and providing water to the onsite metered service. The 5th/Main PRV operation is bi-directional and only provides flow to the 10-inch main during fire flow conditions. It should be noted that the operational parameters of the PRV stations were designed and set based on the operational needs of the former Blue Heron industrial site. The PRV stations need to be evaluated for operational changes based on the proposed redevelopment uses of the site.

The 2012 Water Master Plan evaluated the fire flow capacity of the 10-inch main onsite using a hydraulic model. The estimated available fire flow at 20 psi residual pressure is 2,450 gallons per minute (gpm). The former Blue Heron site's required fire flow was 5,000 gpm. For the site's fire protection needs, the public system is supplemented by an onsite private water system. This private system includes a fire protection system and potable water system. The private fire system facilities include a tank on a property at the westerly corner of High Street and 1st Street, with a private fire main that extends from the tank, down the bluff wall, crosses under Hwy 99E and the railroad tracks, with a network of fire mains onsite that provide flow to onsite private fire hydrants and sprinkler systems located inside the existing buildings. It is assumed as the site redevelops, the private system will be abandoned, removed and/or demolished including the private fire system facilities.

The referenced public 10-inch CI and steel water mains are old, in poor condition and need to be replaced. The above ground steel main failed in December 2013 with leaking pipes and the City made temporary repairs to keep the pipeline in service. The referenced PRV stations are also old and have operational and maintenance problems with the 3rd/Bluff PRV station needing to be replaced.

The capacity of the existing public 10-inch system with two PRV stations is not adequate to provide the commercial fire flow requirement of 3,000 gpm at 20 psi residual pressure. Due to the existing system's deficiencies, there needs to be a hydraulic analysis performed to determine what water system improvements are needed to provide the fire flow requirements as required by the Uniform Fire Code and Clackamas Fire District #1 for the range of uses and overall development proposal.

During the interim period, between approval of the Master Plan and the first detailed development plan application, it is important to document the plan for how the existing onsite private water system will be operated and maintained, when the large metered service is anticipated to be removed, and what the fire protection requirements are for the existing buildings on the site.

Recommended Conditions of Approval:

1. Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. The interim water utility plan shall include:
 - a. Detailed operational and maintenance plan for the private water system during the interim period.
 - b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
 - c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
 - d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.
- 2.. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall water utility plan for providing a public water system that provides both potable water service and fire flow protection to the entire site. The overall water utility plan shall require final approval by the City and include:
 - a. Compliance with City Standards including Public Works Utility Standards
 - b. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.
 - c. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.
 - d. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The

existing PRV operational parameters may not work for the proposed redevelopment and be required to change.

e. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.

f. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable.

g. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

2. Prior to building permits for the first site development, the plan will be implemented as approved.

SANITARY SEWER

Existing Sanitary Sewer System

There is an existing private sanitary sewer collection system on site which is a gravity system consisting of 8-inch and 12-inch pipe. This system connects directly to the Tri-City Service District (TCSD) interceptor system located on Highway 99E near the location of the future Water Street. A portion of the private pipe is located beneath the water filtration plant.

The existing private system on site is old, the condition is unknown and is at least partially inaccessible. This system will need to be abandoned in place and/or removed, and replaced with a public sanitary sewer system complying with City standards and located in future public right-of-way. As the site is relatively flat, it may be difficult to provide gravity sanitary sewer service to the south end of the site. The City's 2014 Sanitary Sewer Master Plan (SSMP) that is being adopted, includes an evaluation of the capacity of the Tri-City interceptor sewers along Hwy 99E. A number of the Tri-City sewers were found to be surcharging under both existing and future conditions. Water Environment Services (WES) manages and operates the Tri-City interceptor system. There will need to be coordination with WES and WES approvals regarding the connection to the Tri-City interceptor system with future sanitary sewer system improvements.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall sanitary sewer utility plan for providing a public sanitary sewer system to the entire site. The overall sanitary sewer utility plan shall require final approval by the City and include:
 - a. Compliance with City Standards including Public Works Utility Standards
 - b. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TCSD surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.
 - c. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

2. Prior to building permits for the first site development, the plan will be implemented as approved.

STORM DRAINAGE

Existing water quality facilities have been installed as temporary measures until development occurs. The temporary measures include gabions with filter material at one tailrace and the pipe gallery; retention and settling in the grotto; and rain gardens in totes for the roof drains. There are two existing outfalls on the site located within the redevelopment area, one at approximately 3rd Street and the second at 4th Street.

The 3rd St outfall and pipe conveyance system collects storm water runoff through Oregon Department of Transportation (ODOT) Hwy 99E from Tumwater Drive to 3rd Street and conveys the flows downstream to the pipe system onsite along 3rd Street to the 3rd St outfall. Confirmation was made that one of the onsite manholes along this conveyance system at the intersection of 3rd St and Main St has been changed with the addition of a weir to direct the storm water flow into the onsite sanitary sewer system which flows directly to the TCSD interceptor pipe. This storm water issue further exacerbates the surcharging condition in the TCSD interceptor sewers and needs to be rectified.

The 4th St outfall system appears to collect onsite drainage and convey this through a pipe system to the outfall. There is a third outfall at the south end of the site discharging storm water to the pond above the dam from the Oregon Department of Transportation (ODOT) Hwy 99E and City 2nd St/High St stormwater systems. The outfall is submerged in the pond and this section is believed to be damaged, requiring repairs and/or replacement to make the system fully functional.

There is a fourth outfall at the north end of the site where the future Water Street intersects Hwy 99E (5th St). The 5th St/Water outfall system collects and conveys stormwater from Railroad Ave, along the site's frontage on 5th St to the outfall. There appears to be operational problems with this system that include surcharging of the catch basins in the intersection of Main St and Hwy 99E. The site contributes stormwater runoff to this system. This problem will need to be evaluated for existing deficiencies in the system.

The site has been cleaned up such that storm water from the site can be discharged to the Willamette River without further environmental remediation. Due to the direct discharge to the Willamette River detention will not be required. Standard water quality treatment will be required per the City's stormwater management standards.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall stormwater management plan for the entire site. The plan shall require final approval by the City and include:
 - a. Compliance with City Standards including Public Works Utility Standards
 - b. New stormwater facilities that provide for collection and treatment prior to discharge.

- c. Consideration of alternative treatment methods such as Low Impact Development due to the nature of the site (bedrock at or near the existing ground surface).
 - d. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
 - e. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.
2. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation.

In addition to these conditions, staff recommends the applicant obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verifies that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.

STREETS

The master plan for the new Willamette Falls District establishes street locations and dimensions that are generally consistent with OCMC 12.04. The primary facilities that will be established over the life of the master plan are a new Main Street, Water Street, 3rd and 4th Streets, and a multi-use pedestrian and bicycle path along the waterfront and potentially south toward Canemah.

The grid of public streets is the continuation and re-creation of the historic pattern that already exists in downtown Oregon City. This network of streets was vacated in the past to make way for large-scale industrial development. As the site re-develops with a mix of uses, the site can again benefit from the accessibility that can be provided by a continuous street network.

Main Street is a “collector” street and future development of this street will comply with City standards with one exception. Rather than a standard 10.5 foot sidewalk, the standard profile will include minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This change will accommodate an expected high level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested.

Water Street is a new street that will be classified as a “local street” and comply with the design standards for that classification as contained in 12.04. Likewise, 3rd and 4th Streets will also be designated as local streets. These streets have the most flexibility depending on the nature of future development, since they are short segments, bounded by 99E and basalt cliffs to the east, and the river to the west. These streets could be established in a traditional section, or as shared streets, or as stubs into a parking structure.

For all streets within the district, the requirement for street trees will be modified as part of this master plan approval. The entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil—if any—that is a poor environment for growing trees. A continuous

canopy of street trees is strongly encouraged, and should be installed wherever it is feasible. In locations where underlying basalt does not allow standard street tree installation, an alternative approach will be allowed. Design guidelines proposed with the plan will encourage streetscapes to have a lively vegetative presence regardless of the underlying soil conditions, whether in planters or using smaller trees and shrubs.

Recommended Conditions of Approval:

1. Prior to site development and concurrent with the first development land use application, the applicant shall develop an overall street utility plan for the entire site. The plan shall require final approval by the City and include:
2. Compliance with City Standards including Public Works Utility Standards, unless amended by this review or from the public works director
3. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface) do not allow for City Standards to be met.
4. Phasing plan as applicable for phased redevelopment of the site.
5. Prior to disturbance of soil associated with the proposed development, the applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
6. The applicant is responsible for this project's compliance with Engineering Policy 00-01 found at <http://www.orcity.org/sites/default/files/EP00-01v6.pdf>. The policy pertains to any land use decision requiring the applicant to provide any public improvements.

Staff finds that the applicant has shown that services for water supply, police, fire, sanitary waste disposal, and storm-water disposal are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed if the Conditions of Approval are met.

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

Findings: Analysis of the plan to protect historic and cultural elements was discussed previously in 17.65.050.B.1.e.

The city's mechanism for inventorying and protecting Goal 5 natural resources on the site is through the Natural Resources Overlay District. The Natural Resource Overlay District designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The city's Natural Resource Overlay District applies to a large portion of the Willamette Falls District, and its requirements will be met as part of any future detailed development plan application.

Though the site is on the banks of the river, the entire developed area of the site and covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site. Because the property is completely built out with decades of industrial development. Changes to the site will likely increase pervious surface in the district.

Nevertheless, satisfying the overall district objectives requires attention to habitat restoration and environmental protection. To that end, the master plan identifies restoration and enhancement opportunities for the site that will improve riparian conditions and fish and wildlife habitat. These enhancement actions can also provide improvements for water resources, including stormwater treatment and water quality. The existing conditions and menu of proposed, high-value site improvements is outlined in a natural resources assessment prepared by ESA in October 2012, “Willamette Falls Legacy Project: Habitat and Water Resources Opportunities,” which is included as an appendix. In addition, Metro scientists have completed two years of study about the healthy habitat elements of the site, and further refined the list of environmental restoration targets at the site. These inputs have created key recommendations for enhancing the site’s natural resource values:

- Expose and restore the historical shoreline
- Diversify habitat, restore tailraces, revegetate, remove invasive species
- Provide stormwater treatment along shoreline and in grotto
- Increase circulation in lagoon
- Diversify lagoon habitat

Two of the above identified actions would be especially important to improving the habitat values of the Willamette Falls site and its adjunct river corridor. Tail races once carved deep into the site at its southern end have been filled in or channelized as industrial development dominated the site. The intake basin (*i.e.*, lagoon), which creates an upper section of river through the site above the dam, provided a place for water transportation into the site from upstream. This water body is now stagnant. Re-establishing the mill races, either in part or in full, to receive greater flows from the lagoon has multiple environmental benefits. The water quality of the lagoon improves by circulating fresh water through the area. Greater circulation would aerate water flowing through the tail races, thus providing a more welcoming habitat for fish and other riparian vegetation. The master plan allows for this concept, with the understanding that the development of the open space in this location is still undetermined. The design of the open space and development in this area of the site will be determined in a future development application and any proposal will be required to show compliance with the overlay districts and the concept development plan.

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

Findings: Complies as Conditioned.

Needed Housing.

The applicant has proposed a master plan in conjunction with a new zoning designation that allows for, but does not require residential units. The applicant has also proposed a review process that requires future detailed development plans to show compliance with master plan policies through a Type II or Type III process. This proposed process would not provide “clear and objective” standards for housing and thus would not contribute to needed housing in the City.

Needed Housing: As used in ORS [197.307 \(Effect of need for certain housing in urban growth areas\)](#), needed housing means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels, including at least the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS [197.475 \(Policy\)](#) to [197.490 \(Restriction on establishment of park\)](#);

- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; *and*
- (e) Housing for farmworkers.

During the City’s last Comprehensive Plan update, the city produced a housing needs analysis based on data up to 2002 that looked at existing housing units and land available for housing. The report found that the City had a deficiency of land available for housing development through the year 2017 and needed to increase the capacity to accommodate an additional 1,444 units by the year 2017. The report predicted that by 2017, the City would gain an additional 6,075 units through development of existing and new residential land. In fact, the City has gained less than 3,000 additional units between 2002 and 2014. The Great Recession decreased the growth of housing demand, and the ultimate need may not be quite as high as predicted. Nonetheless, the city has increased its housing unit capacity since 2002 by 953 units, and has vastly expanded the opportunity for housing in new mixed use zones.

The 2004 revised Comprehensive Plan and Zoning maps responded to the need for additional housing types by upzoning areas throughout the city to help provide additional infill development. Through this Comprehensive Plan and Zoning Map amendment (L 03-01), the City added capacity for 628 units. The city reviewed infill opportunities again in 2008 and provided additional capacity for 150 units through a Comprehensive Plan and Zoning Map amendment L 08-01. In addition, property owner-initiated zone changes have increased capacity by 175 units between 2002 and today.

During this time period, the city also created and approved concept plans for three areas (South End, Beavercreek, Park Place) recently brought into the UGB. The density for these areas is prescribed by Title 11 of the Metro Functional Plan.

Concept Plan Areas	Units Required	Units Provided	Net capacity Added
Park Place (2002 UGB expansion only)	1091	1091	0
Beavercreek (Currently under review by courts)	0	1023	923
South End (2002 UGB expansion only)	1330	1210	-120
TOTAL	2421	3324	803

While not counted as contributing to needed housing, the City also increased housing through the introduction of mixed use zones in 2004 – MUC-1, MUC-2, and MUD zones, which all allow for multifamily development. Capacity from these new mixed use zones is estimated at a potential 8,000 units within the City limits. The provision for accessory dwelling units in all single family residential zones has increased overall housing availability as well.

The city has additionally adopted cottage housing and accessory dwelling units as a permitted use in single family residential zones. These two unit types provide a diverse and often affordable housing opportunities within existing neighborhoods.

The applicant has requested to pursue a non-clear and objective implementation model for future detailed development plans. Staff agree with this approach, given the lack of detailed for future phases, and finds that the city has adequately addressed the 2002 Housing Study and over the last twelve years has implemented zone changes and permitted new types of residential uses that greatly expands the capacity and variety of housing units in the city and additionally finds that this industrially zone site is not subject to meeting needed housing in the city.

Mitigation

The applicant provided the following table to summarize the discussion of impacts.

Impact category	Impact from Master Planned development	Summary of Proposed Mitigation
Aesthetics	New mixed use development and open space waterfront areas.	Impact is positive, no mitigation required.
Environmental Resources	Riparian corridor already badly degraded from years of heavy industrial use. New development subject to NROD and protects sensitive resources.	Plan includes enhancement opportunities to: expose and restore historical shoreline (diversify habitat, restore mill races, revegetate); provide stormwater treatment along shoreline and in grotto; increase circulation in lagoon and diversify habitat; establish vegetated buffer upslope.
Cultural Resources	Open up access to highly significant Native American site. Undertaken Sec 106 process as a best practice to understand final impact of Mater Plan to historic resources.	Impact is generally positive for access to Willamette Falls - no mitigation required. Future development will coordinate with tribes to assess impacts. Coordinate Mater Plan policies and Conditions of Approval to use for potential Memorandum of Understanding if federal funds or public ownership is involved in future phases.
Hydrology and Water Quality	Site already heavily impervious because of basalt shelf and industrial development. No increase in impervious surface anticipated.	Areas in floodplain generally designated for open space uses
Noise	Reduced noise impacts from what is allowed under current zoning, because of conversion to mixed use development.	Impact is positive, no mitigation required.
Transportation/Traffic	Additional vehicle and pedestrian traffic from development of new buildings and open space uses.	Package of improvements in and near site to mitigate impacts. Includes: signal at 6 th and 99E, shared use path on waterfront, Water Street access, northbound right at Main/99E intersection, indirect left into site via Railroad, and ped bridge over 99E at south end of site.

17.65.050.C.6 *The proposed Concept Development Plan is consistent with the Oregon City Comprehensive Plan and its ancillary documents.*

Findings: Complies as Conditioned.

Introduction

Statements of Principle

Oregon City's Comprehensive Plan is founded on a number of principles, which shape the City Commission's vision for the future growth and development of the city. The principles help determine the scope of issues, concerns, and actions that will guide development, and they are reflected in the plan's goals and policies. Statements of these principles, listed below, are not legally binding. They are instead intended to help citizens understand the kind of city this plan will help to achieve.

*Promote sustainability and sustainable development. ****

*Contain urban development. ****

*Promote redevelopment. ****

*Protect natural resources. ****

*Foster economic vitality. ****

*Provide efficient and cost-effective services. ****

*Ensure a sense of history and place. ****

Finding: The proposed general development plan for the Willamette Falls Downtown District is consistent with the above statements of principle because it takes a comprehensive approach to the redevelopment and revitalization of the district. The plan promotes sustainability by incorporating protections and enhancement for the site's riparian values, promoting the adaptive reuse of existing historic buildings on the site, and creating a pedestrian-friendly street and pathway network that will minimize car travel. It contains urban development by anticipating highly urban uses and building types downtown, which is the most central area of the city and will reinforce the core of the city. It promotes redevelopment by establishing a clear set of rules for buildings and open space, and designating more than six acres of the site for new development, and laying out the anticipated network of transportation and utility connections that will accompany future development. It protects natural resources by identifying a list of resource enhancement opportunities and requiring compliance with existing city rules for environmental protection. It fosters economic vitality by designating land for redevelopment consistent with current market realities, and providing more certainty for private and public investment on the site with regard to the spatial organization of the property. It provides efficient and cost-effective services because it promotes the redevelopment of 22 acres adjacent to the core of the city where it is easiest to provide utilities and other public services. It ensures a sense of history and place by designating specific buildings and structures for historic preservation, reestablishing the historic street grid, and requiring that new development show respect for the natural, territorial, and industrial history of the site.

Section 2: Land Use

Industrial Land

There is often pressure to convert industrially zoned land to easily developable sites and other uses. The goals of the City are to protect existing industrial land from conversion, where appropriate, to annex industrial land and expand the Urban Growth Boundary to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve future development.

- *Industrial (I) — uses related to manufacturing, processing and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*

- *Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro’s Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City’s traditional Downtown form.*

Finding: Complies as Proposed. The proposed plan is for re-development of the formerly industrial site, and is concurrent with a zone change from industrial to a mixed-use zone that supports a wider range of uses including office, craft industrial, commercial, and residential uses. This is consistent with comprehensive plan policy 2.2.12, “Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses.” The industrial history of the site is rooted in its proximity to the falls as a source of power. Being close to hydro-power is no longer a necessary requirement for desirable industrial land. Moreover, the location of this site has numerous challenges that have rendered it less appealing for industrial use than other site’s within the city: limited transportation access, more than half the property being within the floodplain, and the presence of existing mill infrastructure. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

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 2.1.1

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

Policy 2.1.2

Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

Policy 2.1.3

Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

Policy 2.1.4

Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.

Finding: Complies as Proposed The proposed plan for the Willamette Falls District will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. The new zone that is being created for this area encourages efficient use of land by establishing a minimum floor area ratio, no minimum setback, and very low parking minimums. The historic street grid that will be re-established on the site likewise creates a very rational and efficient division of the site into development blocks that are well suited for mixed use development of many different kinds, while providing sufficient access to each area of the site. The range of uses that are allowed and anticipated to occur at the site--employment, residential, commercial--will create a vibrant urban setting that drives economic development and also reduces the need for parking and automobile travel. The large scale nature of this development area and its current status as being in a single ownership provides unique opportunities for shared parking and common landscape areas. The areas proposed in the master plan for open space which are closest to the river (and below the floodplain) are an example of a common open space that efficiently serves the whole district.

Goal 2.2 Downtown Oregon City

Develop the Downtown area, which includes the Historic Downtown Area, the “north end” of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Policy 2.2.1

Redefine the Metro Regional Center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.

Policy 2.2.2

Support multi-modal transportation options throughout the Regional Center and to other Regional and Town Centers.

Policy 2.2.3

Develop and promote a vision for the economic development and redevelopment of the Downtown area that solidifies the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan.

Policy 2.2.4

Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the Regional Center develops to its maximum capacity and realizes its full potential.

Policy 2.2.5

Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

Policy 2.2.6

Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.

Policy 2.2.9

Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.

Policy 2.2.11

Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and Downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.

Policy 2.2.12

Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses.

Policy 2.2.13

Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limit residential and office uses to the second floor and above.

Finding: Complies as Proposed The proposed plan for the Willamette Falls Downtown District extends the existing downtown farther to the south. The new district is anticipated to have a similar mixed-use feel as downtown, but also have larger buildings and a wider range of uses that are reflective of the industrial and employment history of the area. The change in zoning will allow for a wide range of uses within the area that are typical of Oregon City’s downtown, shopping, employment, culture and recreation, and also potentially light industrial uses. The plan creates a network of multi-use paths for pedestrian and bicycle traffic, and preserves the natural amenities of the site, which are largely related to the river. Most of all, the redevelopment and opening up of this district will preserve and enhance views of Willamette Falls and the Willamette River, by creating public access to the historic center of the region in a way that has not been possible for the last 100-plus years.

The master plan supports Metro's Regional Center concept by increasing development and multi-modal transportation options within an existing downtown. The proposed new development will be well-served by existing services that are already present on site or close to it. Connectivity to the existing downtown and its surrounding areas will be vastly improved by the anticipated transportation improvements including a riverfront pathway that will provide access up to the edge of the falls.

The most directly applicable policy is 2.2.12, "Ensure a master plan is developed at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development, which addresses transitioning the overall site from industrial to non-industrial land uses." This is exactly the purpose of this land use application, as it sets out the rules and expectations for the long term conversion and redevelopment of the site from its former industrial use to that of a district more consistent with the mixed use character reflective of the existing historic downtown.

Goal 2.3 Corridors

Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.

Policy 2.3.1

Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

Finding: Complies as Proposed This site is bounded by a transit corridor, on Highway 99E, which is served by TriMet's line 33 bus. The site itself is not open to the public, nor is it currently in use as an employment center, so it is not served in any real way by transit. There is a stop three blocks north of the site in the downtown at 7th and Railroad, and southeast of the site at 2nd and Tumwater. Nevertheless, with the anticipated redevelopment of the site, transit access into and through the site is likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development.

Goal 2.6 Industrial Land Development

Ensure an adequate supply of land for major industrial employers with family-wage jobs.

Policy 2.6.1

Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with development. If there is not enough, identify areas outside the boundary that adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

Policy 2.6.2

Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Policy 2.6.3

Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Policy 2.6.4

Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.

Policy 2.6.5

Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Policy 2.6.6

Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Policy 2.6.7

Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Finding: Complies as Proposed The plan will re-develop a formerly industrial site, and is proposed concurrent with a zone change from industrial to a mixed-use zone that supports a wide range of uses including office, craft industrial, commercial, and residential uses. This change is consistent with the comprehensive plan policy most clearly directed at the site, policy 2.2.12, which states, “Ensure a master plan is developed at the Blue Heron Paper Company site ... which addresses transitioning the overall site from industrial to non-industrial land uses.” This policy must be balanced against policies for preserving industrial land within the city. The decision to convert this land to mixed-use is the result of an analysis of its highest and best use, and that proximity to hydro-power is no longer a necessity for industrial users. Constraints on the site--limited access, floodplain, existing mill infrastructure--make it even more challenging for industrial development. The new Willamette Falls Downtown District will still allow craft industrial or light industrial uses such as small-scale apparel manufacturing or beer brewing. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

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.

Policy 5.1.2

Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor community benefits. Conserve open space along creeks, urban drainage ways, steep hillsides, and education. Built features in open space sites should harmonize with natural surroundings.

Finding: Complies as Proposed. The proposed framework plan for the site identifies area near the waterfront and below the flood zone for open space uses. Because these areas are closest to the river and within the flood zone, they will be amenable to the values identified above. Some of this area is currently open water or cliff-top and thus unbuildable. A wide range of possibilities for the construction of these open space blocks could improve fish and wildlife habitat by roughening the shoreline and re-employing the mill races that have been hidden or covered over by decades of industrial development. Recreational opportunities could be created that will allow people to circulate through the district on a riverfront path to the edge of the falls, and beyond to Canemah. A planned waterfront path reaches its terminus at the edge of the falls, which is one of the most spectacular scenic vistas in the State of Oregon. Shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Policy 5.2.1

Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city

Policy 5.2.2

Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.

Finding: Complies as Proposed The plan protects the scenic qualities of the city by setting up a framework that will prioritize public access and help bring citizens and visitors to the falls. The most significant feature of the site, its presence at the edge of the falls, is currently obscured by industrial buildings and the lack of access. The proposed plan will create new access, and new buildings will comply with a proposed design guideline that insures respect for the views. Development standards in the new zone and compliance with design guidelines address the details of future development.

Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Policy 5.3.4

Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Policy 5.3.8

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

Finding: Complies as Conditioned. This plan identifies buildings of historical significance on the site and designates certain buildings for preservation or rehabilitation as part of any redevelopment project. Four buildings and a foundation (of the 50-plus structures on the site) are identified as highest value considering their historicity and potential for re-use. Five other structures are designated as worth saving, either whole or in part, but were found to be difficult to repurpose and generally could not be seen as income generating buildings. Elements or pieces of other buildings on the site have value, but will be more difficult to save. This plan lays out the regulatory tools and incentive programs for historic preservation. As part of the plan and as also promoted by the design guidelines, new development projects will emphasize and accentuate the historic value of the site and integrate these resources into the new setting.

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.

Policy 5.4.1

Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.

Policy 5.4.2

Cooperate with Clackamas County, Metro and other agencies to identify and protect wildlife habitat, distinctive natural areas, corridors and linkages and other ecological resources within the Urban Growth Boundary and incorporate the information into the Urban Growth Management Agreement with Clackamas County.

Policy 5.4.4

Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Policy 5.4.5

Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.

Policy 5.4.6

Support and promote public education, interpretation, and awareness of the city's ecological resources.

Policy 5.4.8

Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.

Policy 5.4.9

Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.

Policy 5.4.10

Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.

Policy 5.4.16

Protect surfacewater quality by:

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation.*

Finding: Complies as Proposed This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

Goal 6.1 Air Quality

Promote the conservation, protection and improvement of the quality of the air in Oregon City.

Policy 6.1.1

Promote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Policy 6.1.2

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

Finding: Complies as Proposed This plan creates a multi-modal district with a mix of uses that will reduce the need for distance travel. By placing a range of uses together within close distance, and accessible by non-auto methods of travel, air quality will be protected. All development in the district will be subject to current regional, state, and federal air quality standards.

Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

Policy 6.2.1

Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

Policy 6.2.2

Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

Finding: Complies as Proposed The city's existing erosion control standards in OCMC 15.48 are to be used for any future construction or development on the site. This will reduce or eliminate discharge of sediment. Stormwater planters will be incorporated into site design as feasible, although the solid basalt base for the site offers little natural ability for water to be absorbed.

Goal 7.1 Natural Hazards

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

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.5

Minimize the risk of loss of life and damage to property from flooding by limiting development in the 100-year floodplain and by ensuring that accepted methods of flood proofing are used.

Policy 7.1.6

Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.

Policy 7.1.7

Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.

Finding: Complies as Proposed As a riverfront site, 12.5 acres of the 22 acre site is located within the 100 year floodplain. This plan outlines a design that protects life and reduces property loss by locating open space and waterfront uses within areas most vulnerable to flooding. This insures that those areas likely to flood are occupied by land and structures unaffected by flooding, like open spaces or unoccupied areas underneath buildings. Though some building development could occur within these zones, especially if it relates to the adaptive reuse of historic structures, any construction would be subject to the city's Flood Management Overlay District rules (OCMC 17.42). These rules require flood proofing and balanced cut and fill.

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.

Policy 8.1.1

Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.

Policy 8.1.3

Develop regional and community parks in such a way that revenue-producing amenities are included to bring in a revenue stream to partially fund maintenance of the parks system.

Finding: Complies as Conditioned The proposed plan identifies areas of the site well-suited for open space or waterfront uses. A large portion of this area is expected to be developed into a regional, neighborhood or community park-like facility that would be available for use by all residents of Oregon City and the region. Design of the facility or funding for it is still uncertain, but the plan clearly designated land close to the river for this use. Depending on the nature of the open space facility, this could include a revenue-producing amenity that offsets maintenance costs. Conditions of Approval that implement development triggers for the open space can be found in the end of the staff report.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Policy 9.1.1

Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

Policy 9.1.2

Contribute to the health of the regional and state economy by supporting efforts to attract “traded sector industries” such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state’s economy by bringing money in from sales of goods and services outside of the state.)

Finding: Complies as Proposed The proposed mix of uses, including employment, office, residential, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the Willamette Falls site, thereby building toward a strong local economy. The site has been an economic engine for the city for more than a century. While future development is expected to be at a smaller scale in a variety of businesses and industries, the framework established by this plan will nevertheless create fertile ground for high-quality commercial development.

Goal 9.6 Tourism

Promote Oregon City as a destination for tourism.

Policy 9.6.1

Protect historic, recreational, and natural resources as the basis for tourism, such as the Historic Downtown Area.

Policy 9.6.2

Ensure land uses and transportation connections that support tourism as an important aspect of the City’s economic development strategy. This could include connections to the End of the Oregon Trail Interpretive Center and the train depot.

Policy 9.6.3

Provide land uses in the Downtown Historic Area, 7th Street corridor, and the End of the Oregon Trail Interpretive Center that support tourism and visitor services.

Policy 9.6.4

Encourage and support citywide events that would attract visitors and tie to the historic attractions of the city. Preserve tourism-related transportation services like the Oregon City Elevator and trolley.

Policy 9.6.5

Encourage river-related tourism facilities and services, such as docking facilities, river transit and river tours.

Policy 9.6.6

Encourage private development of hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: Complies as Proposed The master plan has been structured to be especially responsive to tourism, and anticipates that the site will be a regional destination that could attract visitors and outside investment on a large scale, to the benefit of the entire city. The core attraction of the site is its namesake and a spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this master plan is public access to the site, giving the greater public a chance to access the falls for the first time in 100 years. A waterfront pathway that leads to the falls is expected to be a major attraction. Facilities and uses that support this attraction are allowed in the new district, and will build out as people begin to discover the site. Also, planned open space blocks that will be most visited and shared by the public are oriented toward the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

Goal 9.8 Transportation System

Recognize the importance of the land use-transportation link and encourage businesses to locate in areas already served by the type of transportation system they need.

Policy 9.8.1

Through coordination with TriMet and local employers, encourage and promote the use of mass transit to travel between residential areas and employment areas.

Policy 9.8.2

Participate in regional efforts to encourage employers to promote telecommuting and other flexible work arrangements.

Policy 9.8.4

Promote “shared parking” and transportation demand management techniques such as transit vouchers, car or van pooling, and flexible schedules and telecommuting options to reduce peak hour trips.

Policy 9.8.6

Encourage the provision of multi-modal transportation to support major existing employers.

Policy 9.8.7

Assess methods to integrate the pedestrian, bicycle and elevator transportation modes into the mass transit system.

Finding: Complies as Conditioned. The new Willamette Falls District has been planned to be a multi-modal area that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will support convenient and efficient transportation, and reduce peak hour trips. Transit stops that are close to but not on the site may one day be brought into the property, and the rich network of pedestrian and bicycle connections will complement transit opportunities. The plan explicitly encourages shared parking both within and outside the district.

Goal 10.1 Diverse Housing Opportunities

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

Policy 10.1.3

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

Finding: Complies as Proposed There is no housing currently on the site because it is not allowed by the existing General Industrial zoning. The proposed change in zoning will allow for multi-family residential uses. This is just one of many uses in what is anticipated by the master plan to be a mixed use zone with office, recreational, retail, and employment uses. Re-establishing a regular street grid makes development blocks that are well-suited for many types of development, including housing.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

Policy 10.2.1

Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land-Use Map, ensure that potential loss of affordable housing is replaced.

Finding Complies as Proposed: By changing from a zone where housing is prohibited to one in which housing is an allowed use, this land use action creates an opportunity for new housing at any price level. Regardless of the affordability of potential future housing on the site, increasing supply will reduce price pressure on other units in the city. Affordable housing potential, as described in Policy 10.2.1, is increased by creating land where it could be built.

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 12.1.3

Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

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.

Finding: Complies as Condition. The Willamette Falls District is a multi-modal district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices. The development standards, use provisions, and design standards that are part of the district's regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods.

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Policy 13.1.1

Maintain the historic use of Willamette Falls as an energy source for industrial and commercial development.

Finding: Complies as Proposed Willamette Falls is no longer used as an energy source for industrial and commercial development, but the proposed plan does not interfere with or preclude future use of the falls for this purpose. PGE will retain its current ownership of the dam on the Oregon City side of the falls. It has the authority to use the dam to create and/or transmit hydro power in the future.

Goal 13.2 Energy Conservation

Plan public and private development to conserve energy.

Policy 13.2.3

Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

Policy 13.2.5

Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

Finding: Complies as Proposed Development on the site is organized to accommodate a wide range of complementary mixed uses: office and other employment, retail, residential, and recreational. The planned network of sidewalks on the street network and a multi-use path along the riverfront will create connectivity throughout the site. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

Goal 15.1 Protect the Willamette River Greenway

Ensure the environmental and economic health of the Willamette River by adopting goals, policies and procedures that meet LCDC Statewide Planning Goal 15, Willamette River Greenway.

Policy 15.1.1

Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

Policy 15.1.2

Preserve major scenic views, drives and sites of the WRG.

Policy 15.1.3

Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.

Policy 15.1.4

Restrict new substations and power line towers in the WRG and river view corridor.

Policy 15.1.5

Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon

City Park and Recreation Master Plan and the Oregon City Waterfront Master Plan.

Policy 15.1.6

Review uses proposed for inside the Willamette River Greenway Compatibility Review Boundary for consistency with local goals and policies for that area.

Finding: Complies as Conditioned. The entire Willamette Falls District is within the Willamette River Greenway, protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities.

The plan requires that applicants meet Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (17.48.080.E)

For everything within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the riverfront.

The application also proposes a text amendment to the Willamette River Greenway code that would remove the 35 foot height limit for main or accessory residential structures in the Willamette Falls District. Development within the district (which is entirely covered by the Greenway overlay) will maintain compliance with this planning goal because it is also subject to land use review through the master plan requirements. New development must show that it is consistent with the master plan and the four core values for the site, and comply with development standards and design guidelines. This process will protect the stated values of the Greenway.

Modifications and Adjustments to Master Plan Process

The applicant requests two adjustments to development standards, as permitted during the master plan process. First, the applicant requests that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC 17.65.040.C. The reason for this change is that the proposed general development plan is less specific than usual for a master plan, because it is designed to be a flexible framework plan for future development. The shape of new buildings and open space on the site will evolve depending on the direction of a future developer, combined with a funding and financing plan that is not yet determined. The proposed plan offers a great deal of flexibility for a range of positive outcomes. However, that flexibility requires greater scrutiny and discretion by Oregon City at the next stage of the development process, more than can appropriately be decided by staff. One of the key elements of future

review will be compliance with the design guidelines contained in this approval, for which planning staff anticipates incorporating the advice of the design community as part of the review. Also, future detailed plans will have to comply with underlying zoning, consistency with this general development plan and design guidelines, the equivalent of site plan and design review, and compliance with rules for four overlay zones that might apply depending on location. Given the depth and complexity of a future development review, and the importance of this site to the City, future detailed development plans should be reviewed as a Type III process, which automatically is considered by the Planning Commission.

One exception to the above adjustment request—that all detailed development plans be elevated to Type III review—is for smaller projects, specifically those that meet all the requirements for minor site plan and design review (OCMC 17.62.035). In these limited situations, the detailed development plan may remain as a Type II review, but is still subject to the same standards identified in this master plan.

The second adjustment to the master plan process relates to the timing of which regulations apply. Although the master plan chapter allows development to freeze regulations in time as of the date of general development plan approval, the applicant requests that future plans instead be subject to the land use regulations in effect on the date those plans are submitted.

Overall, through the duration of this master plan, the principle of redevelopment of historic and non-historic structures on the site is vested by this framework plan. Current rules allow, for example, renovation of waterfront structures if habitable areas are above flood elevation, Greenway compatibility standards are met, natural resources are protected, etc. The proposed modification—allowing future applications to be subject to development standards that are current—should not be construed to override the principle that redevelopment is permitted and encouraged. As long as proposals comply with all the standards of the master plan, and can meet development standards, they may be approved.

The timeframe for this approval is 20 years long. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out which version is applicable, this general development plan streamlines the review by making future applications subject to regulations in effect at the date of detailed development plan submittal. This is specifically allowed by the master plan.

17.65.070 Adjustments to development standards.

A. Purpose. In order to implement the purpose of the city's master plan process, which is to foster the growth of major institutions and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning process. These include, but are not limited to, items such as: dimensional standards of the underlying zone, site plan and design review criteria, residential design standards, and standards for land division approval.

B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Process for Detailed Development Plan moved to Type III process

The requirement that detailed development review is subject to a Type II process is an “applicable development regulation” as stated above, because it is contained in OCMC 17.65.040.C. The request to increase the level of review from Type II to Type III is not specifically listed under subsection (A), but this list is not exhaustive, as

evidenced by the “but are not limited to” clause. The adjustment request is processed concurrently with the general development plan. An ancillary effect of this change will be that detailed development plans will be under a Type III review—with the exception of those small changes that can meet the minor site plan and design review thresholds—regardless of whether they also request an adjustment to a development standard.

Increase minimum Sidewalk width on Main Street

Main Street is a “collector” street and future development of this street will comply with these standards with one exception. Rather than the standard 10.5 foot sidewalk, the proposal for Main Street is 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building. This change will accommodate an expected level of pedestrian activity that is forecast for the new district, and is in response to the current experience of Main Street in downtown Oregon City, where street furniture and signage has often left the through-zone for pedestrian traffic seeming congested.

C. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

- 1. To allow a primary or accessory use that is not allowed by the regulations;*
- 2. To any regulation that contains the word "prohibited";*
- 3. As an exception to a threshold review, such as a Type III review process; and*
- 4. Any exception to allow a use not identified as a permitted or conditional use in the underlying zone.*

Finding: The applicant requested to increase the level of review for detailed development plans from a Type II to a Type III process, with a minor exception for those small projects that meet minor site plan and design review thresholds. Such a change to the master plan process is not listed as a prohibited adjustment in this section, and is therefore allowed to proceed. The increase in minimum sidewalk width is not identified as a regulation that cannot be adjusted.

D. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*

Finding: The purpose of the master plan regulation is as follows:

17.65.010 - Purpose and intent.

It is the intent of this Chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.

The change to procedure that requires upgrading review from Type II to Type III is at the request of the applicant and serves to improve the level of scrutiny and insure the efficient growth of development on the site. The relatively open nature of the general development plan as a framework addresses “the larger development issues” but leaves specifics to a later date. The location and design of new buildings and open space on the site depends on the direction of a future owner, and a funding and financing plan that is not yet in place. The flexibility and discretion offered by the plan requires greater scrutiny by Oregon City at the detailed plan stage. Given the depth and complexity of a future development review, and the importance of this site to the city,

future detailed development plans should be reviewed as a Type III process, which automatically goes to the Planning Commission. By doing so, the change helps facilitate an efficient and flexible review process, and provides more certainty for both future developers and the city.

Small projects that meet minor site plan and design review thresholds (OCMC 17.62.035) may still be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.

The increase in the width of sidewalks on Main Street is intended to provide a pedestrian environment that can accommodate the expected development.

2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;

Finding: The two adjustments are very different in nature and have been explained in the findings above; staff does not see either of them having a cumulative effect on the overall purpose of the zone.

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

Finding: The first proposed change is procedural, and will have no effect on city designated Goal 5 resources. This criterion does not apply. To the extent that a future development application might impact Goal 5 resources, the increased level of scrutiny offered by a Type III rather than Type II review could potentially protect these resources more thoroughly than without the proposed change. The second proposed change increase the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

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

Finding: The first proposed change is procedural, and will have no on-the-ground impacts, and therefore nothing that needs to be mitigated. The change is merely to upgrade the level of review for future detailed development applications, from a Type II to a Type III land use review. The second proposed change increases the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Finding: The first proposed change applies to the entire area covered by the master plan, which includes areas within the Natural Resource Overlay District. However, this change is strictly procedural, increasing the level of land use review for future projects from Type II to Type III, and therefore has no impacts on the resource and resource values. Because there are no significant detrimental environmental impacts, this criterion does not apply. As Main Street is not located within the National Resource Overlay District, no detrimental impacts are projected for the increase in sidewalk width.

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

Finding: The first proposed change is procedural, and merely increases the level of public review from Type II to Type III. This is a minor change to procedure and is consistent with the Oregon City Comprehensive Plan. Insofar as any findings are required to satisfy this criterion, the findings for consistency of the master plan under OCMC 17.65.050.C.6 also are incorporated here, by reference, for the adjustment. The second proposed change

increases the pedestrian environment of the site and can be adjusted to protect historic resources through the detailed development process.

17.65.090 Regulations that apply.

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

Finding: Along with the street modification above, the applicant requests that future detailed development plans be subject to the land use regulations in effect on the date its detailed development plan is initially submitted. Because this master plan may have multiple ownerships over the life of the plan, and because the financial and funding mechanisms are not yet in place for all district development, the level of detail and certainty is less than would be expected in a more traditional master plan. This approval has a 20 year lifespan. The site will build out in different stages, over a long period of time. In addition, properties on the site, depending on location, could be subject to multiple different sections of the Oregon City Municipal Code: rules for master plans, site plan and design review, and four different overlay zones. For ease of review by city staff, and so that future developers do not have to comb through old codes to find out applicable language, this general development plan prefers the ease of making future applications subject to whatever land use regulations are in effect at the date of detailed development plan submittal.

Zone Change (OCMC 17.68)

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the city commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: This zone change and comprehensive plan amendment results from an application to the planning division per 17.68.010.C above.

The applicant is requesting a zone change from Light Industrial to a newly created Willamette Falls Downtown District (Exhibit 16). The proposed district language is attached in the exhibits and is generally described through the following description:

The Willamette Falls Downtown (WFD) district applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office

and residential uses on upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. Design guidelines for this sub-district require storefront façades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

- A. *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Finding: Consistency with comprehensive plan goals and policies for the zone change was addressed in the findings for the general development plan, OCMC 17.65.50(C)(6), earlier in this document. The plan goals and policies, and the applicant response to these policies, were selected and responded to in consideration of the whole proposal, both master plan and zone change. Therefore, rather than duplicate the entire section of policies and responses, this response incorporates those findings by reference. Based on the findings contained in that section, this parallel criterion for the zone change is met.

- B. *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Finding: Complies as Conditioned. As part of the pre-application conference, city and area service providers provided information in response to the applicant's request regarding water, sanitary, storm, and other public services. This information, analysis and proposed conditions of approval needed to show compliance with this section can be found in section **17.65.050.C.3 of this report**

- C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

Finding: Complies as Conditioned. The proposed zoning allows a wide range of uses on the site, encouraging the development of a mixed use area that is similar to that of the existing downtown. The historic street pattern of downtown will be re-established, linking the district to the rest of the city with a pedestrian-friendly network of local streets. In addition to new streets, public access to the site will include pedestrian and bicycle connections. Final configuration and location of the pedestrian paths and streets will be determined when building or park space development on the site is proposed.

Improvements to the existing public system of streets, sidewalks, and pedestrian paths will be constructed in combination with new development on the site. The package of improvements assumes increased use of the Willamette Falls site, from workers, residents, and visitors to new buildings and activities. A transportation analysis performed for the zone change and master plan showed that relatively light infrastructure improvements to the south end of the existing downtown and the north end of the new Willamette Falls District can accommodate the potential vehicular and pedestrian traffic in and out of the site. The package of projects is listed in the conditions of for approval and, a shared use path on the riverfront, creation of a new Water Street connection, modifications to the Main Street/99E intersection geometry, and a pedestrian bridge over 99E at the south end of the site.

These improvements will enable the functioning of the transportation system in and around the site at the planned capacity and level of service. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials, and assumed high levels of development and activity at the site.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: Comprehensive Plan goals and policies were addressed previously in the section under the master plan approval, 17.65. The following statewide planning goals are applicable to the change in zoning, and are satisfied by the proposal.

Goal 1. Citizen Involvement

The zone change and master plan is the outcome of an extensive public engagement process. This process has reached out to thousands of Oregonians, as has been described in detail in the application's Public Engagement Summary.

Goal 2. Land Use Planning

The zone change and master plan establishes an orderly, fact-based, rational process for development on the site, in conformance with existing land use planning codes and policies in Oregon City. The creation of a new zone and the master plan that applies to the site are existing, adopted policies within the city code.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces

The zone change and master plan protect all identified Goal 5 natural resources through a combination of: delineating areas for open space development, identifying opportunities for enhancement, and improving public access to the resources. Existing city protections of Goal 5 resources will remain in place, specifically, compliance with the Natural Resources Overlay District, OCMC 17.49.

There are currently no federally or locally designated historic structures (OCMC 17.40) located on the property. The Blue Heron site is not currently located within a local or National Register Historic District and is not part of the city's Goal 5 inventory. Adoption of this master plan and zone change will not serve to amend the City's acknowledged historic preservation plans. Rather, adoption of this plan serves as a preliminary step in identifying those resources that may be suitable for designation of historic resource or landmark and could be subject to the City's Historic Resource Overlay, OCMC 17.40.050, in the future. Through the Vision and Master planning process, the city, in cooperation and on behalf of the applicant, structured the historic resource analysis, protection and mitigation approach based on the best practices model of ORS 358 and the Section 106 process.

Goal 6. Air, Water and Land Resources Quality

The change to base zoning on the site that this application requests does not change existing city protections provided by overlays for natural resources, stormwater rules, or other environmental protections. These are specifically enhanced by the city code's acknowledged compliance with Metro code Title 3 and Title 13.

Goal 7. Areas Subject to Natural Hazards

The change to base zoning on the site that this application requests does not change existing city protections provided the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes.

Goal 8. Recreational Needs

The proposed zoning includes parks and open areas as allowed permitted use, and the master plan anticipates new public access and open space areas for recreation. Access to the falls and to the river resource is a core element of the master plan that will be enabled by the new zoning.

Goal 9. Economic Development

The proposed mix of uses permitted in the new zone, including employment, office, retail, and light industrial uses, will allow a wide range of businesses and employers to locate at the site, thereby building toward a strong local economy. The framework established by this plan will create fertile environment for high-quality commercial development and jobs.

The proposed plan is for re-development of the formerly industrial site, and is concurrent with a zone change from industrial to a mixed-use zone that supports a wider range of uses including office, craft industrial, commercial, and residential uses. The industrial history of the site is rooted in its proximity to the falls as a source of power. Being close to hydro-power is no longer a necessary requirement for desirable industrial land. Moreover, the location of this site has numerous challenges that have rendered it less appealing for industrial use than other site's within the city: limited transportation access, more than half the property being within the floodplain, and the presence of existing mill infrastructure. Finally, the city currently has in its inventory adequate and industrial land in areas with many fewer constraints.

Goal 10. Housing

The proposed new zone permits for multi-family residential uses, which is appropriate for a downtown location. Under current industrial zoning, housing is not allowed permitted use. Re-establishing a regular street grid will create development blocks that are well-suited for the development of housing, as well as other types of development.

Goal 11. Public Facilities and Services

Public facility provision is addressed in the response to criterion 17.68.020.B above. All future development in the zone will meet current Oregon City code.

Goal 12. Transportation

A transportation study included with the application studied access to the site and evaluated a full-build out scenario. It assumed a mix of uses as allowed by the proposed zoning, and a network of streets and pedestrian facilities to serve the site as outlined in the master plan. Final configuration and location of paths and streets will be determined when building or open space is proposed.

Based on modeling, these trips can be accommodated on the existing transportation network if a number of relatively minor improvements are made to improve safety and flow. Improvements will be built incrementally, as development occurs, and will enable the smooth functioning of the transportation system in and around the site. This conclusion is based on analysis done in cooperation with Oregon City and ODOT transportation officials. Additional findings for this section can be found ibn OCM 17.65.050a1h

Goal 13. Energy Conservation

Mixed-use development encouraged by the new zone is more energy efficient that other development patterns. The zoning and the master plan for the site is organized to accommodate a wide range of complementary mixed

uses: office and other employment, retail, residential, and recreational. Buildings are expected to be multi-story, multi-use structures, which are more energy-efficient than the same uses in detached buildings. Taken together, these plan elements will help conserve energy.

Goal 15. Willamette River Greenway

The entire Willamette Falls District zoning designation is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. The base zoning requested does not change the fact that future development is subject to city rules for Willamette River Greenway standards, including a setback that keeps structures separated from the river. Separation between buildings and the river must be found to “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (17.48.080.E) Also, for all development within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future development application.

Regional Functional Plan Requirements

The regional policies which are adopted by this Urban Growth Management Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of the functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

Title 1: Housing Capacity

Finding: Oregon City is currently in compliance with this section of the Regional Functional Plan. Furthermore, by rezoning the site from Industrial to Willamette Falls Downtown District, the city is provide additional housing opportunities and increases housing density within the Regional Center. This meets the overall goal of title 1

Title 3: Water Quality and Flood Management

Finding: No changes to Natural Resource Overlay District or Flood Management Overlay District are being proposed as part of this application. This section does not apply.

Title 4: Industrial and Other Employment Areas

Finding: The site is not included on the Employment and Industrial Areas Map of Title 4. For this reason, the city is not required to comply with section 3.07.450 of Title 4 for amendments to the Comprehensive Plan or zoning code due to a rezone from industrial to non-industrial uses.

Title 6: Centers, Corridors, Station Communities and Main streets

Finding: The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high -capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro’s approval

Oregon City’s downtown was designated as a Regional Center as part of a Metro Ordinance No. 95-625A, adopted in Dec 1995. The Regional Center boundary map was approved by the city as part of the 2013 TSP is consistent with the map shown as a Conceptual boundary on the Title 6 maps.

In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:

1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D

For the last 19 years, Oregon City has been working diligently on assessing, planning and investing in the Regional Center. The city has chosen to weave these goal, policies and improvements into the following documents below. The last step in the process (formally adopting the Regional Center Boundary) has been missing and can be rectified as part of this application process.

Oregon City Comprehensive Plan and Municipal Code Update (2004)
 Oregon City Futures Plan (2004/2006)
 Downtown Community Plan (1999)
 Downtown Oregon City Parking Study (2009)
 Oregon City Urban Renewal Plan (2007)
 Oregon City Transportation System Plan (2013)

Title 7: Housing Choice

Finding: The city, nor the applicant is choosing to pursue an affordable housing program at this time. This section is not applicable.

Title 8: Compliance Procedures

Finding: The city is currently in compliance with the functional plan and has provided notice to Metro for the proposed changes to the comprehensive plan and municipal code.

Title 11: Planning For New Urban Areas

Finding: This is not a new urban area. This section is not applicable.

Title 12: Protection of Residential Neighborhoods

Finding: The site is not part of an existing residential neighborhood. This section does not apply.

Title 13: Nature in Neighborhoods

Finding: No changes to the Natural Resource Overlay District are being proposed as part of this application. This section does not apply.

CHAPTER 12.04 STREETS SIDEWALKS, AND PUBLIC PLACES

12.04.007 Modifications.

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

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

Finding: Two modifications are proposed, for increased sidewalk width and for not requiring street trees in areas that have little to no soil or cannot support the inclusion of planter vaults. The intent of the street design standards is found in OCMC 12.04.175.

Modification to Street Standards

This general development plan application includes two modifications to the street standards contained in OCMC 12.04.180. Because of the unique character of the district, this application requests that the minimum sidewalk width of Main Street through the site, which is classified as a collector street, be increased from 10.5 feet to 16 feet. This is based on an observation by the city that the current 12 foot width of the sidewalks on Main Street frequently results in a congested condition for pedestrians, especially in locations where “sandwich” type sign boards, newspaper boxes, café tables, or other street furniture is present. The additional width will provide a livelier streetscape in the new district that will also have sufficient space for a pedestrian “through zone.” Without this modification, the city would have no basis to compel future development to provide the desired sidewalk width. The city may approve a reduction from this requested sidewalk width for unique conditions, such as to allow for the encroachment of a historic building façade.

Secondly, the geology of the area requires a modification of the typical requirement in OCMC 12.04.180 for street trees to always be planted on both collectors and local streets. A continuous canopy of street trees should be planted if at all feasible. However, the entire Willamette Falls Downtown District is on a basalt shelf that has only a shallow layer of soil—if any—that is a poor environment for growing trees. In some locations, underlying conditions may make installing tree wells and meeting typical street tree impractical. Nevertheless, design guidelines included with the plan will encourage streetscapes to have a lively vegetative presence, in planters above ground or integrated into facing buildings. This modification will apply both to collectors (Main Street) and local streets (3rd, 4th, Water) in the district.

12.04.175 Street design—Generally

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

*B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved...[***]*

Increasing the width of proposed Main Street’s sidewalk through the district was considered “in relation to:... public convenience and safety for all modes of travel.” City of Oregon City planning and engineering staff have observed that the presence of street furniture, sign boards, and other amenities in the sidewalk area reduces the capacity of the sidewalk to accommodate people walking through. A minor increase in width can increase the “through zone” of the sidewalk and create a livelier and more comfortable pedestrian environment, which is an essential component of the planned mixed use area. This has the effect of improving the “proposed use of land to be served by the streets.”

Modifying the requirement for street trees is a necessity given the unique topography and soil conditions of the Willamette Falls District. In this sense, the modification was considered “in relation to:... topographical conditions,” per the statement of intent. “Topographical or other conditions” make matching the pattern of street development that is typical of downtown and other local area streets an unreasonable burden. Despite the modifying the street trees requirement, trees will still be installed if it is practical to do so. If local conditions prevent street trees, the street design will still maintain a lively vegetative presence by using planters or other ways of bringing green into the streetscape.

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

Finding: Complies as Proposed The express purpose of the modification for wider sidewalks is to provide for more efficient movement of pedestrians. The rest of the right of way will be unchanged from existing standards, so this should have no effect on other modes. On balance, therefore the movement of all users will be improved. The exception for street trees in the right of way due to localized soil conditions has no impact on the safety or efficiency of any user.

C. The modification is consistent with an adopted plan; and

Finding: Complies as Proposed The modifications to street standards are still consistent with the city’s TSP, and have virtually no effect on any of the principles espoused in that plan. As a result of this planning process, it is expected that the Oregon City Commission will adopt the findings of the new zone and master plan that contains the modification, thereby making the change consistent with the Willamette Falls District master plan.

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

Finding: Complies as Proposed The proposed modifications are complementary with the street designs in the existing downtown, in that the general dimensions and appearance of the streetscape will be very similar, with only minor changes to improve pedestrian accessways and sidewalks and respond to local soil conditions. The alignment, overall right of way width, continuous storefront pattern, and provision of streetscape amenities are complementary to the surrounding street design.

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

Finding: Complies as Proposed The modification is not requested for constitutional reasons.

CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.020 Applicability.

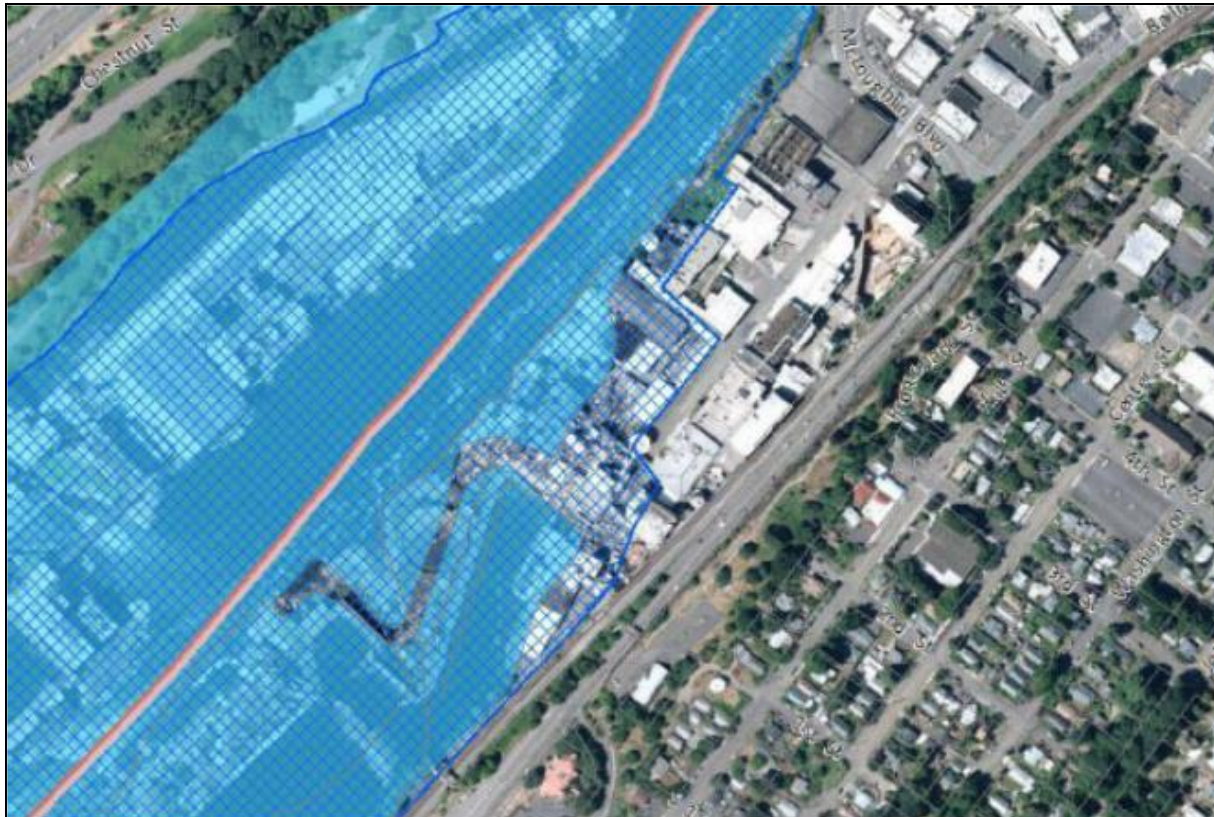
A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to Section 17.42.040 and the area of inundation for the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.
- C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Complies as Proposed 12.5 acres of the Willamette Falls District is within the city-defined flood management area as shown in the map below:



FLOOD MANAGEMENT OVERLAY ZONE.

17.42.080 Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.

C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in Chapter 17.04 (Definitions).

2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Complies as Proposed No specific development projects are proposed as part of this general development plan application. Rather, this application addresses the framework for future development, but does not request permits for work in the flood management area. As such, this chapter continues to apply to the district after the change in zoning and approval of the master plan. As part of the future detailed development plan application, which is required for any development in this district, compliance with the standards of this chapter will be required. Specifically, it is expected that the city will require a hydrologic analysis of the area to be developed that creates a more precise measurement of both the horizontal extent of the floodplain area and the vertical elevation of the floodplain as it relates to existing structures. This study will be dependent on a specific development application.

17.42.160 Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

C. Prohibited Uses.

1. Any use prohibited in the base zone;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

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

E. Construction Standards.

1. Anchoring. ***
2. Construction Materials and Methods. ***
3. Utilities. ***
4. Residential Construction. ***
5. Nonresidential Construction. ***

Finding: Complies as Proposed As stated above, all future development in the Willamette Falls District is subject to the Flood Management Overlay District rules, which include these area standards. All of the uses written into the new Willamette Falls Downtown District designation will be permitted in the flood zone, “subject to compliance with development standards” for flood protection. These include provisions for anchoring, construction materials, utilities, and residential and non-residential construction.

CHAPTER 17.44: GEOLOGIC HAZARD OVERLAY DISTRICT

17.44.025 When required; regulated activities; permit and approval requirements.

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

- A. Installation or construction of an accessory structure greater than 500 square feet in area;
 - B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;
 - C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.
 - D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;
- The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Complies as Proposed As clearly shown on city maps, a large portion of the site is within a Geologic Hazard Overlay District.



GEOLOGIC HAZARD OVERLAY DISTRICT.

Consequently, the regulations within this chapter apply and future development proposals will be required to respond to the standards within it. As with the other overlay zones, the development standards are intended to apply to the specifics of a proposal to develop land, not to general plans such as the first step of a two-step master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.

17.44.050 Development—Application requirements and review procedures and approvals.

Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:
 - 1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and

conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data: ***

2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
3. Comprehensive information about site topography;
4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;

Finding: Complies as Proposed To reiterate, all the protections of this chapter will be in effect when a detailed development plan application is requested. The information required at that time will include a geotechnical study, as listed in this section.

17.44.060 Development standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

17.44.090 Stormwater drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the city's drainage master plan and design standards.

17.44.100 Construction standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.

Finding: Complies as Proposed The above quoted and truncated sections are to indicate that, as stated, all future development must comply with the standards of this chapter. That includes numerous standards related to slope stability, drainage, soil disturbance, vegetation removal, and cut and fill provisions. It also regulates stormwater methods and erosion and sediment control. None of these protections are altered as part of this application.

CHAPTER 17.48 WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT

Future development in the district must meet Willamette River Greenway standards. One of the key elements in this review is a setback separating structures from the river. Separation between buildings and the river, which will be determined at the detailed development plan phase, must “protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway” (OCMC 17.48.080.E)

For all development within 150 feet of the ordinary low water line, there is a Greenway “compatibility review” (17.48.100.A) that will be part of a future detailed development plan application. This compatibility review emphasizes landscaped area between the new activity and the river and public access along the

riverfront. Both of these criteria would be satisfied by a landscaped riverfront access path. Such a path is shown in schematic form on the general master plan drawings.

17.48.070 Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

- A. With respect to recreational uses only: the considerations set forth in section C.3.b of Goal 15.*
- B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C.3.d. of Goal 15.*
- C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C.3.e. of Goal 15.*
- D. With respect to timber resources only: the considerations set forth in section C.3.h. of Goal 15.*
- E. With respect to aggregate extraction only: the considerations set forth in section C.3.i. of Goal 15.*

Finding: Complies as Proposed To the extent that any of the above identified uses are proposed or located on the site, the applicable Goal 15 standards will apply. The greenway overlay does not restrict uses on the property, generally. Rather, uses that are permitted are listed in the underlying zone.

17.48.080 Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

- A. Access. Adequate public access to the Willamette River shall be considered and provided for.*
- B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*
- C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*
- D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.*
- E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.*
- F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

Finding: Complies as Proposed Future development applications will be subject to these development standards. At that time, a review can include the fact that this general development plan proposes a multi-use pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements listed in this plan and be used to satisfy requirements under the Natural Resources Overlay District. The size of the setback and the extent to which development will be “directed away from the Willamette River to the greatest possible degree” in subsections (D) and (E) will be determined at the time a project is proposed, acknowledging the fact that the entire district is committed to urban uses. On balance, staff

finds that the Master Plan meets the intent of the Purpose of this Overlay Zone. Specifically, the master plan calls for a significant addition of direct pedestrian access to Willamette Falls and Willamette River in conjunction with substantial riparian improvements via the future Riverwalk project. The rehabilitation of existing buildings and approval of any new construction within the Greenway Compatibility boundaries will need to comply with the above standards and be seen as supporting the overall goal of the project to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway.

17.48.100 Compatibility review.

A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the “compatibility boundary,” the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.

B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.

1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.

2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.

C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter to defray the costs of publication, investigation and processing.

Finding: Complies as Proposed The compatibility review described in this section will be required at the time of detailed development review. Two elements of this plan, if incorporated, would support a finding of compatibility for a future project. First, “maximum possible landscaped area, open space or vegetation between the activity and the river” could be achieved by riparian enhancements which are identified in this master plan. Riverbank improvements would also help satisfy the requirements of the Natural Resources Overlay District. Second, “necessary public access...to and along the Willamette River” is shown, schematically, on the master plan by way of a multi-use riverfront path that leads from a re-established Water Street and south along the PGE dam to the edge of the falls.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

A. Any main or accessory residential structure exceeding a height of thirty-five feet;

B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;

C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

Finding: Complies as Conditioned Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal. Residential development in mixed use structures is expected to occur at the site. The residential restriction in subsection (A) creates a potential conflict. Residential uses are allowed outright in the proposed Willamette Falls Downtown District; height limits go up to 80 feet. A new or reconstructed building that is predominantly residential (and therefore defined as a “main...residential

structure”) proposed to be taller than 35 feet would be prohibited under current rules. Also, this prohibition/height limitation is a local restriction, and not part of state law. For example, no similar limitation on residential building height in the Greenway exists in West Linn. Many existing buildings on the site currently exceed this height. Buildings in which residential is not the “main” use, and residential buildings shorter than 35 feet, and non-residential development, are not subject to this restriction.

Residential uses and structures are anticipated to be constructed on the site under the master plan, and are therefore allowed under the new zoning code chapter. It is likely that new residential buildings could exceed this 35 foot threshold. Therefore, in order to make way for this potential development outcome, this application proposes a text amendment to the Greenway code (Exhibit 15). The amendment provides an exception to the height limit, only within the Willamette Falls Downtown District, up to the maximum allowed by the zone. Property within this district is different from other Greenway-overlay property in the city, in that any proposal with the new district will be required to go through a process to show consistency with the master plan and the four core values. This process includes compliance with development standards and design guidelines that are outlined in the plan.

Regulatory elements of future reviews that will protect the Willamette River Greenway and the riverfront character of the site, including for residential structures taller than 35 feet, include:

- Design Guideline 1, which includes the following principle: “Views. Take advantage of views toward the river and falls. Step structures down to follow natural change in elevation from the basalt bluffs to water’s edge.”
- Design Guideline 3, “Maintain Downtown Character,” which acknowledges the unique industrial scale and history of the site, but also emphasizes a smooth transition in architecture and urban design between the existing downtown and the new district.

Greenway review standards. 17.48.080(D) directs development away from the river “to the greatest possible degree,” in most cases, and 17.48.080(E) establishes a riparian setbacks that preserve “the natural scenic, historic, and recreational qualities” of the greenway.

- Compatibility review. Projects within 150 feet of the low water line must comply with a compatibility review that requires “maximum possible” landscaped area close to the river, and necessary public access to and along the river.

In combination, these regulatory requirements will protect the principles of the greenway for all buildings at least as well as a blanket restriction on residential building height.

The applicant also supports a future, City-initiated, city-wide review of the Greenway code to help further understand the community’s desire for residential units in urban areas that are also located within the Greenway boundary.

CHAPTER 17.49: NATURAL RESOURCES OVERLAY DISTRICT

As clearly shown on city maps, a large portion of the Willamette Falls District is within the NROD. Consequently, future applications for development at the site will be subject to the requirements of 17.49. The standards for developing buildings or other structures within this overlay are specific to actual development proposals, not concept planning, so review under this chapter will be done at the time a detailed development plan is proposed.

In anticipation of future development, the master plan identifies both the location and type of restoration projects that will improve the natural resource condition of the site. Though degraded by a century of heavy industrial use, natural resources are present on the property and the riparian setting provides tremendous opportunity for restoration. Future development could expose and restore the historical shoreline, increase the circulation in the lagoon and diversify habitat, and establish a vegetated buffer along the riverbank. These actions would dramatically improve the riparian resource values and upgrade habitat for fish, birds, and plant communities. Finally, by designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area. This would have an overall benefit to the site's natural resource functions.

17.49.080 Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the city.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

K. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.

L. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:

- 1. All work is done using hand-held equipment;*
- 2. No existing native vegetation is disturbed or removed; and*
- 3. All work occurs outside of wetlands and the top-of-bank of streams.*

Finding: The most significant element of the NROD regulations as it relates to the Willamette Falls district is the exemption contained in 17.49.080.J, which exempts from NROD permits development "where ground level impervious surface area is not increased." This exemption applies even to "replacement" of existing structures. Virtually the entire area where new development will occur in the Willamette Falls District—where structures and other development will be replaced—is impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved or covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. In the long run the anticipated development of open space on the site (per the framework plan's designation of more than 5 acres of the site for some kind of waterfront or open space use), and the anticipated habitat and shoreline restoration opportunities identified in the master plan will result in a site that has significantly more impervious surface than exists under current conditions.

Nevertheless, healthy habitat is a core value for the site that has been repeatedly expressed by all the partners in the planning of this site, and other regulations will encourage restoration of the natural resource values. The enhancements identified in the master plan are a starting point for the restoration of the site's unique setting and natural resources.

Finally, several other uses identified above could occur at the site and would be exempt from NROD permits: natural resource enhancement projects, routine maintenance and repair, and nuisance abatement. These categories—combined with any development that doesn't increase impervious surface—are likely to cover virtually all potential projects at the site.

17.49.[0]90 Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 190 pursuant to a Type II process:

A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.13

D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160

E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).

F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.

G. Roads, bridges/creek crossings Subject to Section 17.49.150

H. Utility lines subject to Section 17.49.140

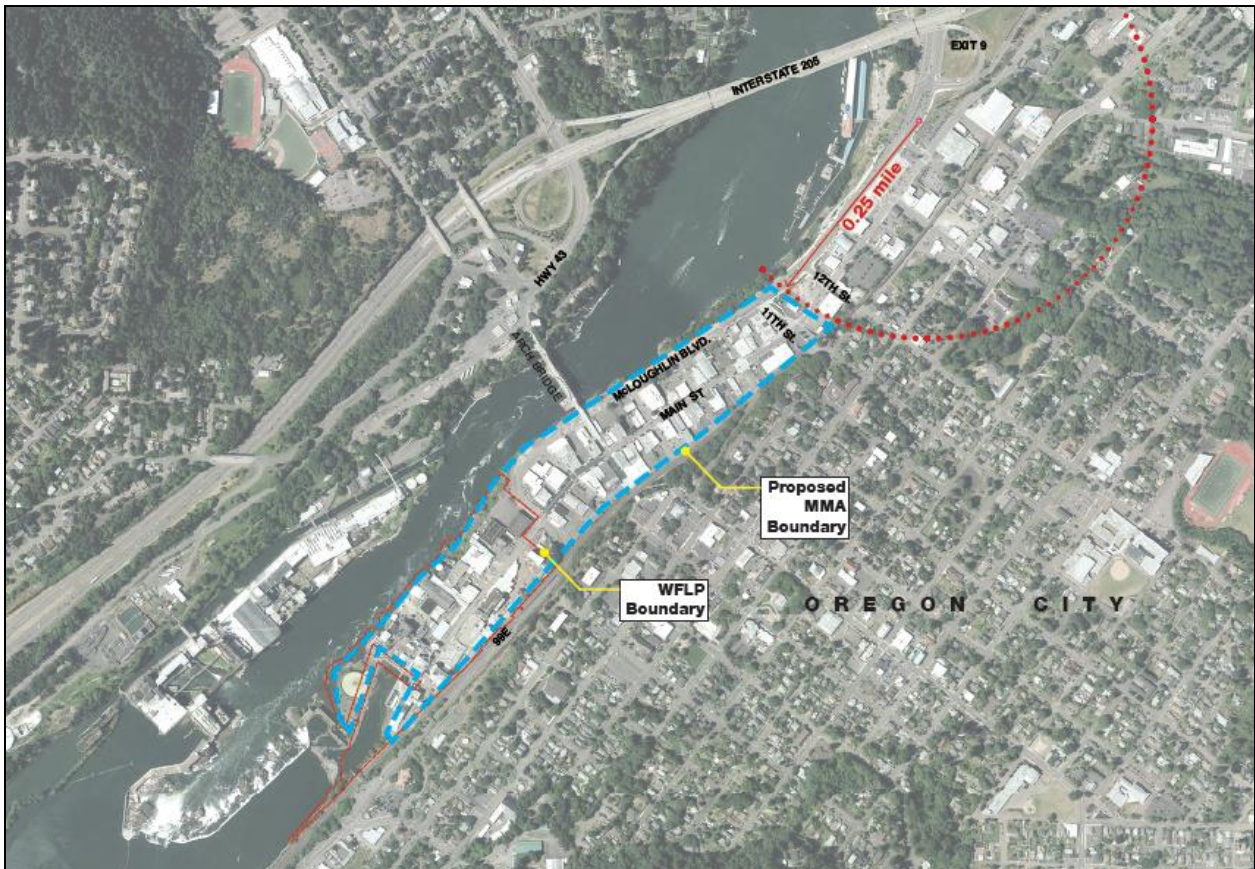
I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155

J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.

K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Finding: In the event that a future development proposal under the master plan cannot show that it is exempt, it would be “allowed under prescribed conditions” and subject to all the standards of this chapter. Because future development actions in the plan are subject to detailed development plan approval under a Type III process, the NROD review would occur concurrent with this process.

MULTI-MODAL MIXED USE AREA (OAR 660-012-0060)



PROPOSED MMA BOUNDARY.

When a city proposes changes to its Comprehensive Plan, state law requires transportation impacts of that change to be analyzed. The Transportation Planning Rule (“TPR”), OAR 660-012-0060, outlines the analysis. The purpose of the TPR is to maintain a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether changes create a “significant impact” on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

However, as of 2012, new TPR regulations allow more leeway for projects that are located in areas designated as “Mixed-use Multi-modal Areas” (“MMA”). Cities can rezone areas for more intensive use without the impact analysis that would typically be required if that area is within an MMA. Specifically, Section 10 of the rule now authorizes a local government to amend local land use provisions without applying the TPR performance standards, if the amendment meets two specified requirements:

1. The amendment must be a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and
2. The amendment must be consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

Because it offers flexibility for future development, this application requests the creation of a new MMA that encompasses the existing downtown area of Oregon City and the newly rezoned Willamette Falls

Downtown District. The city anticipates demand for more mixed-use development in the new Willamette Falls District and the existing downtown, which is already zoned mixed-use.

A key requirement for an MMA is that it be more than ¼ mile from freeway on ramps. The proposed boundary's north edge is at 12th Street, which is farther than ¼ mile from the nearest I-205 ramp. In fact, there are two freeway interchanges near the downtown—one over the river in West Linn, and one north of downtown on Highway 99E—but both are more than ¼ of a mile distance by road from the proposed MMA boundary. At this time, these freeway interchanges have enough transportation capacity, but with additional development, there could be some traffic capacity issues at some intersections in the area. Oregon City wants to strengthen their downtown and provide for additional development and visitors to a newly designated open space along the Willamette River overlooking Willamette Falls. Without the flexibility offered by an MMA, Oregon City is concerned that the old system of mitigating for significant impacts would require major, expensive, impractical upgrades to create more automobile capacity. These upgrades could be more than the applicant, Oregon City, and even ODOT can afford, especially because of the area's unique topography (cliffsides, riverfront, basalt rock) would drive up infrastructure costs.

Oregon City has used the Model Development Code that was jointly developed by the Oregon Department of Transportation and Department of Land Conservation and Development as a reference to create zoning in the existing Mixed Use Downtown District and for the newly created Willamette Falls Downtown District. The existing Municipal Code has been updated and refined over the last nine years to better meet the intent of a multi-modal Regional Center.

The Willamette Falls Downtown (WFD) district is designed to apply within the historic Willamette Falls downtown area, between McLoughlin Boulevard and the Willamette River. This area was formerly an industrial site occupied by the Blue Heron Paper Mill. A mix of open space, retail, high-density residential, office and light industrial uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

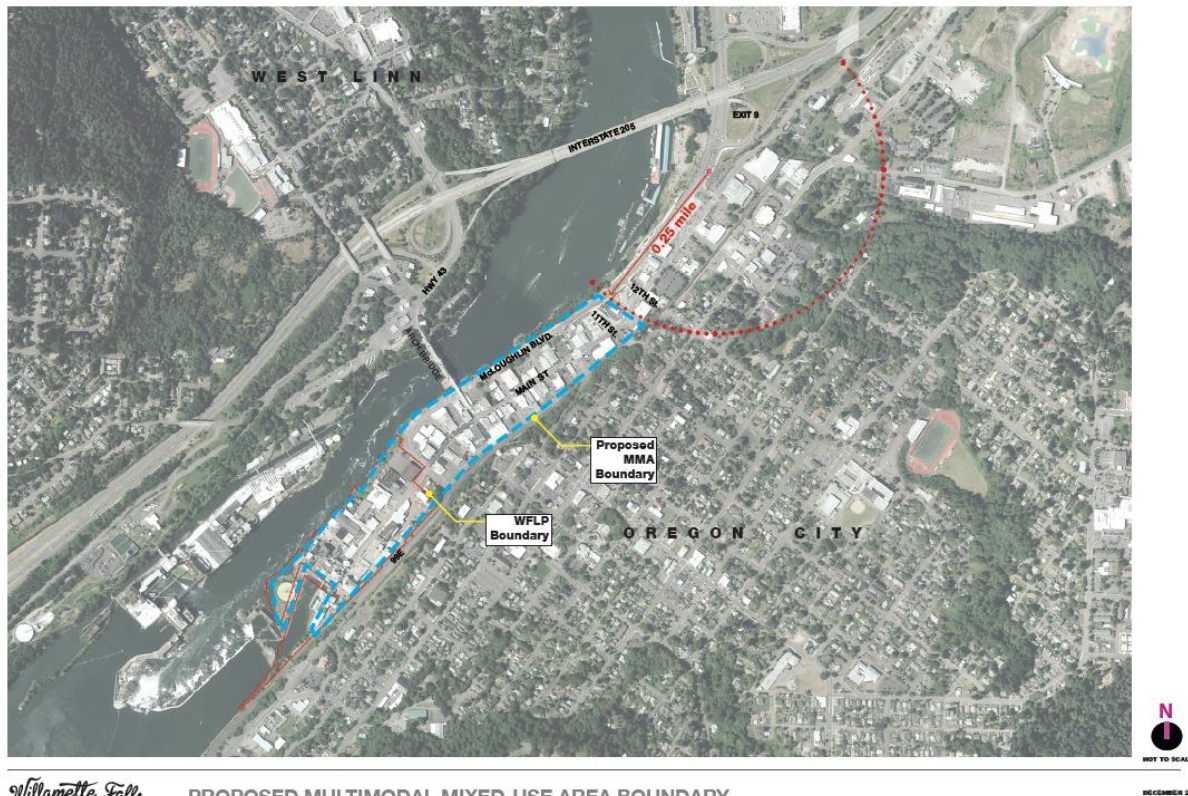
The existing mixed-use downtown (MUD) district applies within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

OAR 660-012-0060 Findings

(10)(b)(A) Requires the MMA to be an area “With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged.”

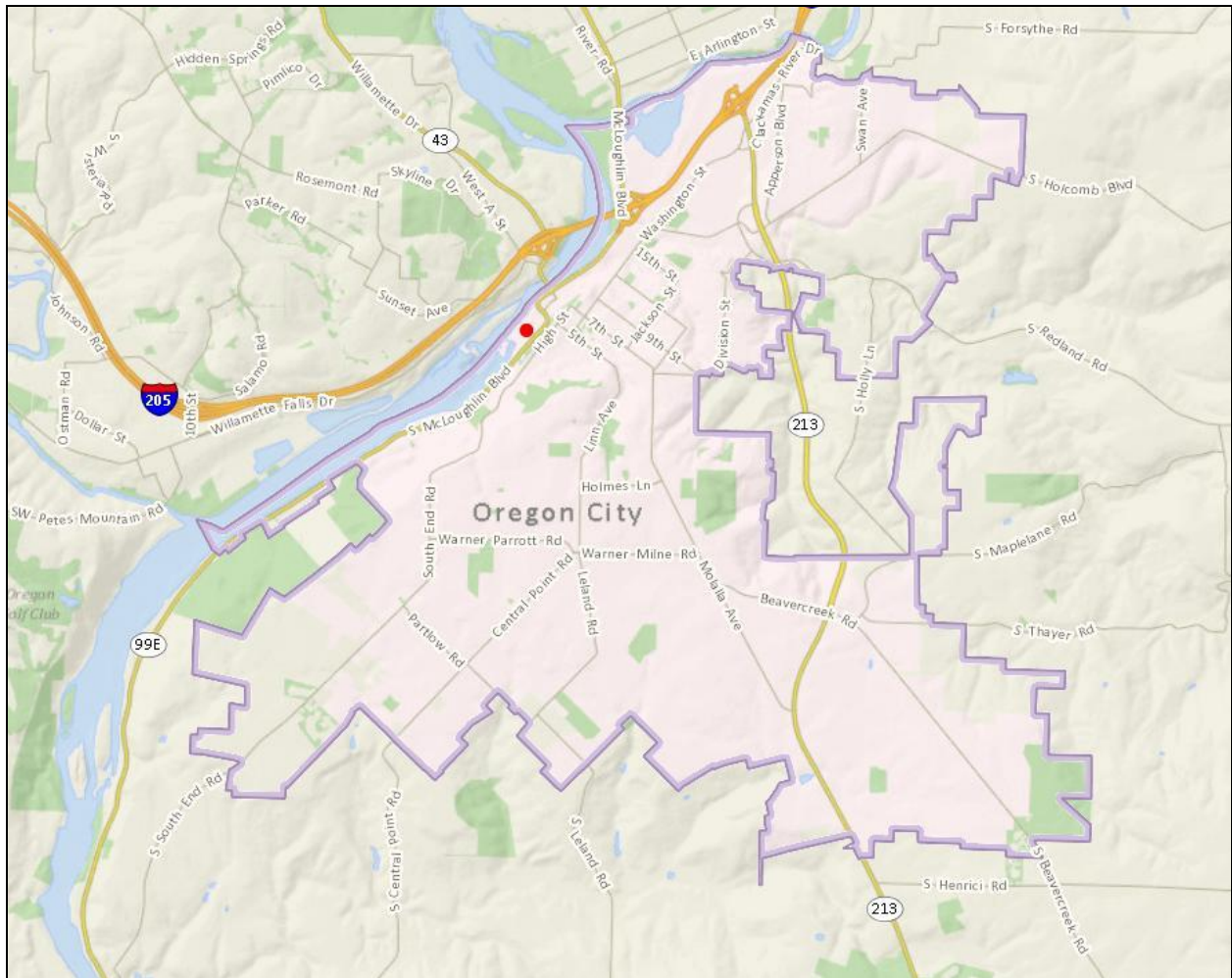
Finding: Complies as Proposed the Map below shows the proposed boundary around the MMA area. The proposed area includes most of downtown Oregon City, including the existing downtown and the new

Willamette Falls Downtown District. The boundary follows 11th Street to the north, Railroad Avenue and 99E to the east, the lagoon to the south, and the Willamette River to the west. Through the adoption and acknowledgement of this proposed MMA boundary in the Oregon City Comprehensive Plan, this requirement can be met.



(10)(b)(B) Requires MMAs to be located “Entirely within an urban growth boundary.”

Finding: Complies as Proposed Downtown Oregon City is entirely within the city’s urban growth boundary. The UGB is shown below in purple. The Willamette Falls Downtown District is identified with a red dot. The MMA area includes the Willamette Falls Downtown District and the existing downtown, just north of the district, both of which are within Oregon City’s UGB.



OREGON CITY URBAN GROWTH BOUNDARY.

(10)(b)(C) Requires MMAs to have “adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule.”

Finding: Complies as Proposed The proposed language for a Willamette Falls Downtown District is included with this application. The zoning district regulations address allowed and prohibited uses, minimum FAR, height, and other development standards. A set of plan policies and design guidelines is also anticipated to be approved with the master plan and will apply to development on the site. These plans will constitute “adopted plans and development regulations” as described in this standard. The existing downtown, which is also part of the proposed MMA, is within the city’s Mixed Use Downtown District (OCMC 17.34). The MUD chapter regulates new development consistent with the uses and characteristics identified. In total, the proposed WFDD and the existing MUD satisfy the requirements of this rule.

(8)(b)(A) Requires MMAs to allow “A concentration of a variety of land uses in a well-defined area, including the following:”

Finding: The MMA is centered on Main Street, south from 11th street, through downtown and into the proposed through the Willamette Falls Downtown District. This area includes a variety of retail, office, and civic uses, with allowances for higher-density residential, craft industrial, and recreational attractions. The

downtown, due to geography and the historic development of the area, is well-defined with denser development than in other areas of Oregon City.

(8)(b)(A)(i) Requires MMAs to allow “Medium to high density residential development (12 or more units per acre).”

Finding: Complies as Proposed Multifamily residential development is allowed in the proposed MMA, both in the existing MUD and proposed WFDD. Within the stated limits on height, there is no restriction on the density of residential units. Ultimately, the number of units on a site and the overall residential density will be dictated by proposed development, but the zone encourages higher densities by incorporating a minimum FAR, expansive height limits, and reduced parking requirements.

(8)(b)(A)(ii) Requires MMAs to allow “Offices or office buildings.”

Finding: Complies as Proposed Office uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(iii) Requires MMAs to allow “Retail stores and services.”

Finding: Complies as Proposed Retail and service uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(vi) Requires MMAs to allow “Restaurants”

Finding: Complies as Proposed Restaurants are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(A)(v) Requires MMAs to allow “Public open space or private open space which is available for public use, such as a park or plaza.”

Finding: Complies as Proposed Public and private open spaces for public use are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District. The new Willamette Falls District master plan designates more than five acres of land for open-space and waterfront uses.

(8)(b)(B) Requires MMAs to “Generally include civic or cultural uses.”

Finding: Complies as Proposed Civic and cultural uses are allowed in the proposed MMA, both in the existing MUD (17.34) and the proposed Willamette Falls Downtown District.

(8)(b)(C) Requires MMAs to allow “A core commercial area where multi-story buildings are permitted.”

Finding: Complies as Proposed The proposed MMA is centered on the existing Main Street core commercial areas, on which there are existing multi-story buildings in a historic downtown center, which includes the Main Street core commercial area. There are existing multi-story buildings on Main Street, both north and south of McLoughlin Boulevard. Building height limits in the existing downtown vary, but go up to 75 feet. The downtown design district height limit is 58 feet. The new Willamette Falls district allows buildings up to 80 feet.

(8)(b)(D) Requires MMAs to have development standards where “buildings and building entrances oriented to streets.”

Finding: Complies as Proposed Any new development in the existing MUD zone must go through site plan and design review (17.62), which requires that all new buildings oriented to streets. OCMC 17.62.055(D)(1) through (3) requires “the front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk,” and “primary building entrances shall be clearly defined and recessed or framed by a sheltering element.” OCMC 17.62.050.A.2 also requires parking areas to be located behind buildings, below buildings, or on one or both sides of buildings.

New development in the proposed WFDD zone is subject to a detailed development review, the second step of a master planned development. This review requires compliance with the same standard in 17.62 for buildings to face streets and de-emphasize parking, per 17.65.060(B)(3).

(8)(b)(E) Requires MMAs to have “street connections and crossings that make the center safe and conveniently accessible from adjacent areas.”

Finding: Complies as Proposed The proposed MMA is located within an historic downtown grid of streets that is either existing or will be re-established on the Willamette Falls property. Accessibility for the existing downtown will not change, and with development of the Willamette Falls area, this adjacent area will re-create a connected downtown street grid, resulting in a safer and greater public access. Existing streets in the downtown area of the MMA have sidewalks on both sides of the street; this condition will be a requirement of development in the new Willamette Falls District. There are crosswalks throughout the MMA and strong pedestrian connections planned from the historic downtown across 99E.

(8)(b)(F) Requires MMAs to have “a network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and onstreet parking.”

Finding: Complies as Proposed The proposed MMA is a series of blocks within a street grid. The proposed MMA is approximately 15 blocks long and two blocks wide. Approximately 90 percent of streets have sidewalks on both sides of the street. Most intersections within the existing downtown are marked, and crossing distances are short. Downtown has a strong, pedestrian oriented streetscape. A map of the proposed MMA showing the local street network is included as an exhibit.

(8)(b)(G) Requires MMAs to have “one or more transit stops (in urban areas with fixed route transit service).”

Finding: Complies as Proposed TriMet serves the proposed MMA with its Line 33 and Line 99 bus service, with multiple stops within the district. The Oregon City Transit Center is within the proposed MMA, 11th Street and Main Street, where multiple bus lines operate. Oregon City’s TSP (2013 update) identifies downtown as a regional transit hub.

(8)(b)(H) Requires regulations within MMAs to “limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.”

Finding: Complies as Proposed Industrial uses are not permitted in the MUD zone district, and only light industrial or craft industrial uses such as brewpubs or apparel studios are allowed in the WFDD zone. These

uses are size-limited. Automotive sales, service, rental and repair are expressly prohibited in both zones, and are drive-through uses require a conditional use permit.

(10)(b)(D) requires MMAs to have “land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking).”

Finding: Complies as Proposed The off-street parking requirement in both the MUD and proposed WFDD zones are unique in Oregon City in that they allow reduction from the city’s existing standard by up to 50 percent. Likewise, there is flexibility within both districts for shared parking between uses, and for sharing parking between the two zoned areas. On street parking in both zones may count toward the minimum standard when it is on the street face abutting the proposed land use. A change in use of an existing building within the Downtown Design District and WFDD zone is exempt from parking review and required parking increases. In this respect the MMA area requires lower levels of off-street parking than required in other areas.

(10)(b)(E) Requires the MMA to be “located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.”

Finding: The proposed MMA is more than ¼ mile from any ramp terminal intersection of the existing I-205 interchange. Subsection (i) is satisfied and this requirement is met.

Chapter 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

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

Finding: Complies as Proposed. The adjacent right-of-way is under the jurisdiction of Oregon City.

12.04.010 Construction specifications – improved streets

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

Finding: Not applicable. No new streets are proposed with this development.

12.04.020 Construction specification – unimproved streets

Finding: Not Applicable. The site does not abut an unimproved street.

12.04.025 Street design – Curb cuts

Finding: Not applicable. The applicant has not proposed to alter a curb cut onsite.

12.04.030 – Maintenance and repair

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

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.031 *Liability for sidewalk injuries*

A. *The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.*

B. *If the city is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty that this ordinance imposes, the person shall compensate the city for the amount of the damages paid. The city may maintain an action in a court of competent jurisdiction to enforce this section.*

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.032 *Required sidewalk repair*

A. *When the public works director determines that repair of a sidewalk is necessary he or she shall issue a notice to the owner of property adjacent to the sidewalk.*

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

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

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

Finding: Not Applicable. The applicant has not proposed and is not required to repair a sidewalk with this development review.

12.04.033 *city may do work*

If repair of the sidewalk is not completed within ninety days after the service of notice, the public works director shall carry out the needed work on the sidewalk. Upon completion of the work, the public works director shall submit an itemized statement of the cost of the work to the finance director. The city may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the public works director for the health, safety and general welfare of the residents of the city.

Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

12.04.034 *Assessment of costs*

Upon receipt of the report, the finance director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

Finding: Not Applicable. The City has not proposed to do sidewalk repairs with this development.

12.04.040 *Streets - Enforcement*

Any person whose duty it is to maintain and repair any sidewalk, as provided by this Chapter, and who fails to do so shall be subject to the enforcement procedures of Chapters 1.16, 1.20 and 1.24. Failure to comply with the provisions of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. The subject site is not under enforcement action at this time.

12.04.045 *Street design – Constrained local streets and/or rights-of-way*

Finding: Not Applicable. No constrained streets are proposed or required.

12.04.050 Retaining walls - Required

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

Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way. Future retaining walls within the right-of-way are subject to compliance with this standard.

12.04.060 Retaining walls- Maintenance

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. The applicant did not propose to install a retaining wall in the public right-of-way.

12.04.070- Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in Section 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

Finding: Not Applicable. The applicant has not proposed and is not required to remove sliding dirt with this application.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

Finding: Not Applicable. The applicant is subject to compliance with OCMC Chapter 12.04.

12.040.095 - Street Design—Curb Cuts.

To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents

Finding: Not Applicable. There is an existing curb cut and no others are anticipated.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the city for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to put the street or alley in as good condition as it was before it was so broken, dug up or disturbed, and shall remove all surplus dirt, rubbish, or other material from the street or alley.

Finding: Applies. The applicant is subject to this standard but no excavations are proposed.

12.04.110 - Excavations—Nuisance—Penalty.

Any excavation in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Not Applicable. The applicant has not proposed an excavation with this development.

12.04.120 - Obstructions—Permit required.

Finding: Not Applicable. The applicant has not proposed an obstruction within the right-of-way.

12.04.130 - Obstructions—Sidewalk sales.

A. *It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.*

B. *The city commission may, in its discretion, designate certain areas of the city to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided.*

Finding: Not Applicable. The applicant has not proposed a sidewalk sale with this development.

12.04.140 - Obstructions—Nuisance—Penalty.

Any act or omission in violation of this Chapter shall be deemed a nuisance. Violation of any provision of this Chapter is subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

Finding: Complies. The applicant is subject to compliance with OCMC Chapter 12.04.

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by city commission resolution shall be paid to the city.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.160 - Street vacations—Restrictions.

The commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. The applicant has not proposed a street or alley vacation with this application.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this Chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for development, the city engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction. **Finding Complies as**

Conditioned. As part of the conditioned of approval, the applicant will be required to submitted infrastructure phasing plan at the time of the First Type III detailed development plan.

12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

A. *Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*

B. *Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.*

Finding Complies as Conditioned. As part of the conditioned of approval, the applicant will be required to submitted infrastructure phasing plan at the time of the First Type III detailed development plan.

12.04.180 - Street design—Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. *Complying with the street design standards contained in the table provided in Chapter 12.04. The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.*

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

B. *The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.*

Finding: Complies as Proposed. The applicant has not proposed to alter the right-of-way with this application. The additional 4 feet requested in the modified sidewalks for Main Street can fit within the maximum ROW. Findings for the request can be found in the modification request and the conditions relating to street phasing plan.

12.04.185 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the city as a city controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

B. The city may grant a permit for the adjoining owner to access through the access control.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

A. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Complies as Proposed. The applicant has not proposed and is not required to alter the access with this development application.

12.04.190 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

A. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

Finding: Not Applicable. The applicant has not proposed a street alignment with this application.

12.04.195 - Minimum street intersection spacing standards.

Finding: Not Applicable. The applicant has not proposed and is not required to install a new intersection with this development.

12.04.200 - Street design—Constrained local streets and/or rights-of-way.

Finding: Not Applicable. The development proposal does not include a constrained street.

12.04.205 - Intersection level of service standards.

When reviewing new developments, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed development. The minimum acceptable LOS standards are as follows:

A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.

B. For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.

C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.

Finding: Complies as Conditioned. The applicant has requested approval of a Mixed Use Multi-Modal area that limits transportation mitigation for projects located within the boundary be limited to safety improvements and supersede these requirements. Conditions of approval and findings for these improvement may be found in OCMC 17.65.050.A.1.h in the report.

12.04.210 - Street design—Intersection angles.

Finding: Not Applicable. The applicant has not proposed and is not required to redesign an intersection.

12.04.215 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the city's applicable planned minimum design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: : Complies as Conditioned. The applicant has requested approval of a Mixed Use Multi-Modal area that limits transportation mitigation for projects located within the boundary be limited to safety improvements and supersede these requirements. Conditions of approval and findings for these improvement may be found in OCMC 17.65.050.A.1.h in the report.

12.04.220 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control as described in [Section] 12.04.200 may be required to preserve the objectives of half streets.

Finding: Complies as Conditioned .

12.04.225 - Street design—Cul-de-sacs and dead-end streets.

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.230 - Street design—Street names.

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.235 - Street design—Grades and curves.

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

Finding: Not Applicable. A new street is not proposed or constructed with this application .

12.04.240 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Not Applicable. The abutting portion of 99E is designated as a Major arterial in the Oregon City Transportation System Plan, but the applicant has not proposed a new building or exterior alterations to existing buildings and thus this standard is not applicable.

12.04.245 - Street design—Pedestrian and bicycle safety.

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

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

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.255 - Street design—Alleys.

Finding: Not Applicable. The applicant has not proposed to install a new alley with this application.

12.04.260 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Not Applicable. The applicant has not proposed and is not required to install transit improvements for this application .

12.04.265 - Street design—Planter strips.

All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within 10 feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

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

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this Chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this Chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this Chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Not Applicable. A new street is not proposed or constructed with this application

12.08.015 Street tree planting and maintenance requirements.

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

Finding: Not Applicable A new street is not proposed or constructed with this application

Chapter 17.58 – NONCONFORMING USES, STRUCTURES AND LOTS

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

Findings: Applicable. Much of the subject site was constructed before the adoption of this zoning code and does not meet a variety of criteria including design, landscaping, etc. The proposed development to the nonconforming site requires compliance with OCMC 17.58.040.C.2.

17.58.040.C.2.a *Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the Community Development Director, is more than \$75,000. The following alterations and improvements shall not be included in the threshold calculation:*

- (1) *Proposed alterations to meet approved fire and life safety agreements;*
- (2) *Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;*
- (3) *Alterations required to meet Seismic Design Requirements; and*
- (4) *Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.*

Findings: Complies. The master plan proposes a plan that will, as development occurs, mitigate and implement site upgrades for any non-confirming structures that pursue rehabilitation.

17.58.040.C.2. *An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*
b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

- 1. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;*
 - 2. Minimum perimeter parking lot landscaping;*
 - 3. Minimum interior parking lot landscaping;*
 - 4. Minimum site landscaping requirements;*
 - 5. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with Chapter 17.52—Off-Street Parking and Loading;*
 - 6. Screening; and*
 - 7. Paving of surface parking and exterior storage and display areas.*
- c. Area of required improvements.*

1. Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.

Findings: Complies as Proposed. Complies. The master plan proposes a plan that will, as development occurs, mitigate and implement sire upgrades for any non-confirming structures that pursue rehabilitation.

17.58.040.C.d *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*

Findings: Not applicable. No development application is being proposed as part of this applications

CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff recommends the Planning Commission recommend approval of Planning files Master Plan: CP 14-02, Zone Change and Text Amendment: ZC 14-03, Comprehensive Plan Map Amendment and amendments to ancillary documents of the Comprehensive Plan: PZ 14-01, and creation of a Multi-modal Mixed Use Area (MMA) with the Conditions listed below.

EXHIBITS:

1. Vicinity Map
2. Land Use Application Form
3. Narrative
4. Maps and Drawings
5. Appendix A: Transportation Report
6. Appendix A: Transportation Report Attachments
7. Appendix B: Utilities Memo
8. Appendix C: Historic Resources Matrix
9. Appendix D: SHPO Eligibility
10. Appendix E: Environmental Assessment
11. Appendix F: MMA Exhibits
12. Appendix G: Public Engagement Summary
13. Archaeology Report
14. Public Notice
15. Amendment to the Willamette River Greenway
16. New Willamette Falls Downtown District Zone
17. Proposed Plan Guidelines (excerpt of Master Plan Narrative)
18. Proposed Amendments to Ancillary Document to the Comprehensive Plan
 - a. Transportation System Plan
 - b. Parks Master Plan
19. Engineering Policy 00-01 (onfile)
20. Public Comments
21. Draft ODOT- Oregon City IGA- Transportation Improvement (*will be submitted at the September 15, 2014 PC Hearing*)
22. March 26, 2014 Memo from Carrie Richter- Willamette Legacy Project Master Plan Review Process.
23. Public Works Memo
24. Traffic Analysis Memo-Replinger and Associates August 27, 2014
25. ORS Fact Sheet - Protection of Publicly Owned Properties
26. Citizen Guide to sec 106
27. Rediscover the Falls video link
28. Vision Report link
29. Site Stabilization and Building Assessment Report link

Recommended Conditions of Approval

CP 14-02, ZC 14-03, and PZ 14-01

1. Unless further amended and extended by the Planning Commission, this Master Plan shall control development on the site for 20 years from the date of initial adoption.
2. Unless further amended in a refined Master Plan, detailed development plans within the Willamette Falls Downtown District will be processed as a Type III Land Use Review that is heard before the Oregon City Planning Commission. However, projects that meet Minor Site Plan and Design Review thresholds (OCMC 17.62.035) shall be processed as a Type II review. These projects will still be subject to the standards and conditions of the general development plan approval.
3. For all projects requiring for Type III review, the ability to comply with district design guidelines will be assessed by a Design Evaluation Board, a special city-assigned body that will provide broader feedback into the process. The Design Evaluation Board will make its recommendation to the Planning Commission through city staff. This condition may also be met through the addition of adhoc Planning Commission members that can demonstrate specialized Urban Design backgrounds to provide additional expertise to the Planning Commission.
4. As the site is located within the newly created Mixed Use Multi-Model area, all future development will be reviewed for impacts to safety in this area and not be subject review of the development on the capacity of the system.
5. The following are listed in the Master Plan as Structures Identified for Retention and Reuse.
 - a. Mill O
 - b. Hawley Building
 - c. DeInk/Mill B
 - d. No. 4 Paper Machine
 - e. Woolen Mill Foundations
6. The following are listed in the Master Plan as Secondary Elements Identified For Full or Partial Retention.
 - a. Oregon City Flour Mill Foundation
 - b. Digesters
 - c. Horton Sphere
 - d. Boilers
 - e. No.1 Paper Machine
7. Removal of structures or elements not identified for retention will be processed as a Type I Land Use action provided all applicable conditions of approval from the master plan have been met.
8. Substantial alterations or request for demolitions either to Structures Identified for Retention and Reuse or Secondary Elements Identified For Full or Partial Retention shall be processed as a Type III Land Use action.
9. Prior to the demolition of any structures identified as potential eligible for listing on the National Register, the applicant, shall submit site plans and documentation photos of the interior and exterior of the buildings that adhere to the Section 106 documentation process.
10. If the applicant is proposing site cleanup, demolition, or new construction that will include the disturbance of native soils, or has a high likelihood of containing archeological evidence, as confirmed by the State Historic Preservation Office, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action, and as recommended by SHPO, could include archeological monitoring during times of site disturbance.

11. The applicant shall obtain an Oregon City Erosion Control Permit, if applicable, for all site clean-up, demolition or interim parking uses and verify that the proposed work is consistent or can be made consistent with the DEQ interim stormwater plan.
12. Tennant improvements of existing habitable space is allowed and does not require any further land use review unless the applicant proposes exterior alterations that trigger a Type II or Type III detailed development plan.

13. Amend Policy 4 as proposed to ensure interpretive elements be included in all development proposals,

Guideline 4. Re-Use, Rehabilitate, ~~and~~ Restore and Interpret Buildings and Structures

Principles:

Key structures. Preservation or rehabilitation of key structures should be a priority in the design of new buildings and open space. Highest value is placed on the following structures: De-Ink Building, #4 Paper Machine, Mill O, Hawley Building, and the Woolen Mill Foundation. If any these key structures must be removed, the applicant must document the specific reason for doing so, and propose mitigation to compensate for the loss of site character.

Other structures. Incorporate remnants, key features or other significant portions of existing structures into project design. The district's 150-year history as a mill site (flour, wool, paper) and a manufacturing center should be celebrated and recognized when new buildings and uses are established.

Archaeology. Incorporate pre-colonial history of the site into new development where appropriate. Monitor archeology when disturbance of native soil is proposed.

Interpretation. Weave interpretive elements throughout the site to provide multiple and diverse opportunities to learn and reflect on the site's history.

14. The applicant has proposed a Master Plan that includes a conceptual amount of open/public space in blocks 3 and 4. In order to ensure that the open/public space is implemented in conjunction with overall development and not left to a final phase, the applicant shall show construction of an open/public space area that is a minimum 40,000 square feet and consists of both active and passive uses with prominent views of the falls at the time of completion of the first 400,000 square feet of new habitable space. As part of the detailed development review for this open space, the applicant shall submit a long term maintenance and operation plan to ensure the open/public space can be maintained. This plan anticipates the use of both private and public contributions.
15. The applicant has proposed a Master Plan that includes the Riverwalk along the Willamette River. In order to ensure that the Riverwalk is provided, either independently or in conjunction with overall development and not left to a final phase, the applicant shall design and construct all or some roughly proportional portion of the Riverwalk no later than the time of completion of the first 300,000 square feet of new habitable space. As part of the detailed development review that includes design for the Riverwalk, the applicant shall submit a long term maintenance and operation plan explaining how the Riverwalk will be maintained. This plan anticipates the use of both private and public contributions.
16. The applicant has requested, for ease of long term implementation, to follow the development code in affect at the time of each development application.
17. Main Street is a "collector" street and future development of this street will comply with the modified sidewalk standard for this Master Plan for minimum 16 foot sidewalks. This dimension could be reduced for a specific development application to accommodate a special condition such as to protect the façade of an existing historic building or support general adaptive reuse proposals of existing buildings.

18. Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:
 - a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.
 - b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
 - c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.
19. Oregon City will assure design and construction of the three projects as follows:
 - a. A \$1,940,000 project to replace the tunnel's illumination system in the 2017-18 timeframe is included in the draft ODOT STIP. ODOT will design and construct project "a" with this illumination project. Should the \$1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to \$500,000 to cost of the project, which will include up to \$250,000 contribution by the applicant.
 - b. Design of and right of way acquisition for Project "b" will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
 - c. Project "c" will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction adjacent to Water Avenue.
 - ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework i
 - ii. Master Plan Once development on the site has surpassed 140 peak hour trips.
20. If after the three safety mitigation projects identified in condition 18 & 19 are constructed, Oregon City or ODOT determines, as part of a detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to \$60,000 (2014 dollars) for the cost of a multimodal safety audit in cooperation with Oregon City and ODOT. Identified safety projects may be required to be implemented after the development has exceed 700 peak hour trips.
21. Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Master Plan area that would result in the total estimated peak hour trips generated from the area to exceed 700. If at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures or upon ODOT agreement on other countermeasures not provided in association with proposed development.
22. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the first evidentiary hearing.
23. The Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.

24. For any development that creates over 20,000 square feet of new habitable space, or requests approval of the Riverwalk, the applicant will be required to submit a transportation demand management program that addresses the existing conditions and proposes transportation demand programs that proportionally mitigate the impact of the proposed development to the site and abutting downtown.
25. Within six (6) months from the date of the land use approval for CP 14-02 Master Plan, the applicant shall develop, finalize and submit to the City an interim water utility plan for the private onsite water system. The private system currently provides both domestic water service and fire flow protection to the entire site. This condition shall be satisfied prior of the submission of a detailed development plan. The interim water utility plan shall include:
- a. Detailed operational and maintenance plan for the private water system during the interim period.
 - b. Water System Pipe Schematic showing the private system schematically that will be operation during the interim period, including from the City's metered connection to the ends of the operational pipe segments, primary isolation valves, fire hydrants, sprinkler systems and other notable appurtenances.
 - c. Collaboration with the City's Public Works Operations and Engineering staff regarding the interim operations and maintenance of the private water system.
 - d. Collaboration with Clackamas Fire District #1's (CCFD#1) to determine the minimum fire flow requirements for the existing buildings onsite and how the private system will comply with the requirements.
 - e. Concurrence from the City and CCFD#1 on the final interim water utility plan.
26. The Master Plan includes a new pedestrian bridge connecting the Promenade over 99E to the site. The project is proposed to be included in the Oregon City TSP project list as part of this application. Currently, there are no development triggers for this project, which is assumed to be primarily a publically supported project. However, future development applications will need to plan for its location. Completion of and payment towards the project may be used to meet transportation demand management requirements of the Master Plan.
27. By September 30, 2015, the applicant shall rectify the stormwater issue at the referenced manhole at Main St/3rd St intersection and separate the storm system from the sanitary sewer system. The resolution shall include collaboration and coordination with ODOT to determine what improvements are necessary for the separation of systems, City and ODOT approval of the plan, and implementation. This condition shall be satisfied prior of the submission of a detailed development plan.
28. Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.
29. A utilities/infrastructure phasing plan which will be required at the time of the first development application of new habitable space over 1,000 square feet or approval of the Riverwalk. If the Riverwalk development application is the first submittal, the phasing plan for the Riverwalk shall be limited to the boundary of the Riverwalk project. The following submittal requirements shall be included in future development application unless amended or waived by the Planning Commission:
- a. *Stormwater Management*
 - i. Compliance with City Standards including Public Works Utility Standards
 - ii. New stormwater facilities that provide for collection and treatment prior to discharge.
 - iii. Consideration of alternative treatment methods such as low impact development due to the nature of the site (bedrock at or near the existing ground surface).

- iv. Evaluation of existing stormwater system along frontage of site and determination of what improvements are needed to fix any deficiencies found.
- v. Phasing plan as applicable and meeting the needs for phased redevelopment of the site.

b. Sanitary Sewer

- i. Compliance with City Standards including Public Works Utility Standards
- ii. Capacity evaluation of existing sanitary sewer collection system using City's approved hydrologic/hydraulic model due to the proposed wastewater flow contribution from the entire development, including consideration of the TDS surcharged interceptor sewers predicted in the 2014 SSMP and potential need for backflow protection improvements due to negative impacts from TCSD surcharged system.
- iii. Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

c. Water

- i. Compliance with Clackamas Fire District #1's (CCFD#1) and Uniform Fire Code requirements for the site's maximum fire flow based on the overall site development plan and any other conditions of approval as applicable.
- ii. A looped system providing two sources of supply with consideration of one source being located at the southern end of the site about where the existing pedestrian bridge crosses over Hwy 99E and the railroad tracks. This existing bridge is planned to be replaced sometime in the future with a new pedestrian bridge and consideration should be made for making the new bridge dual purpose and incorporate public utility crossings such as a new water pipeline.
- iii. Evaluation of the existing water distribution system using City's approved hydraulic network model to determine what new water system improvements are needed to provide adequate service pressures during normal operating conditions, fire flows as required by CCFD#1, and PRV station operational parameters based on the redevelopment needs of the site. Note: The existing PRV operational parameters may not work for the proposed redevelopment and be required to change.
- iv. Evaluation to determine if the City's designated "Paper Mill" pressure zone can be rezoned and made part of the "Lower" pressure zone and whether the PRV station at 5th/Main St is needed with the overall redevelopment plan.
- v. Phasing plan for new water improvements, including consideration of when existing water facilities will be abandoned, removed and/or replaced, how fire protection will be provided to existing buildings that are remaining in place during that development phase, how the new system will operate during that development phase if there are old water facilities still needed to be operational, replacing and/or upgrading PRV stations, installation of new public water mains, fire hydrants and metered services located within future public streets meeting separation standards from other utilities as applicable
- vi. Consideration of completely abandoning the private system with the first phase development and what new water improvements are needed to accomplish this.

d. Streets

- i. Compliance with City Standards including Public Works Utility Standards, unless further amended or waived by the Public Works Director.
- ii. Consideration of design exceptions and alternative streetscape elements if the site conditions (bedrock at or near the existing ground surface, existing buildings) do not allow for City Standards to be met or the proposed alternative can meet or exceed purpose of Master Plan and be acceptable to the Public Works Director .
- iii. Phasing plan as applicable for phased redevelopment of the site.

framework plan



Oregon City Municipal Code

Chapter 17.06 Zoning District Classifications

17.06.010 General provisions.

Except as hereinafter provided:

- A. No building or structure shall be erected, structurally altered, enlarged or moved, nor shall any building, structure or land be used or designated to be used for any use other than is permitted in the district in which such building, structure or land is located, and then only after applying for and securing all permits and licenses required by law and this code.
- B. No building or structure shall be erected, enlarged or structurally altered to exceed the height limit established for the district in which the building or structure is located.
- C. No building or structure shall be erected, enlarged or moved on a lot unless the building or structure and also the lot conform to the area regulations of the district in which the building or structure is located, except as provided in this title.
 - 1. No parcel of land on record at the time of the adoption of this title shall hereafter be reduced in any manner below the minimum lot area, size or dimensions required by this title.
 - 2. No lot area shall be so reduced or diminished that the off-street parking area, the yard, open space or total lot area be made smaller than required by this title, nor shall the lot area per family be reduced in any manner except in conformity to the regulations of this title.
 - 3. No yard or landscaped area now provided for any building or structure or hereafter provided in conformance with the regulations of this title shall be considered as any part of a yard, or landscaped area for any other building or structure.
 - 4. No required yard shall include any land dedicated, reserved or set aside for street purposes, except as provided in this title.
- D. Each lot or building site must abut a public street and have a minimum frontage of forty-five feet on a street or thirty feet on a cul-de-sac and meet all other requirements of lot size. An existing lot of record which does not meet the minimum frontage requirement may not be built upon unless adequate frontage for vehicular access is provided. (Prior code §11-2-1)

17.06.020 Classification of zoning districts.

For the purpose of this title and to carry out these regulations, the city is divided into districts, known as:

- R-10 single-family dwelling district
- R-8 single-family dwelling district
- R-6 single-family dwelling district
- RD4-MDP Manufactured Dwelling Park
- R-3.5 dwelling district
- R-2 multi-family dwelling district
- LO limited office district
- NC neighborhood commercial district
- HC historic commercial district
- C general commercial district
- GI General Industrial
- CI Campus Industrial
- MUC-1 Mixed Use Corridor

MUC-2 Mixed Use Corridor
MUE Mixed Use Employment
MUD Mixed Use Downtown
Willamette Falls Downtown District
I Institutional District

In addition to the foregoing districts, special overlay districts shall be known as:

H historic overlay district
FP floodplain overlay district
US unstable soils and hillside constraint overlay district
P park acquisition overlay district
WRG Willamette River greenway overlay district
WR water resources overlay district

(Ord. 94-1001 §1, 1994; Ord. 93-1008 §1, 1993; Ord. 92-1024 §1, 1992; prior code §11-2-2)

17.06.030 Official zoning map.

The foregoing districts and their boundaries are shown on a map entitled "official zoning map" on file in the office of the city recorder. This map and all designations and information shown thereon are made a part of this title, as if the map, designation and information were fully described herein. In addition, special maps shall indicate the overlay districts and their boundaries. (Prior code §11-2-3)

17.06.040 Boundaries of zoning districts.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the official zoning map, the following uses shall apply:

- A. When the boundaries of the districts designated on the official zoning map are approximately streets or alleys, the certain lines of the streets and alleys shall be construed to be the boundaries of such districts.
- B. Where the boundaries of the districts designated on the official zoning map are approximately lot lines, the lot lines shall be construed to be the boundaries of the districts.
- C. In subdivided property, the district boundary lines of the official zoning map shall be determined by use of the scale contained on the map. (Prior code §11-2-4)

17.06.050 Zoning of annexed areas.

All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050 CITY LAND USE CLASSIFICATIONS	
Residential Plan Classification	City Zone
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, RD4-MDP

High-density residential	R-2
Commercial Plan Classification	City Zone
General commercial	C
Mixed Use Downtown	MUD, <u>WFDD</u>
Mixed Use Corridor	MUC I, MUC 2, LO, NC, HC
Mixed Use Employment	MUE
Industrial Plan Classification	City Zone
Industrial	CI, GI

- A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of Section 17.68.025) for those instances in which more than one zoning designation carries out a city plan classification.
- B. Lands within the urban growth boundary and designated low-density residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (infill of individual lots and subdivisions). In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the Community Development Director, Section 17.68.025 shall control. The decision in these cases shall be a ministerial decision of the planning manager made without notice or any opportunity for a hearing. (Ord. 00-1003 §5, 2000; Ord. 94-1014 §1, 1994; Ord. 92-1024 §2, 1992; prior code §11-2-5)

17.06.060 Street and alley vacations.

Whenever any street, alley or public way is vacated by official action, the zoning districts adjoining the side of such public way shall automatically be extended to the side or sides to which such lands revert, to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. (Prior code §11-2-6)

17.06.070 Requirements table.

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

OREGON CITY STANDARDS

Residential

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA

Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

*See district description for further information

Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft)*	3 Stories (45 ft)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 – 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear Yard Setback	10 ft.	0 - 30 ft.*	0 – 33ft.*	0 – 10 ft.*	0 – 20 ft.*

*See district description for further information

Standard	MUE	MUD	MUD – Design District	<u>WFDD</u>	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	<u>80 feet</u>	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	A. <u>Two entire stories and 25 feet, except for:</u> 1. <u>accessory structures or buildings under 1,000 square feet, and</u> 2. <u>buildings to serve open space or public assembly uses.</u>	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	<u>Building and Parking Lot – 100%</u>	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	<u>10*</u>	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	<u>10*</u>	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	<u>10*</u>	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	<u>10*</u>	25ft.*	25ft. / 100 ft*

Employment, Downtown and Industrial

*See district description for further information

17.35 Willamette Falls Downtown District

17.35.010 Designated.

The Willamette Falls Downtown (WFD) district applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the District will encourage pedestrian and transit activity. This district includes a Downtown Design overlay for the historic downtown area. Design guidelines for this sub-district require storefront façades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed 40,000 square feet (a freestanding building over 40,000 square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed 60,000 square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;

- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units – multi-family;
- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060;
- 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. Religious institutions;
- Y. Live/work units; including an individual residential unit in association with a permitted use
- Z. Water-dependent uses, such as boat docks.
- AA. Passenger terminals (water, auto, bus, train).
- BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

17.35.030 Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Emergency services;
- B. Hospitals;
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
- D. Parking structures and lots not in conjunction with a primary use;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding 40,000 square feet;

F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;

G. Industrial uses ~~limited to the~~including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed 60,000 square feet;

F.H.

G. Public utilities and services such as pump stations and sub-stations;

H.I. Stadiums and arenas;

17.35.050 Temporary uses.

Temporary activities are short term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II Land Use action.

The following uses are may be allowed in the district on a temporary basis, subject to permit approval.

A. Outdoor storage or warehousing not accessory to a use allowed in 17.35.020 or 030.

B. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.

General Regulations for temporary uses.

- A. The temporary use permit is good for one year and can be renewed for a total of three years.
- B. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.
- C. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.040 Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels;
- B. Outdoor sales or storage that is not accessory to a retail use allowed in 17.35.020 or 030.
- C. Self-service storage;
- D. Distributing, wholesaling and warehousing not in association with a permitted use ;
- E. Single-Family and two-family residential units;
- F. Motor vehicle and recreational vehicle repair/service;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment)

17.35.070 Willamette Falls Downtown District dimensional standards

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and 25 feet, except for:
 - 1. accessory structures or buildings under 1,000 square feet, and
 - 2. buildings to serve open space or public assembly uses.
- D. Maximum building height: 80 feet.
- E. Minimum required setbacks: None.
- F. Maximum Allowed Setbacks. 10 feet, provided site plan and design review requirements are met.
- G. Maximum site coverage: 100 percent.
- H. Minimum Landscape Requirement: None for buildings. Landscaping for parking areas required per 17.52.

- I. Street standards: per Section 12.04, except where modified by a master plan.
- J. Parking: per Section 17.52, Off Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

DRAFT

Oregon City Municipal Code

Chapter 17.48 WRG Willamette River Greenway Overlay District

17.48.010 Designated.

This chapter shall apply to all development, changes of use or intensification of use in that area designated WRG Willamette River Greenway on a special city zoning map.

17.48.020 Purpose.

The purpose of this chapter is to:

- A. Protect, conserve, enhance and maintain the natural scenic, historical, agricultural, economic and recreational qualities of land along the Willamette River;
- B. Maintain the integrity of the Willamette River by minimizing erosion, promoting bank stability and maintaining and enhancing water quality and fish and wildlife habitats;
- C. Implement the Willamette River Greenway goal and the Willamette River Greenway portions of the city comprehensive plan.

17.48.040 Uses allowed.

All uses permitted pursuant to the provisions of the underlying zoning district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use shall be subject, in addition to the provisions of the underlying district, to the provisions of this chapter.

17.48.050 Permit required--Exceptions.

A Willamette River Greenway permit shall be required for all developments and changes or intensification of uses, except the following:

- A. The propagation of timber or the cutting of timber for public safety or personal use, except the cutting of timber along the natural vegetative fringe along the river;
- B. Gravel removal from the bed of the Willamette River when conducted under a permit from the state;
- C. Customary dredging and channel maintenance;
- D. Placing by a public agency of signs, markers, aids and similar structures to serve the public;
- E. Activities to protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public lands;
- F. Acquisition and maintenance of scenic easements by the Oregon Department of Transportation;
- G. Partial harvesting of timber shall be permitted beyond the natural vegetative fringe and those areas not covered by a scenic easement and when the harvest is consistent with an approved plan under the Oregon Forest Practices Act. Commercial forest activities and harvesting practices providing for vegetative buffers, shading, soil stabilization, and water filtering effects required under the Oregon Forest Practices Act;
- H. The use of a small cluster of logs for erosion control;
- I. The expansion of capacity or the replacement of existing communication or energy

- distribution and transmission systems, except utility substations;
- J. The maintenance and repair of existing flood control facilities;
- K. Uses lawfully existing on the effective date of the provisions codified in this chapter; provided, however, that any change or intensification of use or new development shall require a Willamette River Greenway permit.

17.48.060 Administrative procedure.

Except as specifically provided for in Section 17.48.090, the procedure for action on a Willamette River Greenway permit shall be as provided for under the administrative action provisions in Chapter 17.50. In addition to those provisions, however, notice of a pending Willamette River Greenway permit under Sections 17.48.070 through 17.48.090 or of a compatibility review hearing under Section 17.48.100, shall be given to all persons requesting the same and paying a reasonable fee therefore, as determined by the Community Development Director.

17.48.070 Development standards--Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

- A. With respect to recreational uses only: the considerations set forth in section C(3)(b) of Goal 15.
- B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: the considerations set forth in section C(3)(d) of Goal 15.
- C. With respect to those scenic qualities and views identified in the city comprehensive plan only: the considerations set forth in section C(3)(e) of Goal 15.
- D. With respect to timber resources only: the considerations set forth in section C(3)(h) of Goal 15.
- E. With respect to aggregate extraction only: the considerations set forth in section C(3)(i) of Goal 15.

17.48.080 Development standards--General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

- A. Access. Adequate public access to the Willamette River shall be considered and provided for.
- B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.
- C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.
- D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.
- E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect,

maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.

- F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.

17.48.090 Procedure.

The planning director shall make findings, and may impose reasonable conditions to carry out this chapter, regarding all general, and any applicable specific, considerations of this section. The Community Development Director shall then give notice of a pending Willamette River Greenway permit application, and proposed action thereon, in the manner provided for, and to those persons for whom notice shall be given, under Chapter 17.50 of this code, and to all other interested persons who wish to be notified and who pay a reasonable fee for such notification. If no interested person requests a hearing on such permit application within ten days of giving notice, the application shall be approved, either with or without conditions, or denied, as proposed by the Community Development Director and in accordance with the findings required by this subsection. If there be objection, the matter shall be heard by the planning commission as an administrative action.

17.48.100 Compatibility review.

- A. In all areas within one hundred fifty feet of the ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.
- B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings be made by the planning commission.
 - 1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.
 - 2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.
- C. Procedure for action on compatibility review shall be as set forth in Section 17.48.060 and shall include application of the relevant use management considerations and requirements provided in Sections 17.48.070 and 17.48.080. The planning commission, after notice and public hearing held pursuant to Chapter 17.50 shall approve issuance, approve issuance with conditions or disapprove issuance of the Willamette River Greenway conditional use permit. The application shall be accompanied by the fee listed in Chapter 17.52 to defray the costs of publication, investigation and processing.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

- A. Any main or accessory residential structure exceeding a height of thirty-five feet; except for

areas located within the Willamette Falls Downtown District.

- B. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;
- C. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low-water line of the Willamette River.

17.48.120 Additional procedural requirements.

In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Section 17.48.070 through 17.48.100:

- A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:
 - 1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;
 - 2. Elevations of any proposed structures;
 - 3. Materials list for any proposed structures, including type and colors of siding and roofing; and
 - 4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.
- B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.
- 2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100

17.52.020 Number of Automobile Spaces Required.

- A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per 1,000 square feet net leasable area unless otherwise stated.

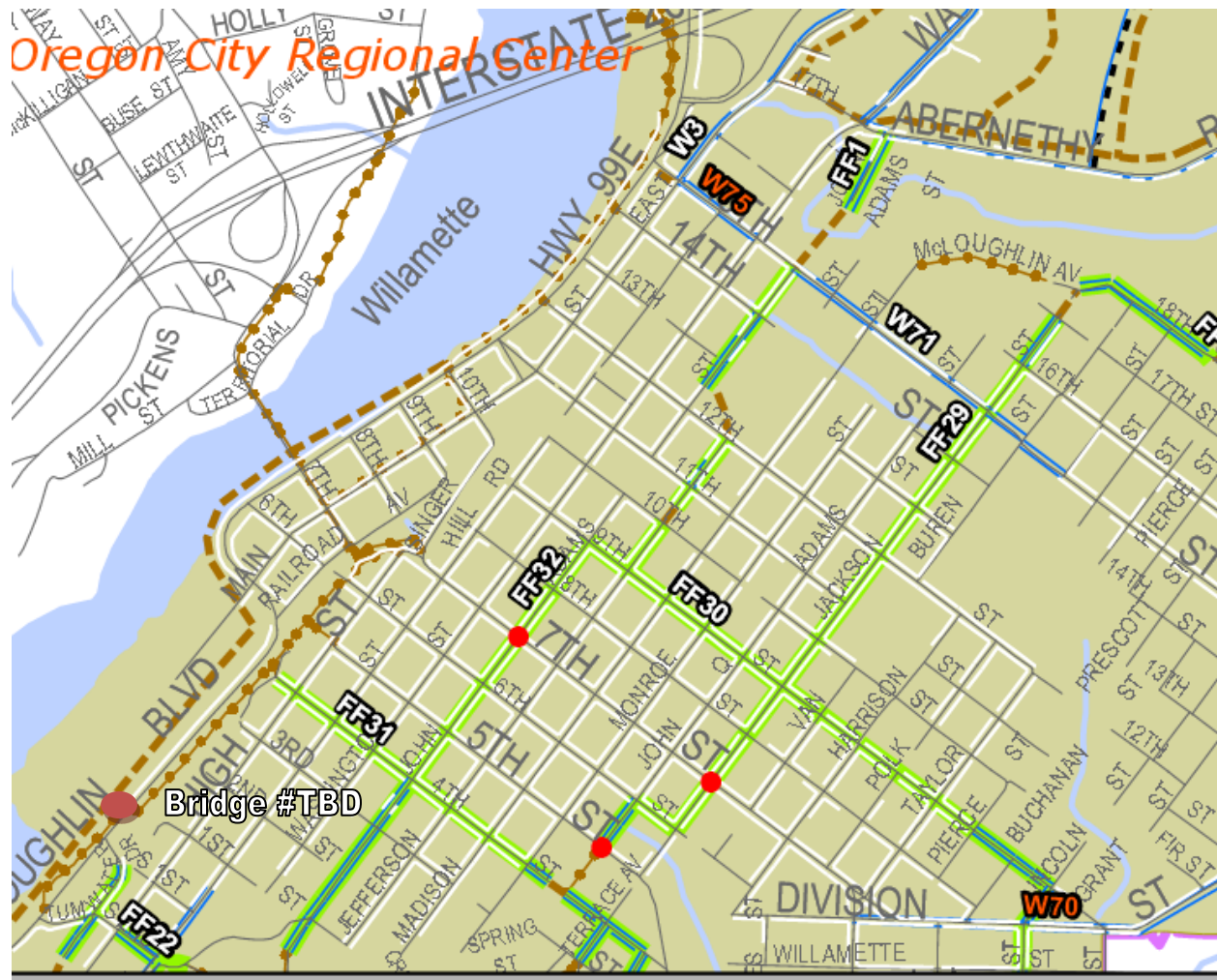
Table 17.52.020 Number of automobile spaces required. <u>LAND USE</u>	<u>PARKING REQUIREMENTS</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/ Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, Movie Theater	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40

Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use.
5. A Change in use within an existing [habitable](#) building located in the MUD Design District [or the Willamette Falls Downtown District](#) is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

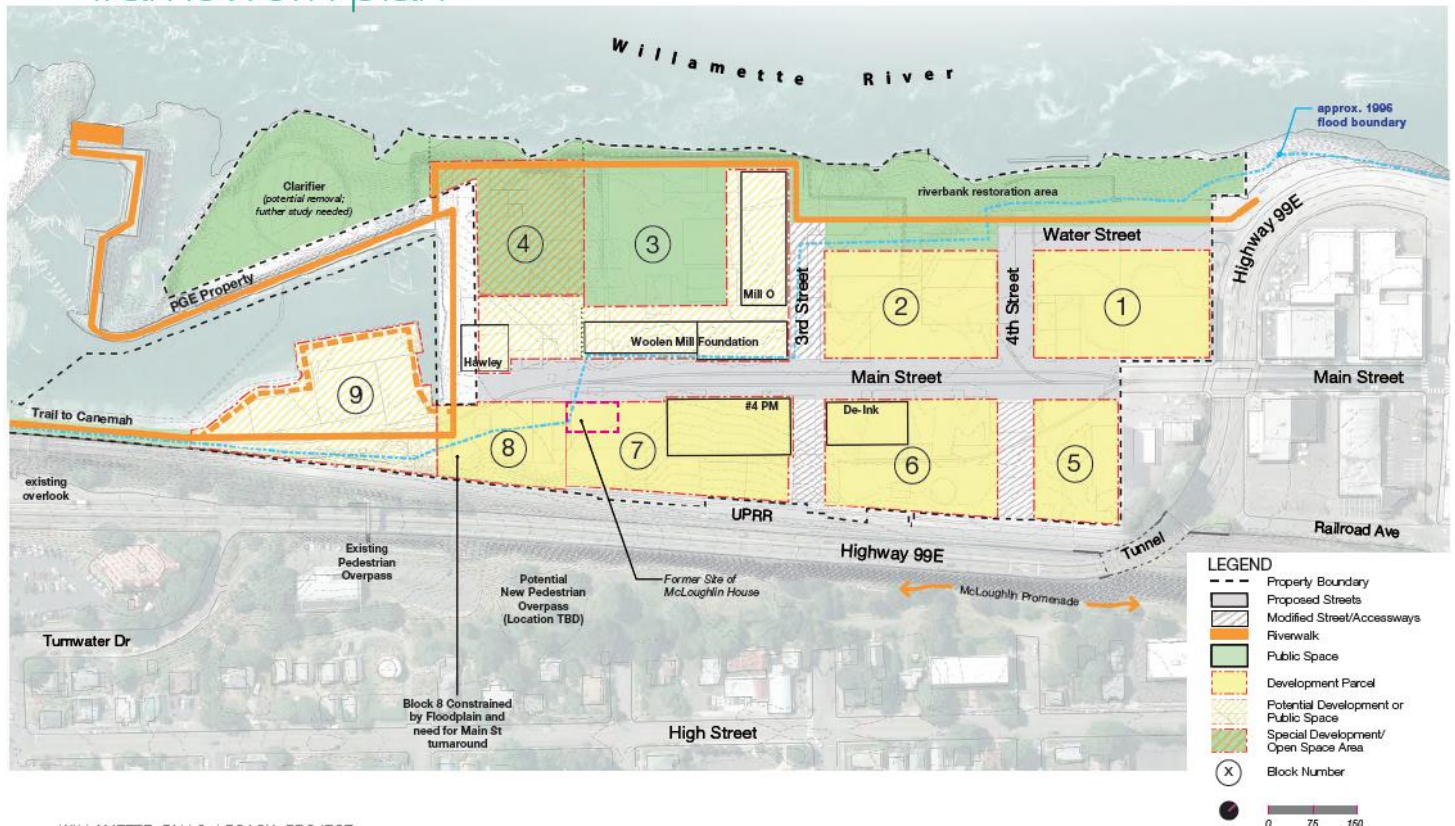
The following project will be added to the 2013 Oregon City TSP

Project #	Project Description	Project Extent	Project Elements	Priority
TBD	Pedestrian and Bike connection and enhancement	McLoughlin Promenade to mill site	Pedestrian and bike bridge over 99E to former blue Heron Paper Mill	Medium -term



Amendment to Ancillary Documents of the Comprehensive Plan

framework plan



Trails Master Plan 2004	Adopt the Riverwalk as part of the Willamette Greenway Trail as conceptually shown in the Framework Master Plan
Parks Master Plan 2008	Identify the conceptual open space/habitat restoration area along and including the Riverwalk as a future public park
Parks Master Plan 2008	Identify the conceptual public space identified in blocks 3 and 4 as a separate public park. Final location to be determined in subsequent development applications