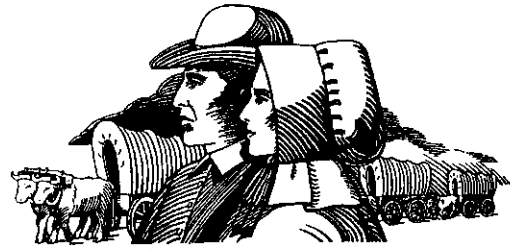


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

**City Commission Chambers - City Hall  
January 24, 2005 at 7:00 P.M.**

The 2005 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

1. **CALL TO ORDER**
2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
3. **APPROVAL OF MINUTES:**  
*September 15, 2004, September 27, 2004, October 25, 2004 & November 22, 2004*
4. **HEARING:**  
**MC 04-01 (Quasi-Judicial Hearing)**, Applicant: Jim Row, City of Oregon City. The applicant is seeking approval of a Master Plan for Jon Storm Park (zoned Institutional). The site is located at 1801 Clackamette Drive and identified as Clackamas County Map 2-2E-29CB Tax Lot 300.
5. **ADJOURN PLANNING COMMISSION MEETING**

### PLANNING COMMISSION WORK SESSION

1. Review of Chapter 14 – Annexation criteria from the Comprehensive Plan

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

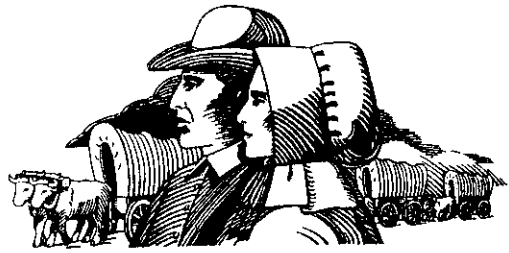


# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 722-3880



**FILE NO.:** MC 04-01

Complete: December 15, 2004  
120-Day: April 14, 2005

**APPLICATION TYPE:** Type III

**HEARING DATE:** January 24, 2004  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT:** City of Oregon City – Jim Row  
PO Box 3040  
Oregon City, Oregon 97045

**REQUEST:** The applicant is requesting approval of a Master Plan for the development of Jon Storm Park.

**LOCATION:** The site is identified as Clackamas County Map 2S-2E-29CB, Tax Lot 300 and located at 1801 Clackamette Drive.

**REVIEWER:** Tony Konkol, Senior Planner

**RECOMMENDATION:** Approval with conditions

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS DECISION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

## **BASIC FACTS:**

1. **Location.** The project site is identified as Clackamas County Map 2S-2E-29CB, Tax Lot 300 and located at 1801 Clackamette Drive. The site is directly north of the I-205 bridge, west of an accessway that continues south of Clackamette Drive and east of the Willamette River (Exhibit 1).
2. **Existing Conditions.** The 1.5-acre site was previously developed as a log staging and unloading facility and currently consists of a small building, asphalt drive, fence, retaining wall and equipment remnants. The vegetation is sparse with many ailing trees. A small grove of cottonwood trees stands north of the I-205 bridge on the Willamette River Bank. The ODOT property under the I-205 bridge, which is proposed as parking, is being utilized for the storage of cement barriers. The site is identified within the Oregon City Water Resource Overlay District and the Flood Management Overlay District.
3. **Zoning and surrounding Land Uses.** The subject site has a Comprehensive Plan designation of P – Parks and is zoned I - Institutional. The Sportcraft Landing marina and boat launch to the south of the site operates on leased land owned by the City of Oregon City. The site is also zoned Institutional with a Comprehensive Plan designation of Parks. North of the site is the Rivershore Hotel and Clackamette Park. The Rivershore Hotel has a Mixed Use Downtown Comprehensive Plan and Zoning Designation.
4. **Project Description.** Jon Storm Park is to be developed on a 1.5-acre site overlooking the Willamette River. The site is located between Clackamette Park and the Rivershore Hotel to the north and the Sportcraft Marina, a private marina and boat launch with public access, to the south. The park will provide improved connectivity between these two recreational areas and maintain its own identity as an open space. The park will be developed with a transient boat dock and gangway to provide short-term tie up for boaters and commercial tour boats.

The park will be part of a much larger waterfront and trail system that is consistent with the Oregon City Waterfront Master Plan, the Trails Master Plan and the Oregon City Parks and Recreation Master Plan. The site will include on street and off street parking, a bus turnaround, interpretive plaza, restrooms, a picnic shelter and habitat restoration (Exhibits 2 and 3).

Phase one of the project will include the development of the transient dock, gangway, walkways, habitat restoration and restrooms. The remaining improvements will be included in subsequent phasing as funding allows.

5. **Comments.** Notice of this proposal and request for comments was sent to property owners within three hundred feet of the subject property and various City departments and other agencies on December 15, 2004. The Planning Commission Hearing was advertised in the Clackamas Review on December 22, 2004 and the subject site was posted December 23, 2004. Comments were received from the Clackamas County Fire District #1 concerning on street parking (Exhibit 4) and the Oregon Department of Transportation concerning the use of state property under the I-205 bridge (Exhibit 5). Comments were received from Sportcraft Marina employees indicating that they do not object to the project as long as adequate parking and restroom facilities are provided (Exhibit 6). The Oregon City Building Official indicated that building permits are required and a variance to the Flood Management Overlay District requirements may be necessary (Exhibit 7). Comments indicating that the proposal does not conflict with their interests were received from the Oregon City Public Works Department (Exhibit 8) and the Park Place Neighborhood Association (Exhibit 9).

## **DECISION-MAKING CRITERIA:**

### **Oregon City Municipal Code Standards and Requirements**

#### **Chapter 17.39 Institutional Zone**

#### **Chapter 17.48 Willamette River Greenway**

#### **Chapter 17.50 Administration and Procedures**

#### **Chapter 17.65 Master Plans**

## **ANALYSIS AND FINDINGS:**

### **Chapter 17.39 Institutional Zone**

#### **17.39.10 Designated**

*The purpose of this district is to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The Institutional zone is consistent with the Public/Quasi Public and Park designations on the Comprehensive Plan map.*

#### **17.39.20 Permitted Uses**

*Permitted Uses in the Institutional district are:*

- A. Colleges and Universities*
- B. Public and Private Schools*
- C. Parks, playgrounds, playfields and community or neighborhood community centers;*
- D. Public facilities and services including courts, libraries and general government offices and maintenance facilities.*

**Finding:** The proposed use of the site is a Park, which is a permitted use.

#### **17.39.30 Accessory Uses**

*The following uses are permitted outright if they are accessory to and related to the primary institutional use:*

- A. Offices*
- B. Retail (not to exceed 10% of total gross floor area of all building)*
- C. Child Care Centers or Nursery Schools*
- D. Group Living (dorms, hospice, etc.)*
- E. Stadiums, arenas, and auditoriums*
- F. Scientific, educational, or medical research facilities and laboratories.*
- G. Religious Institutions*
- H. Museums*

**Finding:** The applicant has not proposed an accessory use on the site.

#### **17.39.40 Conditional Uses**

*Uses requiring conditional use permit are:*

- A. Any uses listed under 17.39.030 that are not accessory to the primary institutional use.*
- B. Boarding and lodging houses, bed and breakfast inns, and assisted living facilities for senior citizens;*
- C. Cemeteries, crematories, mausoleums, and columbariums;*
- D. Correctional facilities;*
- E. Helipad in conjunction with a permitted use, excluding residential districts;*
- F. Nursing homes;*
- G. Parking lots not in conjunction with a primary use;*
- H. Private clubs and lodges, excluding residential districts;*
- I. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- J. Welfare institutions and social service organizations, excluding residential districts.*
- K. Fire Stations*

**Finding:** The applicant has not proposed a conditional use on the site.

### **17.39.50 Dimensional Standards**

*Dimensional standards in the I district are:*

- A. *Maximum building height: within 100 feet of any district boundary, not to exceed 35 feet; elsewhere, not to exceed 70 feet.*
- B. *Minimum required setbacks: 25 feet from property line except when the development is adjacent to a public-right-of-way. When adjacent to a public right-of-way, the minimum setback is 0 feet and the maximum setback is 5 feet.*

**Finding:** The applicant has proposed to build a restroom and picnic shelter, which are not considered an institutional or commercial building that would be subject to the Site Plan and Design Review architectural design requirements of the Oregon City Municipal Code, thus the maximum building height and setback requirements are not applicable.

### **17.39.60 Relationship to Master Plan**

- A. *A Master Plan is required for any development within the I district on a site over 10 acres in size that:*
  1. *Is for a new development on a vacant property;*
  2. *Is for the redevelopment of a property previously used as a non-institutional use; or*
  3. *Increases the floor area of the existing development by 10,000 square feet over existing conditions*
- B. *Master Plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Chapter 17.65.70 and will be processed concurrently with the Master Plan application.*
- C. *Modifications to other development standards in the code may be made as part of the Phased Master Plan adjustment process. All modifications must be in accordance with the requirements of the Master Plan adjustment process identified in Chapter 17.65.070.*

**Finding:** The applicant has proposed the Master Plan process, though it is not required by this section of the code. Under Master Plans – Section 17.65.030.D, the applicant has the option to voluntarily prepare a Master Plan for a site.

### **17.39.70 Changes to the I district boundary**

*The I district boundary may be amended through Chapter 17.68 - Zoning Changes and Amendments.*

**Finding:** The applicant has not proposed to amend the Institutional district boundary.

## **Chapter 17.48 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 Willamette River Greenway (WRG) on a special city zoning map. (Prior code §11-3-21(A))*

**Finding:** The applicant has proposed a change of use on the site, which is in the WRG.

### **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. (Prior code §11-3-21(B))*

### **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. (Prior code §11-3-21(C))

**Finding:** The applicant has proposed a permit use, the development of a Park, in the Institutional zone.

**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. (Prior code §11-3-21(E))

**Finding:** The applicant has proposed to develop a park on the site, which is an activity that will protect, conserve, enhance and maintain public recreation, scenic, historical and natural uses on public land, which is identified as Exception E above. A Willamette River Greenway permit is not required.

**Chapter 17.50 ADMINISTRATION AND PROCEDURES**

**17.50.050 Preapplication conference and neighborhood meeting.**

**Finding:** The applicant attended a pre-application meeting with staff, identified as PA 0453, on October 20, 2004 prior to submitting the application. The applicant held three public involvement meetings with the community and one meeting with the Parks and Recreation Advisory Committee. This criterion is met.

**(b) 17.50.060 Application requirements.**

**Finding:** The property owner has initiated the permit application process.

**(C) 17.50.070 Completeness review and one-hundred-twenty-day rule.**

**Finding:** The applicant submitted the application on December 1, 2004. The City deemed the application complete on December 15, 2004.

**(d) 17.50.090 Public notices.**

**Finding:** Notice of this proposal and a request for comments was sent to property owners within three hundred feet of the subject property and various City departments and other agencies on December

15, 2004. The Planning Commission Hearing was advertised in the Clackamas Review on December 22, 2004 and the subject site was posted December 23, 2004.

(e) 17.50.100 Notice posting requirements.

**Finding:** The City has provided the required notice.

(f) 17.50.130 Conditions of approval and notice of decision.

**Finding:** The City will provide notice of this decision and has imposed reasonable conditions of approval.

(g) 17.50.140 Performance guarantees.

**Finding:** The applicant has not proposed to post any performance guarantees at this time.

## **Chapter 17.65 Master Plans**

### **17.65.10 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.*

### **17.65.20 What is Included in a Master Plan**

- A. *A Master Plan is a two-step process that includes a Concept Development Plan and a Detailed Development Plan. A Concept Development Plan incorporates the entire area where development is planned in the next 5-20 years, including the identification of one or more development phases. The Concept Development Plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A Detailed Development Plan is the phase or phases of the Concept Development Plan that are proposed for development within two-years.*
- B. *A Master Plan identifies the current and proposed use of the development, as defined by the Concept Development Plan boundary. If approved, the Concept Development Plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they must be modified through the Concept Development Plan or completed with new development.*
- C. *A Master Plan identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a Concept Development Plan and construction of a building within a certain distance of a residential lot. Mitigation improvements are improvements that will be made or constructed by an institution when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.*

### **17.65.30 Applicability of the Master Plan Regulations**

- A. *A Master Plan shall be submitted for any Institutional development on a site over 10 acres in size. If the boundaries of an Institutional development exceed 10 acres in size, the proposed development shall be master planned using the regulations of this chapter. No permit under this title shall be issued for any Institutional development in excess of 10 acres in total acreage unless it is accompanied by or preceded by a Master Plan approval under this chapter. The provisions of this*



chapter do not apply to modifications to existing Institutional developments unless the modification results in a cumulative square footage increase of over 10,000 total building square feet in an existing Institutional development over 10 acres.

- B. *When Required as Part of Previous Land Use Review.* The master plan regulations may be used to fulfill a condition of approval from a previous land use decision requiring master planning for a development.
- C. *When identified in the Oregon City Comprehensive Plan.* The master plan regulations are required for all properties identified for master planning in the Land Use section of the Oregon City Comprehensive Plan.
- D. *Voluntarily.* An applicant may voluntarily submit a master plan as part of a land use review.

**Finding:** The applicant has voluntarily submitted for master plan approval on the site.

#### **17.65.40 Procedure**

- A. *Preapplication Review.* Prior to filing for either concept development plan or detailed development plan approval, the applicant shall confer with the Community Development Director pursuant to Section 17.50.030.

**Finding:** The applicant attended a pre-application meeting with the City on October 20, 2004 (PA 04-53). This standard is met.

- B. *Concept Development Plan.* An application for a concept development plan shall be reviewed through a Type III procedure. An applicant must have an approved concept development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved concept development plan shall be reviewed under a Type III procedure pursuant to Section 17.65.080.

**Finding:** The applicant has proposed a Concept Development Plan that will be reviewed through the Type III process before the Planning Commission on January 24, 2005.

- C. *Detailed Development Plan.* An application for a detailed development plan, whether for all or part of an approved concept development plan, is processed through a Type II procedure, as long as it is in conformance with the approved concept development plan. If review of impacts from a development phase of the concept development plan that requires a Type III procedure was deferred, and the detailed development plan is part of that development phase, the detailed development plan shall be processed through a Type III procedure. Amendments to an approved detailed development plan shall be processed pursuant to Section 17.65.080. Once a development has an approved detailed development plan, Chapter 17.62 site plan and design review will not be required.

**Finding:** The applicant has not submitted for a Detailed Development Plan review at this time. The applicant will be submitting for the Detailed Development Plan review of phase one of the project in the near future (Exhibit 10). The applicant intends for the phase one review to comply with the approved concept master plan, thus it will be reviewed by Staff as a Type II process.

- D. *Concurrent Review.* An applicant may concurrently apply for a concept development plan and a detailed development plan, or any phase of a detailed development plan. Such a concurrent application is reviewed through a Type III procedure.

**Finding:** The applicant has requested concurrent review of a concept and detailed development plan.

#### **17.65.50 Concept Development Plan**

- A. *Existing Conditions Submittal Requirements*

**Finding:** The applicant has submitted the required narrative, maps and photos of the existing conditions on the site. Exhibits 2 and 3 provide extensive detail concerning the existing conditions, adjacent properties and site history. This standard is met.

- B. *Proposed Development Submittal Requirements*

**Finding:** The applicant has submitted the required narrative, maps and locations of the proposed development on the site. The applicant has addressed the project's impacts on the natural, historical and/or cultural resources of the site and the anticipated impacts to the surrounding community and transportation system (Exhibits 2 and 3). This standard is met.

*C. Approval Criteria for Concept Development Plan.*

*The Planning Commission shall approve an application for concept development plan approval only upon finding that the following approval criteria are met.*

*1. The proposed concept development plan is consistent with the purposes of Section 17.65.*

**Finding:** The proposed Jon Storm Park Master Plan will provide the city with the flexibility necessary to develop the park in phases, depending on the availability of funds, to complete the project. The applicant has addressed the larger development issues associated with this project, which have been identified as the preservation of as much open space as possible, on street and off street parking and the ability to turn a large vehicle around. The applicant will be providing needed Willamette River bank improvements and street improvements to the public accessway easement that connects the Sportcraft Marina to Clackamette Drive. This standard is met.

*2. The transportation system has sufficient capacity based on the City's level of service standards and is capable of safely supporting the development proposed in addition to the existing and planned uses in the area, or will be made adequate by the time each phase of the development is completed.*

**Finding:** Due to the limited size of the proposed Park, a transportation impact analysis was not required. Currently, Clackamette Drive is a dead end street to the south and connects to Dune Drive to the north. The Dune Drive/99E intersection is controlled with a light and has a dedicated left turn and a combination straight/right turn from Dune Drive to 99E. The 99E/Dune Drive intersection is not identified in the Oregon City Transportation System Plan (TSP) for intersection or roadway capacity improvements and the size of this project will have minimal impacts on the intersection.

The applicant reviewed the City of Portland's parking requirements to determine the appropriate number of parking spaces associated with a 1.5-acre park since parking requirements for this type of use are not identified in the Oregon City TSP. The 28 parking stalls will be designed to preclude the use of the parking lot for trailer parking, thus providing adequate parking for those utilizing the park and boat dock. The applicant has proposed on and off street parking and a bus turnaround as part of the phase 2 development of the plan. The applicant will be continuing the Willamette Greenway Trail, which is identified in the Oregon City Trails Master Plan as link to Canby. A pedestrian/bicycle path will be provided along the east side of Clackamette Drive, connecting 99E to the Clackamette/Willamette Greenway Trail, which continues north into Clackamette Park. This standard is met as proposed.

*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.*

**Finding:** The Clackamas County Fire District has submitted comments indicating that where fire apparatus roadways are not sufficient width to accommodate parked vehicles and an unobstructed driving surface of at least 20 feet, the area shall be marked with no parking signs (Exhibit 4).

No comments were received from City departments indicating that adequate water, police, sanitary sewer and storm water services could not be provided to the site. The applicant has indicated that a stormwater management plan will be included in the construction document developed for the parking lot design in phase 2. The applicant has indicated that the parking lot will be designed to minimize run-off and provide an environmentally sensitive approach to address the on-site stormwater. The Oregon Department of Transportation (ODOT) has indicated that they have no objections to the development of the proposed park; however, the City must negotiate a lease with

ODOT for the state property under I-205 that is proposed for the parking lot and comply with ODOT's drainage requirements for potential impacts to the highway ROW (Exhibit 5).

The Oregon City Building Official has indicated that building permits are required for the development of the restroom and that a variance to the standards of the Flood Management Overlay District may be required.

**This standard can be met by complying with Conditions of Approval 1 and 2.**

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.*

**Finding:** The applicant has indicated that the proposed park plan will soften the riparian edge by removing a former industrial site and replacing it with a managed open space with enhanced riparian areas. During the Detailed Development Plan, the applicant shall be required to comply with the Oregon City Water Quality Resource Area and Flood Management Overlay Districts, ensuring protection of Goal 5 natural resources within the proposed development boundary and rehabilitation of the Willamette Rivers vegetated corridor.

There are no inventoried Goal 5 historic or cultural resources identified on the site; however, the applicant has provided great detail concerning the site's history and importance to Oregon City. The applicant has proposed the planting of a memorial elm to serve as a living monument to the Abernethy family and to replace the Abernathy elm that was removed from the site. Through the use of signage, an interpretive plaza and appropriate materials, the site will tell the story of the natural and cultural history associated with this site and the surrounding area. This standard is met as proposed.

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 that term is defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*

**Finding:** Phase 1 of the Jon Storm Park Master Plan includes the development of the dock and gangway, restrooms and walkways. The applicant has proposed to remove existing asphalt from the site and complete some mitigation planting for the dock, walkways and restrooms as recommended by the water resource report that will be included in the Detailed Development Plan for phase 1. The applicant has submitted a draft of the phase 1 improvements, which has not been submitted to the City for review as of the date of this report (Exhibit 10).

Phase 2 will include the on street improvements within the access easement, the bus turnaround, off street parking, pedestrian/bicycle pathway, picnic areas, vegetated corridor planting, interpretive area and other details identified in the master plan. Currently the city is pursuing a grant to fund the phase 2 improvements. A determination on the available funds for the project will be known in late spring of 2005. This standard is met as proposed.

#### **D. Duration of Concept Development Plan.**

*A concept development plan shall involve a planning period of at least 5 years and up to 20 years. An approved concept development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date.*

#### **17.65.60 Detailed Development Plan**

**Finding:** The applicant has not submitted for a Detailed Development Plan review.

#### **17.65.70 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.*

**Finding:** The applicant has not requested any adjustments from the applicable development code requirements. This standard is not applicable.

#### **17.65.80 Amendments to Approved Plans**

*A. When Required. An amendment to an approved concept development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in 17.65.050 will apply to concept development plan amendments, the approval criteria contained in 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.*

**Finding:** The applicant is not requesting an amendment to an approved Concept or Detailed Development Plan.

#### **17.65.090 Regulations that Apply**

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

#### **STAFF RECOMMENDATION:**

Based on the analysis and finding as described above, staff recommends that the Planning Commission approve with the attached Conditions the proposed application for the Jon Storm Park Master Plan located at 1801 Clackamette Drive and identified as Clackamas County Map 2S-2E-29CB, Tax Lot 300.

#### **EXHIBITS:**

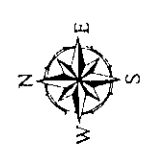
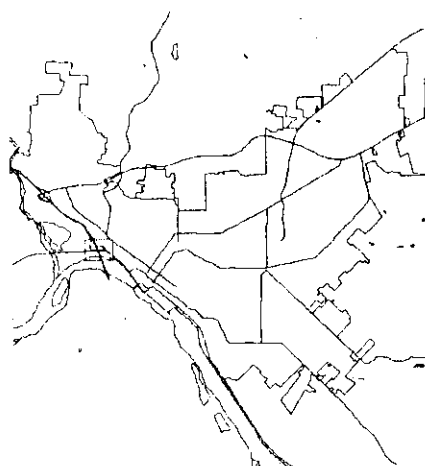
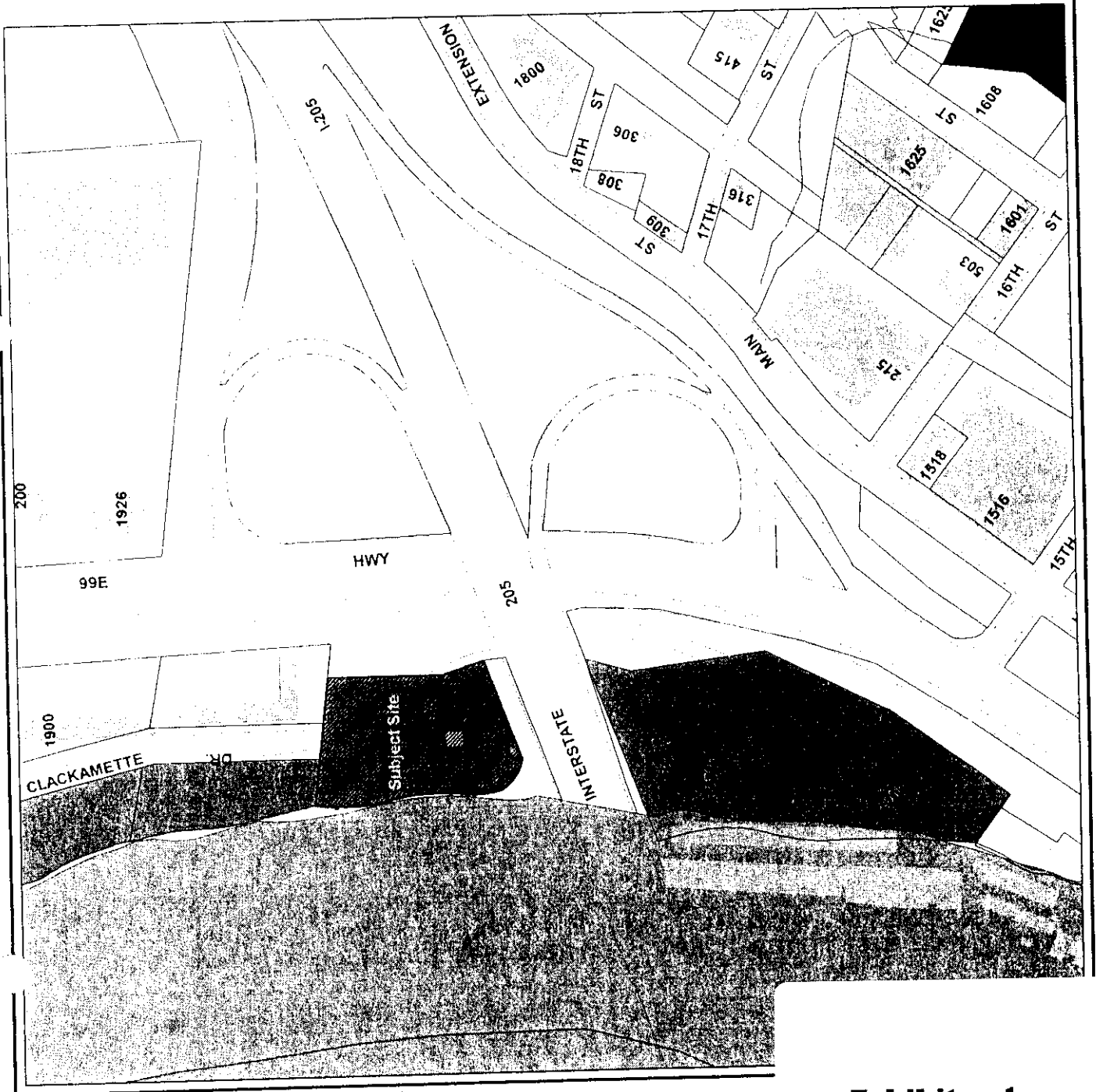
1. Vicinity Map
2. Jon Storm Park Draft Master Plan
3. Supplemental Master Plan Material
4. Clackamas County Fire District #1 comments, dated 1/12/05
5. Oregon Department of Transportation comments, dated 12/21/04
6. Letter from Sportcraft Marian, dated 12/30/04
7. Oregon City Building Official comments
8. Oregon City Public Works Department comments, dated 1/11/05
9. Park Place Neighborhood Association comments
10. Draft of Detailed Development Plan

RECOMMENDED CONDITIONS OF APPROVAL  
PLANNING FILE: MC 04-01

1. Where fire apparatus roadways are not sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking – Fire Lane" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane.
2. The applicant shall comply with the 3 (three) recommended conditions of approval contained in the December 21, 2004 Oregon Department of Transportation letter included as exhibit 5 of this staff report.



MC 04-01



City of Oregon City  
P.O. Box 3040  
320 Warner Millne Road  
Oregon City, OR 97145

The data on this map is the best  
information available from the  
records of the City of Oregon City.  
Errors and omissions may exist.

Map created with OCMap 2004

12/15/2004

# Draft Master Plan



# Acknowledgements

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## City of Oregon City

Dee Craig, Former Community Services Director  
Scott Archer, Community Services Director  
Jim Row, Recreation Manager  
Larry Potter, Park Operations & Facilities Manager  
Nancy Kraushaar, City Engineer  
Dan Dentlaw, Community Development Director

## Consultant Team

Lango Hansen Landscape Architects, PC  
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Liz Crane, Landscape Architect

Flowing Solutions, Inc.  
Andy Jansky

KPFF Consulting Engineers  
Ronald Kernan

## Special thanks to:

Steve Coxen, Oregon Department of Transportation  
Oregon City Parks & Recreation Advisory Board  
Jerry Herman, citizen  
Jim Tomkins, citizen  
John Williams, citizen

# Contents

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1	Overview
2	Project Location
3	Project Site
4	Site History
5	Site Context
6	Transient Dock
7	Existing Conditions
8	Program Elements
9	Public Involvement & Design Options
10	Final Master Plan Design
13	Appendix

# Overview



Jon Storm Park site and steel abutment.

The Jon Storm Park is a future park dedicated to the memory of Jon Storm, an Oregon City volunteer. Jon Storm lost his life in 1994 during an Arbor Day clean-up project at Clackamette Park, a 22-acre park located at the confluence of the Willamette and Clackamas rivers, next to the Jon Storm Park site.

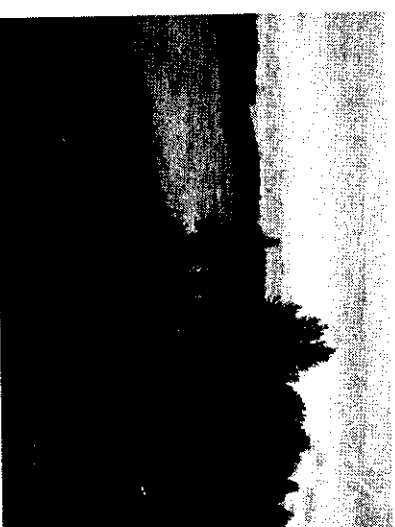
The Jon Storm Park is to be developed on a 1-1/2 acre site in Oregon City overlooking the Willamette River. While the park is relatively small, it is an important open space for Oregon City as it is situated between Clackamette Park, one of the city's largest parks, and the Sportcraft Marina, a private marina and boat launch with public access.

Jon Storm Park should provide improved connectivity between these two recreational areas, but also maintain its own identity as an open space.

The future park will also be the location for a transient dock and gangway that will provide short-term tie up for boaters and commercial tour boats who wish to visit Oregon City. The dock, which is currently under construction, is sited across the street from the Rivershore Hotel. With the addition of the floating dock, the park site will become a popular spot to access the Willamette River, and should support dock uses as well as passive recreation uses. It is anticipated that a strong relationship will exist between the dock, the park and the hotel.



Approach to park from Clackamette Drive.



Clackamette Trail looking north.

Like many of the other parks and open spaces in the area, the Jon Storm Park site has an industrial past related to the river. The site was previously a log staging and unloading company with a large crane that sat atop a sheet pile structure. Until several years ago, log rafts were stored in the water and the area was actively used by fishermen.

In addition, this location has a rich Native American and pioneer history that is discussed in further detail later in later sections of this document.

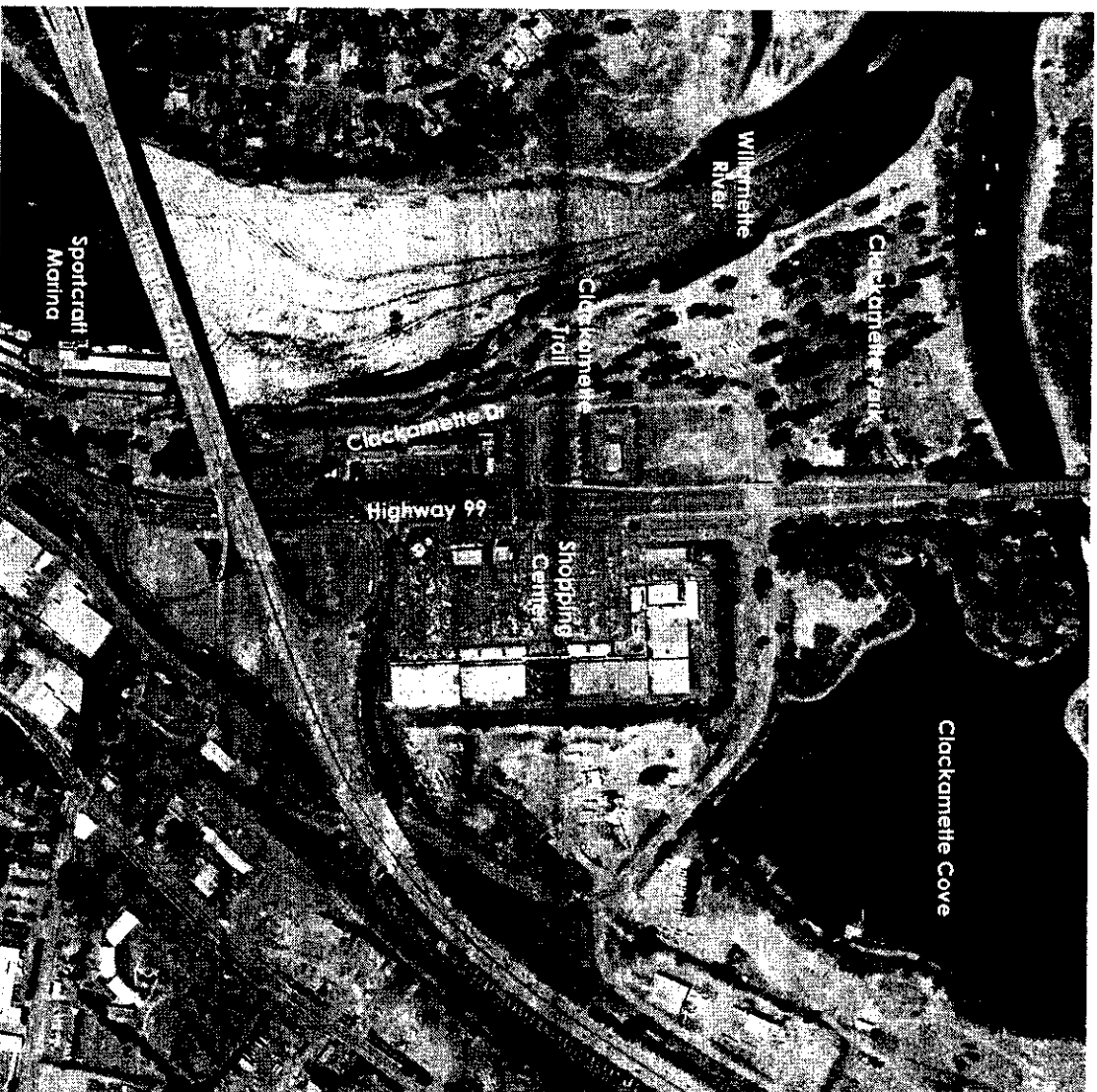
## Project Location



Right-of-way under the I-205 bridge currently used for temporary ODOT storage.

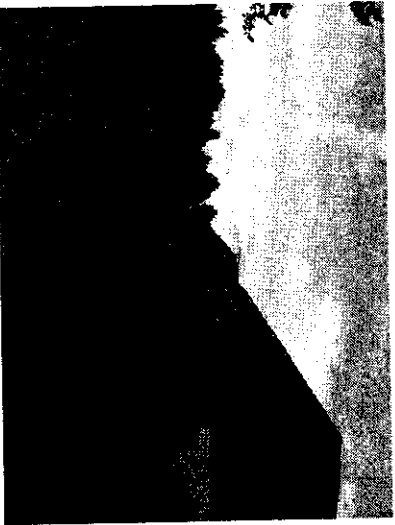
The project site is located in Oregon City off of Clackamette Drive, just north of the I-205 bridge and south of Clackamette Trail (which leads north toward Clackamette Cove). The land has been purchased by the City of Oregon City for passive recreational use.

Sportcraft Landing, located just south of the site, is a privately owned marina and boat launch that operates on leased land owned by the City of Oregon City. The property under the I-205 bridge and 60' in both the north and south directions is owned by the Oregon Department of Transportation (ODOT). It is currently being used for temporary concrete barrier storage.



Vicinity Plan. Project site is outlined in orange (not to scale).

## Project Site



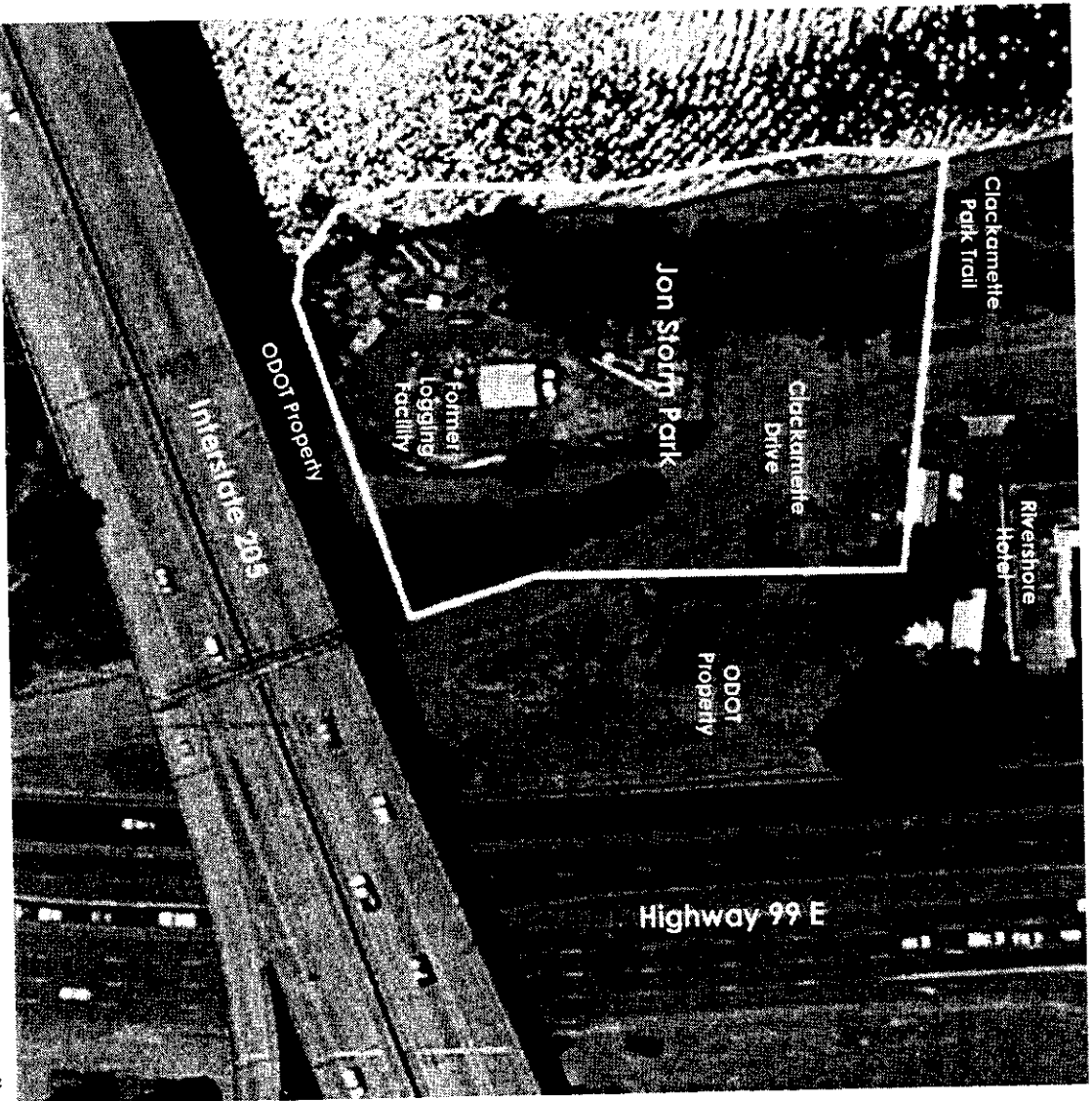
Rivershore Hotel which is adjacent to the site.

The site is wedged between the I-205 bridge and Clackamette Trail south of the Rivershore Hotel. It includes a segment of road that extends Clackamette Drive to Sportcraft Landing. Technically,

Clackamette Drive ends and this piece of road is considered a driveway. The edge of asphalt is poorly defined and as a result, there is much variation in road width.

Bicycle lanes are striped on both sides of the road, but the shoulder is so wide that much of the pavement edge is currently being used for vehicles and trailer parking.

There is a small portion of the site (north-eastern corner) that lies directly adjacent the Rivershore Hotel and east of Clackamette Drive. It slopes upward toward Highway 99 and is minimally vegetated.



Project site (not to scale)

## Site History



Willamette Falls, south of the project site.

The site's location near the confluence of the Willamette and Clackamas rivers, as well as its proximity to the Willamette Falls, greatly contributes to a rich natural, Indian and pioneer history.

Prior to pioneer settlement, the area, which sustained hundreds of thousands of water fowl, was a campground for transient Native Americans visiting the Willamette Falls twice a year during salmon runs. Migrating Indians included the Molallias, Calapooyas, Multnomahs, Teninos and Chinooks. It is suggested that the campground may have been in existence for 2,500-3,000 years.

In 1840, George Abernethy moved west from Ohio to assume financial management of the Methodist mission. A member of

the first party to initiate the colonization of Oregon and later the first provisional governor of the territory, he settled in Oregon City and built a house on the Jon Storm Park property. This property, adjacent to Abernethy Creek and part of what was called Abernethy Green, became the Abernethy landing where pioneers were welcomed as they arrived by raft from Fort Vancouver and overland via the Barlow Road.

Abernethy led several business enterprises in Oregon City and for many years was considered the outstanding American business man of the Pacific Northwest. He even created a currency known as "Abernethy rocks" to make change because a currency had yet to come into circulation in Oregon City. The Abernethy rocks were flints found on his property that were inscribed with his initials and backed by his social standing.

However, the flood of 1861 destroyed most of his physical property and reduced him to near poverty. Following the devastation of the flood, Abernethy relocated to Portland.

In the 1850's while still living on the Abernethy Green, Abernethy's wife planted an Eastern Elm that had been transported in a container from the east coast adjacent to



George Abernethy (courtesy of Oregon State Archives)

their property. The elm thrived and became known to Oregon City inhabitants as the Abernethy Elm. It lived to the millennium when it was deemed a safety hazard and to the upset of many, was removed.

It is the hope of the design team and City of Oregon City, that the story of the land be told through the design of the park elements in a manner that is rich in content and material quality.

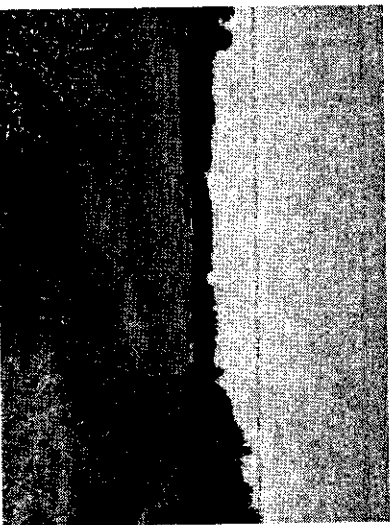
## Site Context

### Working Within a Waterway

Because the project site is adjacent to the Willamette River, it falls within several overlay districts which include the Water Resources Overlay District and the Flood Management Overlay District.

Riparian enhancement, redevelopment that does not increase the "structural footprint" and public facilities are permitted uses within the Water Resources Overlay. A detailed inventory, avoidance and alternatives analysis, and mitigation plan must be prepared as part of the application. The required width of the vegetated corridor is 200' however, variances may be obtained to reduce that width if necessary.

The Flood Management Overlay District applies to land within the 100-year flood-



View from site looking north.

lango. hansen



Partially eroded condition of bank of river.

plain. Uses allowed in the base zones are permitted in this overlay, but all development must adhere to a balanced cut and fill policy.

Work within the ordinary high water line will ultimately require permits from the Corps of Engineers, Division of State Lands and National Marine Fisheries.

### A Piece of a Larger Plan

This park will be a part of a much larger waterfront and trail system and it is important that its design be considered within the context of master plan documents which precede it. Relevant planning documents include, the Oregon City Waterfront Master Plan, the Trails Master Plan and the Oregon City Parks and Recreation Master Plan.

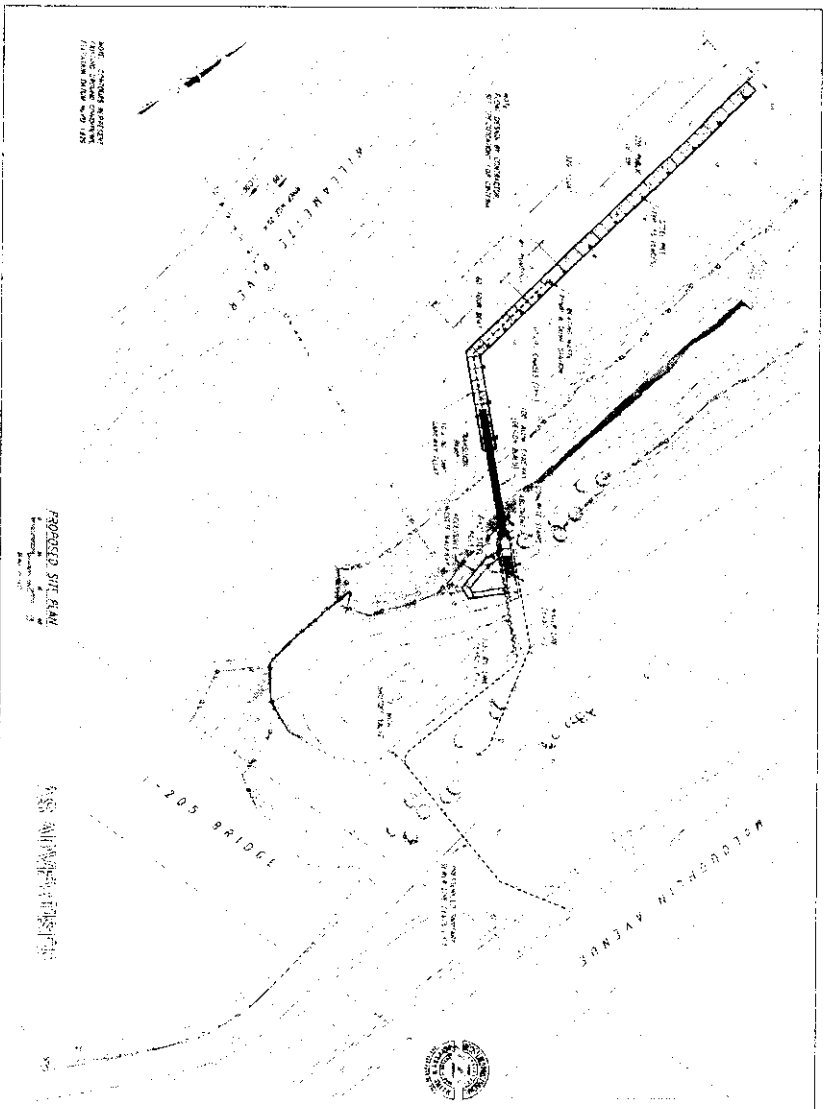
Several goals of the Oregon City Waterfront Master Plan appropriate to this site include:

- enhance habitat and riparian areas
- integrate open spaces
- improve vehicular, bike and pedestrian connectivity
- accommodate boats and water taxis
- provide viewing locations to Willamette Falls

The Waterfront Master Plan suggests that the Clackamas County Sheriff River Patrol relocate to this site. Given the construction of the transient dock, this recommendation does not seem viable.

The Trails Master Plan proposes a Willamette Greenway Trail which will eventually extend south to Canby. Connections being made from Jon Storm Park are to the Clackamas River Trail to the north/east through Clackamette Park and on Mainstreet as part of the larger Willamette Greenway Trail.

## Transient Dock



Bid document drawing from the Oregon State Marine Board showing the proposed site plan for the transient tie-up dock. The accessible ramp shown in this drawing has been redesigned to eliminate the switchback and better integrate with the proposed park design.

The transient tie-up dock which is currently under construction will consist of concrete stairs and an accessible ramp, which leads to an aluminum gangway and a 320-foot float. The 10-foot wide concrete float will allocate 220 feet to public tie-up, 40 feet for pumpout and 60 remaining feet for tour boat docking. The anticipated date of completion for this project is late fall, 2004.



## Existing Conditions



Clackamette trail as it approaches the Jon Storm Park property.

The topography and site conditions of the Jon Storm Park property vary greatly. A portion of the site is a continuation of the Clackamette trail that traces the waterfront. As the trail nears Jon Storm Park, it awkwardly concludes at the edge of Clackamette Drive. The vegetation in this area is sparse, many of the trees are ailing, and there are few trees of significance on site. A small grove of cottonwood trees stands north of the bridge on the river bank.

The upland portion of the site is the location of the former log unloading operation. On it sits a small building, asphalt drive, fence and equipment remnants – all of which are to be demolished and removed. There is also an ailing corrugated steel sheet pile retaining wall that is located just north of the I-205 bridge.

The wall is approximately 60 feet long and 20 feet high above the water level (these measurements are estimates). There is obvious surface corrosion of the sheet piling near the low water level. Above this level the sheet piles appear to be in good condition.

There was concern by the design team whether this wall was adequate to support new uses, the potentially most weight bearing use would be a parking area. Based on an on-site visual observation, the consulting engineers concluded that because the wall was originally intended to support a crane for a log unloading operation, and the deterioration is relatively minor, that it would be adequate to support a parking area (with the addition of up to



Remnants of the former logging facility.



Sheet pile wall viewed from river.

about five feet of fill). It was recommended that someone familiar with cathodic protection provide input to see if there is a possibility of installing a system to extend the life of the piling system. See appendix for sheet pile observations.

The conditions on either side of the wall differ as they tie into the bank. At the south, upstream end, the sheet pile return at approximately 45 degrees and are embedded into the bank. At the north or downstream end, a log return wall has collapsed and significant erosion has occurred behind the wall so much so that a tie back has been exposed. It is recommended that this area be re-engineered and the fill replaced. See appendix for suggested methods of repairing this area.

## Program Elements

The park has been designated by the City to be a passive recreational area that supports dock uses. It should incorporate into its design parking for approximately thirty cars, a res room, picnic tables and perhaps a picnic shelter. A significant need exists for additional spillover parking for the adjacent boat ramp however, because this is a transient dock and not a launching location, parking will not be designed specifically to accommodate boat trailers. The park will serve as a link in the Willamette River Greenway Trail, and should provide a multi-use trail for both pedestrians and vehicles.

It is anticipated that at some time in the future, the dock may be a destination or starting point for tour boats or perhaps



The park has great views. Park design should provide view opportunities.

lango .hansen



Property under the I-205 bridge presents opportunities for expanded parking facilities.

dinner cruises. The City has also suggested that the dock could support a floating museum on a sternwheeler. With the potential for group river trips and events, it is important that there be a bus drop-off location at the park as well as a turnaround for Greyhound-sized vehicles. A bus turnaround could also support the Historic Oregon City Trolley, should it decide to eventually locate a stop at the park.

The inclusion of a bus turnaround and a parking lot presents quite a challenge given the small size of the park property. At the recommendation of the City, the design team looked beyond the park boundary to the adjacent ODOT property under the I-205 bridge as a potential location for future parking (provided a use agreement can be

struck between ODOT and the City of Oregon City). Utilization of this property would allow more park space to be designed as green space. It should be noted that there is a substantial grade change from Clackamette Drive down to the area under the bridge and future development may necessitate the importation of fill to raise the grade.

During the design process, a representative from the ODOT District 2B was contacted several times asses the viability of leasing this land for park development. Precedents for similar use agreements exist and ODOT suggested that there should not be a problem with a future lease agreement. ODOT representatives reviewed preliminary plans and responded favorably with regard to the parking area as well as the potential addition of fill. They noted that the land would be leased at a market rate and any improvement costs would be the responsibility of the City. See appendix for letter to ODOT regarding this project.

Also to be integrated into the park program are elements that reveal the site's natural and cultural history. Several citizens have also suggested that perhaps a memorial elm be planted to perpetuate the telling of the Abernethy story.

# Public Involvement & Design Options



Sheet pile wall.

## Public Involvement

Information sharing between stakeholders, park users and the designers is necessary to ensure a successful master plan. The project site does not abut any residences or neighborhoods so it was not appropriate to notify all owners within a certain radius of the park location. A mailing list was instead compiled of people who had previously participated in or expressed interest in the transient dock public process as well as neighborhood association chairpersons and identified stakeholders.

Three public meetings were held by the City of Oregon City and Lango Hansen Landscape Architects to assess user needs and present design options. The initial meeting, held on July 20th, 2004, introduced the project, the proposed goals and identified

issues. It was structured to be a dialogue between the design team and the public to establish programmatic elements and to gather additional site history.

The second meeting, held on August 17th, 2004, was a presentation of two design options to provide the public with an opportunity to discuss the pros and cons of each scheme and begin to solidify a vision for the park. A preferred option was selected for the design team to further develop. That design was presented to invitees as well as the Park and Recreation Advisory Committee (PRAC) at the third and final meeting which was held on September 27th, 2004. The PRAC reviewed draft master plan design and recommended it move ahead through the Oregon City review process.



This portion of the Willamette River is characterized by riparian edges.

## Public Input

Because of a shortage of parking in the area stemming from a deficiency at Sportcraft marina, parking was a concern for many people. They were however in favor of maximizing the amount of green space, and if possible locating the parking under the bridge to do so.

There was a desire to have the park be visible from the street instead of buffering it from the road for security reasons. It was suggested that there be some lighting but, it should be low-level and as unobtrusive as possible. People agreed that foot lighting should be located at the dock and up the walkway to the park.

The idea of having an overlook was well received as well as providing opportunities to reveal the history of the site and the story of Jon Storm. Because there has been a historic tradition in Oregon City to construct city features out of basalt, people saw stone as an element that should be incorporated into park - perhaps at the overlook or where walls are proposed. People also liked the idea of introducing cobbles into the material palette.

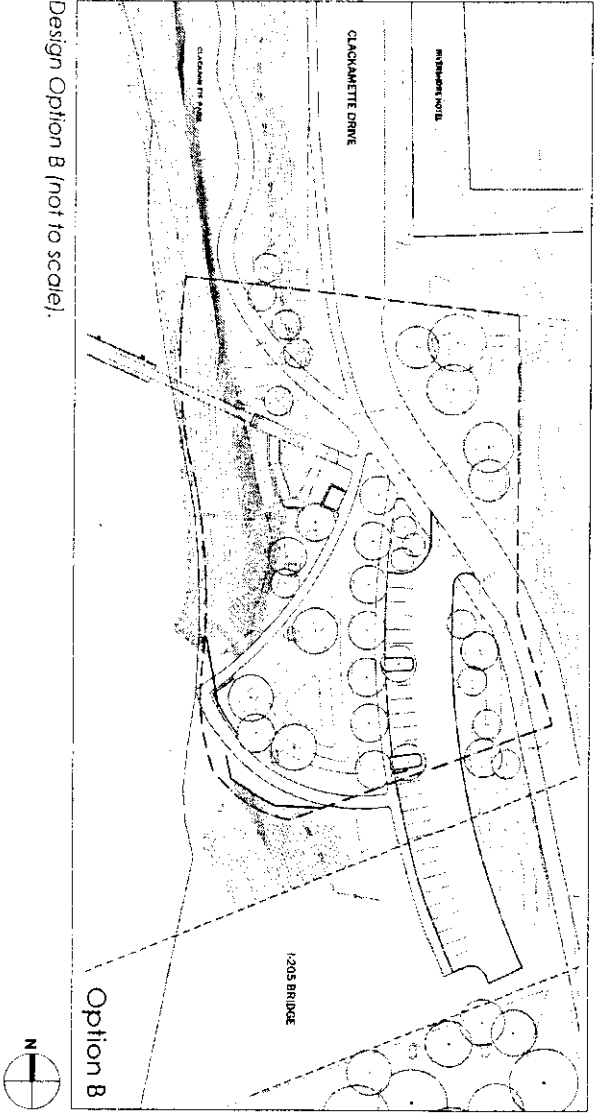
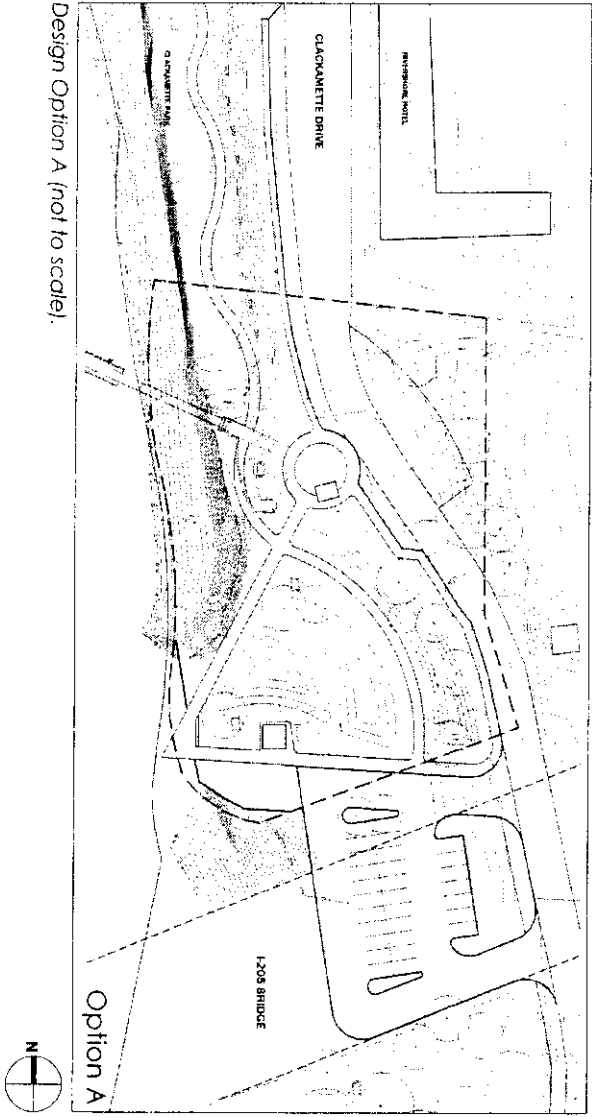
# Public Involvement & Design Options

## Design Options

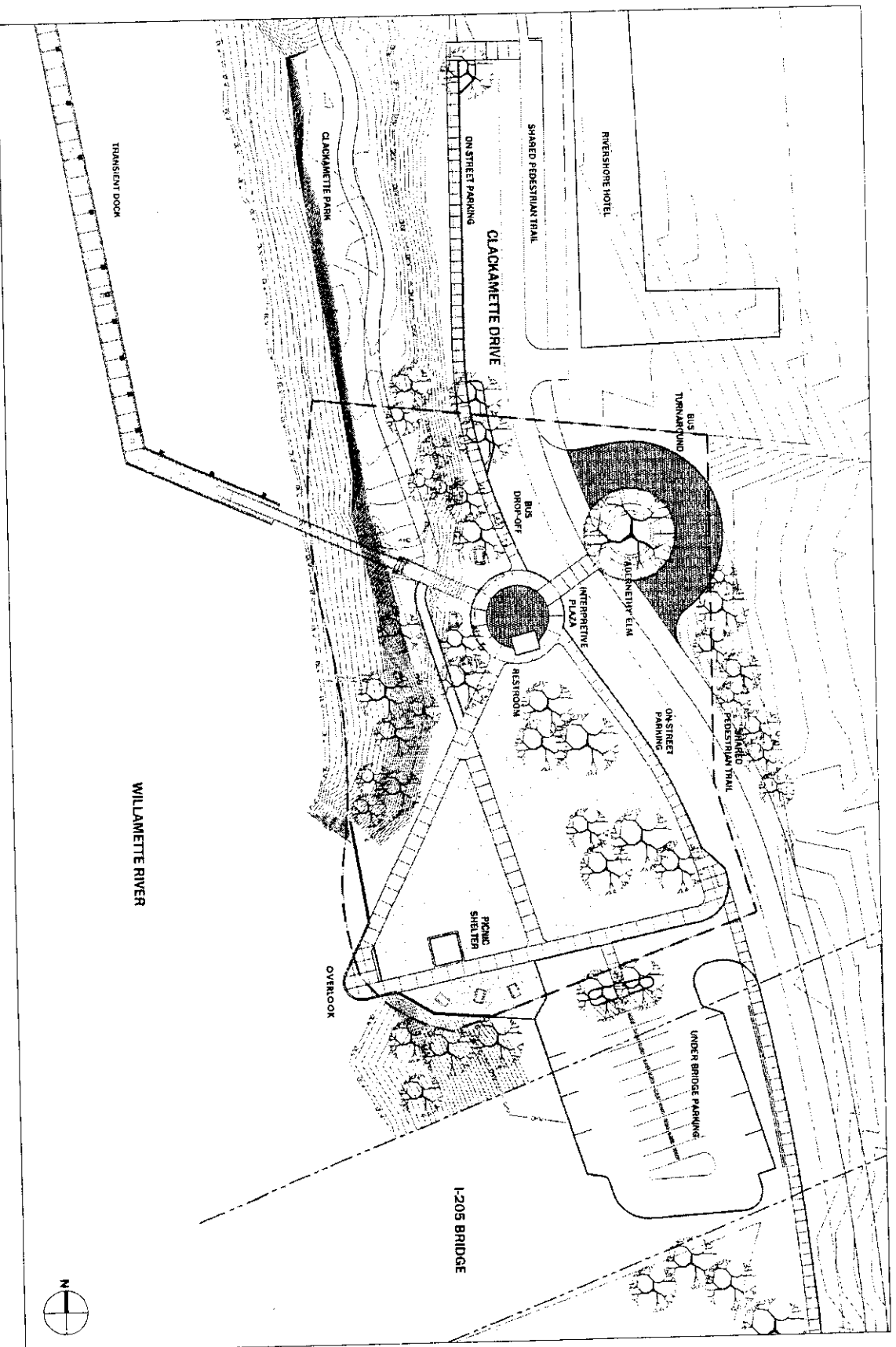
Two design options were presented at the second meeting.

**Option A** locates a multiple bay parking lot under the I-205 bridge to maximize the amount of green space within the park. It proposes a circular entry plaza with direct connections to the floating dock and a cantilevered river overlook. Amenities within the plaza include a restroom, drinking fountain, seating and interpretive signage. A picnic shelter and several picnic tables are shown at locations closer to the water's edge. The northeast corner of the property (located east of Clackamette Drive) becomes a prominent location for a new elm to commemorate the Abernethy Elm. This area is richly planted to announce entrance to the Jon Storm Park. A pathway extends from Clackamette Trail through the park and eventually heads south in the direction of Sportcraft Landing.

**Option B** proposes a single bay parking lot that spans the project site. Parking is closer to the floating dock ramp, but much of the park space is usurped by the linear lot design. This option also has a strong connection to the a river overlook, but without the entry plaza.



# Final Master Plan Design



Final Master Plan (not to scale).

# Final Master Plan Design



*Jon Storm Park property.*

The master plan was presented at the third and final public meeting, held on September 27th, 2004, to local residents and business owners and to the Oregon City Parks and Recreation Advisory Committee (PRAC). The citizens in attendance supported the plan and PRAC approved the plan and recommended it be presented to the Oregon City Planning Commission with minor changes.

The final master plan integrates the responses to options A & B heard at the second public meeting and better responds to the site topography. It should be noted, however that the site has not been surveyed and actual site conditions may require that slight changes be made to the master plan design during

construction documentation.

The final design announces entry into the park with a small interpretive plaza and restroom building. Plaza amenities include a drinking fountain, seatwall, trash receptacle and park signage. Plaza elements should be designed and detailed to convey the natural and cultural history of the site.

A crosswalk leads from the plaza across Clackamette Drive to a paved bus turnaround. While the primary function of this area is for bus and trolley turning, the space is also viewed as an extension of the park. The paving should respond to the specially paving of the plaza – pavers or perhaps cobbles. In center of the turnaround stands a specimen elm – a living monument to the Abernethy family and the Abernethy Elm. This area is thought of as a remembrance garden with crushed rock, stone seatwalls and interpretive signage.

To the greatest extent possible, the amount of green space on the park site has been maximized by locating parking under the I-205 bridge. The lawn areas have been left fairly open for flexible passive recreation activities and visibility from the street. Subtle

mounding from available on-site fill material can provide additional opportunities for river viewing.

A river overlook cantilevers over the existing sheet pile wall with seating nearby. Picnic tables are located near the plaza and east of the overlook under a shelter as well in a crushed rock space designated for picnicking.

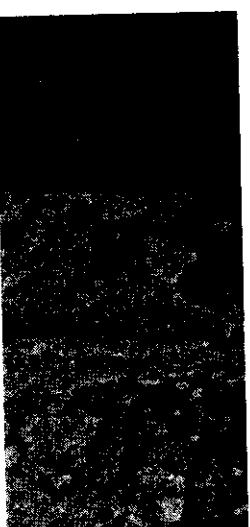
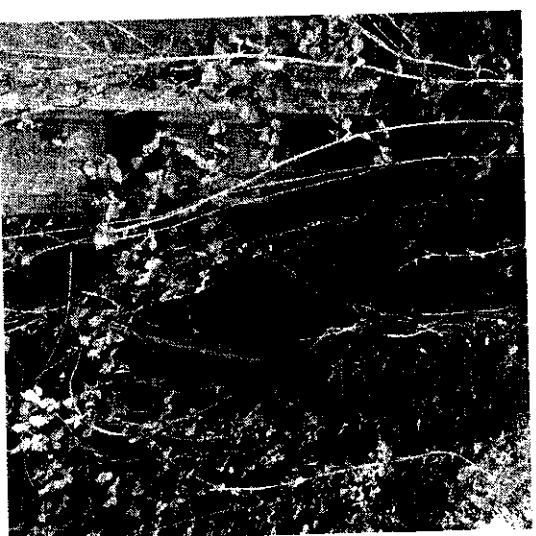
A shared-use trail is located on the east side of Clackamette Drive to extend south the existing pedestrian trail in Clackamette Park and the bike lanes currently striped on Clackamette Drive.

# Appendix

## Sheet Pile Wall Observations provided by Ronald G. Kernan, PE, KPFF Consulting Engineers

The wall is located on the east side of the river just downstream of the I-205 bridge. It is approximately 60 feet long and 20 feet high above the current relatively low water level. Note these measurements are eyeball estimates, not taped dimensions. It is constructed with corrugated steel sheet piles with approximately 8" corrugations. Our estimate of the steel sheet thickness is  $\frac{1}{4}$ " to  $\frac{3}{8}$ ". At the south, upstream end, the sheet pile return at approximately 45 degrees and are embedded in the bank. At the north or downstream end, a log return wall has collapsed and significant erosion has occurred behind the wall. This is apparent by the exposed tie-back near the top of the wall. There are two rows of tie-backs connected by channel wales. The upper row of tie-backs is a few feet below the top of the wall, and the lower row is approximately 8 feet below the top of the wall. There is obvious surface corrosion of the sheet piling near the low water level. Above this level, the sheet piles appear to be in good condition. There are obvious signs of significant impact from floating debris on the channel wales. This is not surprising since the main flow of the river is directly at this wall.

The primary concern was whether this wall was adequate to support a parking area. The original use was to support a crane for a log loading operation. Since the loading for the original use was significantly higher than the proposed use, and the deterioration of the main wall is relatively minor, we feel the existing wall is adequate to support the proposed parking area. Adding up to 5 feet of fill behind and sloping down to the wall is also acceptable. We recommend getting input from someone familiar with cathodic protection to see if there is a possibility of installing a system to extend the life of the piling system. The wall should be replaced at the north edge and the fill replaced.



# Appendix

## Sheet Pile Wall Slope Stabilization Recommendations provided by Andy Janky, PE of Flowing Solutions, Inc. (formerly of KPFF)

### Summary

This memo summarizes the observations made during the August 9<sup>th</sup> field visit with KPFF Consulting Engineers and Lango Hansen. The field report dated August 9, 2004 by KPFF, references significant erosion at the downstream section of the wall. The erosion is likely caused by concentration of energy below the wall during high flows. As river current hits the wall, it accelerates and progresses down stream, then expands as the wall ends and forms strong eddies. These eddy currents have eroded the bank and caused upland slope failure. A majority of the damage likely occurred during high flood waters.

To prevent this type of erosion, a wall was originally installed to prevent scour and erosion. This wall was connected to the bank line and secured by piling. The downstream wall was constructed by timber crib pile and supported by steel I-beam which retained the slope. Portions of the crib wall still exist and are buried by bank material, however the cribbing is damaged and support pile bent. This wall failure has caused the upland soil to be exposed and subject to erosion by the eddy currents.

The toe of slope is subject to failure given the current condition of the cribbing and support material. If this occurs, additional structural fill behind the wall will be lost due to erosion. As more fill is lost, upland area will be jeopardized.

### Solutions

Solutions vary in cost, scope and risk. Solutions for this type of problem typically depend on the reason for repair and the upland program. For example, if a large building or structure was immediately threatened, a permanent fix would be required. This type of solution is expensive and would require significant permitting efforts. The opposite end of the spectrum is a site where no upland uses are programmed. In this case, it may be appropriate to allow the river to reclaim its bank line by removing the structure.



Sloping crib wall.



Bent support pile.



# Appendix

## Solution 1

Let the river reclaim the structure. The lowest cost and simplest to permit would involve leaving the structure alone, with minor safety improvements. The area poses a fall hazard; however, if the piling were cut off, scrape steel removed and hand-rails added at appropriate locations, the area would be serviceable for many years. The only limitation would be the frequency and level of flooding.

## Solution 2

Surface Slope Stabilization. This would consist of applying a surface treatment to the exposed area. This solution relies on the stability of the existing crib wall and would be compromised when that fails. Soil, rip-rap, fabric or other slope stabilization would be placed over the existing surface. This stabilization would be vegetation to lock the system together and facilitate permitting ease. Rip-rap would be challenging to permit, though, however would be the best surface treatment. Placing soil over the rip-rap and vegetating the matrix would increase the odds of obtaining a permit.

An alternate would be to place heavy duty coir fabric over the existing slope and stake into place. Willow cuttings could would then be placed through the fabric and into the slope.

The fabric would reduce rainwater erosion and provide slope protection until the plantings were established. This approach would be less durable, but could be done quickly, for little cost, and might be possible without much permitting effort.

## Solution 3

Permanent Repair. This solution would address the problem by fixing the toe of slope. The toe would be either removed or rebuilt and then the upper portion rebuilt. The solution would require permitting, agency coordination, design and engineering. This solution would also restore the upland area lost by erosion.

Sheet pile could be driven along the toe of slope behind or in front of the existing crib wall, depending on the thickness of sheet pile and unsupported length, a tie-back system may be required. This wall would also be connected to the existing sheet pile wall. The sheet pile could be full height and allow the area to be filled and reclaimed for upland uses. A concrete cap could be cast along the top of the sheet pile to tie the system together and provide space for a guardrail.

A similar solution would be to rebuild the existing crib wall with timber and H-pile. This would be primarily an economic decision.

## Solution 4

Hybrid solution. This solution would rebuild the toe area using sheet pile, then the slope above stabilized using Solution 2. This option would have permit challenges and would not provide any additional upland area; thus this would is not be a realistic solution.

The key to selecting a solution is to establish the value of the upland area and determine the tolerance to risk. An estimated cost for Solution 2, is \$10,000-20,000. Costs for Solution 3 could range from 75,000-150,00 depending structural design and steel costs.

# Appendix

**Lango Hansen**

2024-09-09 10:00 AM (UTC-07:00) [mailto:lj@langoarchitects.com] [mailto:lj@langoarchitects.com]

9 September 2004

Steve Coven  
ODOT District 2B  
9200 SE Lowmyer  
Clackamas OR 97015

RE: Jon Storm Park

Dear Steve:

We are currently developing the master plan for the Jon Storm Park in Oregon City. Our process has included two public workshops to gain citizen input on preliminary design options. We are now incorporating comments to produce a final master plan design and will be presenting again to the public and the Parks and Recreation Advisory Committee on the 27th of this month.

In our earlier phone conversations you indicated that ODOT would most likely be amenable to leasing their property under the I-205 bridge at Clockamelle Drive to Oregon City for future parking to support the new park. Because there is a significant grade change from Clockamelle Drive to the under bridge right-of-way, it may also be necessary to add some fill to minimize a steep driveway. You had also suggested that there have been precedents where a few feet of fill was added to sites with similar lease agreements and this should not pose too much of a problem.

I am enclosing a preliminary site plan to give you an idea of what we are proposing. Unfortunately, we do not have survey data for under the bridge and it is very difficult to accurately portray a parking scheme beyond a schematic level at this time. We are in the process of redesigning the parking lot to incorporate turning radii that can accommodate bus turning movements and better respond to some newly acquired site measurements. That being said, this conceptual plan still portrays the intent of the design.

While I realize that ODOT is not in a position to make a decision at this point in time without a refined plan and a formal application, I just wanted to touch base with you again to make sure that we will be presenting a viable option to the City on the 27th.

After having reviewed the plan, would you mind checking back with me ([lj@langoarchitects.com](mailto:lj@langoarchitects.com)) so that we may continue to develop the master plan. Please feel free to call if you have any questions. Thank you again for your time.

Sincerely,

  
Elizabeth F. Crane

Lango Hansen Landscape Architects, PC

cc: Scott Archer, City of Oregon City

# Supplemental Master Plan Material

## 17.65.050 Concept Development Plan

### Existing Conditions Submittal Requirements

#### 1. Narrative Statement

##### a. **Current Uses of the Site**

The site is vacant open space owned by the City of Oregon City for the purpose of developing into the Jon Storm Park. See Master Plan (MP) document, page 3 for existing site elements.

##### b. **Site History/Background Information**

See MP, page 1 for project overview and page 4 for site history.

##### c. **Vicinity Map**

See attached Vicinity Map as well as MP, page 2.

##### d. **Surrounding Uses Map**

See attached Aerial Photo as well as MP, page 3

##### e. **Previous Land Use Approvals**

Not applicable

##### f. **Existing Utilization of the Site**

There are no current active uses on the site. The adjacent ODOT property under the I-205 bridge is temporarily being used to store concrete barriers. See attached Aerial Photo and MP, page 8.

##### g. **Existing Site Description**

- i. Physical characteristics (see MP, pages 3 and 7)
- ii. Ownership patterns (see MP, page 3)
- iii. Building inventory – one which is being demolished (see MP, page 7)
- iv. Vehicle/bicycle parking – there is none.
- v. Landscaping/useable open space – there is none.
- vi. FAR/lot coverage – not applicable
- vii. Natural resources on the Goal 5 inventory – the site is adjacent to the Willamette River with views of the Willamette Falls. It is also in close proximity to Abernethy Creek which is on the south side of the I-205 bridge.
- viii. Cultural resources on the Goal 5 inventory – the site has significant cultural historic value but is not in a designated historic district.
- ix. Existing trees – there is a grove of existing Cottonwood trees with individual calipers of approximately 12". See attached Aerial Photo for location.

##### h. **Existing Transportation Analysis**

Clackamette Drive is the only means of accessing the site by vehicle (see MP, pages 2 and 3). At approximately the north end of the project site, Clackamette Drive ends as a City street and becomes a driveway to the Sportcraft Marina. The Sportcraft Marina is located on land leased from the City. See MP, page 3 for road description and photo.

- i. Existing transportation facilities (see MP, pages 2 and 3) - There are signed bike lanes along Clackamette Drive and there is trail access to the site area from the adjacent Clackamette Trail (see MP, page 5 for future trail connections).
- ii. Transit routes – there are none at this time to the site area. The closest Tri-Met line runs east of the site on highway 99-E. The City has suggested that in the future the historic trolley may make a stop at this location.
- iii. Alternate modes utilization – not applicable at this time, however large groups may in the future visit the site by bus. To accommodate busses, the proposed site plan shows a bus turnaround as well as a bus drop-off. The turnaround and drop-off could also be used by the historic trolley.
- iv. Baseline parking demand and supply study - The Oregon City Comp Plan and Code does not provide parking number requirements for parks and open spaces. The City of Portland Zoning Code suggests 20 spaces per site acre for commercial outdoor recreation. This site is approximately 1.5 acres, thus requiring about 30 parking spaces. The proposed plan shows 28 off-street spaces as well as on-street parking along Clackamette Drive.

i. **Infrastructure Facilities and Capacity**

The park will need utilities to service a flush restroom, a drinking fountain and park lighting. These utilities are in place on the site to service the transient dock which is currently under construction. See attached Existing Utility Plan.

A stormwater management plan will be developed during the construction documentation phase. The size of the site limits the use of bioswales for stormwater treatment. Where possible, paved surfaces will be paved with permeable materials to mitigate on-site runoff.

## Proposed Development Submittal Requirements

### 2. Narrative Statement

a. **Proposed Duration of the Concept Plan**

The proposed duration of the concept development plan is dependent on funding availability and sources. The intent is to develop the project in a single phase however, it may be broken down into separate phases, if necessary.

b. **Proposed Development Boundary**

See attached Master Plan drawing for proposed development boundary.

c. **Project Phasing**

Project phasing has not yet been determined at this point in time. If phased, this could be a two-phase project with the first phase consisting of the construction of all park elements except the cantilevered overlook. The first phase could also include slope stabilization at the existing sheet pile wall. The method of slope stabilization is yet to be determined and will require further analysis (see Master Plan Appendix for possible solutions). The overlook could be constructed in the second phase of the project.

d. **Project's Consistency with Section 17.65, the Institutional Zone and Relevant Overlay Districts**

As a Master Plan project, the Jon Storm Park was designed taking into account its relationship to the surrounding area. The park will serve as a continuation of existing riverfront open space and provide amenities to users of the adjacent Rivershore Hotel and Sportcraft Marina. The site is designated on the Oregon City Zoning Map as Jon Storm Park in the Institutional Zone. It falls within the Water Resources Overlay and is in the Flood

Management District. Open space is considered permitted development within these overlays, but park development must adhere to a balanced cut and fill policy.

e. **Impacts on Natural, Historic or Cultural Resources**

The proposed park plan softens the riparian edge by removing a former industrial site and replacing it with a managed open space with enhanced riparian areas. The Master Plan document provides an overview of the site history with the intent that a more in-depth historical (perhaps even archeological) analysis be performed so that the park can serve as an interpretive site as well as a passive recreation site.

f. **Impacts of Proposed Development on the Surrounding Community and Neighborhood**

The proposed park is located on Clackamette Drive between Highway 99E and the Willamette River adjacent to the Interstate 205 bridge. Its neighbor to the north is the Clackamette Park Trail and to the south is the Sportcraft Marina. Between the Sportcraft Marina and Jon Storm Park is ODOT right-of-way for the I-205 bridge. This area is not a residential community – there will be no neighborhood livability impacts.

Clackamette Drive is currently seeing a large seasonal influx of trailer/auto traffic associated with the boat launch at Sportcraft. There is a severe shortage of marina parking in the area resulting in substantial parking along the road shoulder where none is officially designated. The proposed park plan clearly defines the road edge and delineates on-street parking on the west side of Clackamette Drive. While it is anticipated that much of the on-street parking will serve Jon Storm Park, it is also intended to support Clackamette Trail. A proposed shared-use trail is proposed on the east side of Clackamette Drive in front of the Rivershore Hotel. The trail will eliminate undesignated on-street parking on this side of the street.

Because the new floating dock at the park is a transient tie-up and not a launch, there will not be additional trailer traffic associated with this development. Car traffic affiliated with the dock will depend on future uses which have yet to be determined by the City of Oregon City. Examples of future uses are, but not limited to, a floating museum, a water taxi, dinner cruise, etc. Should the dock/park site evolve into an attractor, tourist buses (and/or the Oregon City trolley) may be loading and unloading at the site. To accommodate buses, the park design includes a drop-off and a turnaround.

A parking lot for approximately 28 cars is proposed under the I-205 bridge within the ODOT right-of-way. This number may vary slightly during the construction documentation phase when actual survey data is obtained. There will be no provisions for trailer parking in this lot. Wheel stops shall be implemented to deter trailer parking. The intended users of this lot are park and dock visitors.

Natural, cultural and historical impacts to the site and surrounding area will be positively affected with the proposed open space development. Eroded riparian edges will be revegetated, cut and fill will be balanced on-site and stormwater runoff will be minimized and managed. To the extent possible, pervious paving methods will be employed to minimize stormwater run-off. The intent of the Master Plan is to provide an environmentally sensitive approach to on-site stormwater management. However, lack of sufficient survey data under the I-205 bridge limits a developed stormwater plan at this time.

The site has a rich cultural history that dates back thousands of years when it was regularly visited by Native Americans during salmon season. Additionally, it served as a point of entry for pioneers to the area. The intent of the park is to tell the story of the site's history, through signage, interpretive elements and choice of materials. The development of this park provides an opportunity to give back to the people of Oregon City what is now fenced off, underused, and in areas, unsafe.

g. **Anticipated Transportation Impacts**

Car trips to the area will increase when the floating dock is completed, however that is a

separate project and will occur prior to commencement of this project. While there will be additional visitors to the area when the park is completed, the addition of on and off-street parking should mitigate the uncontrolled parking that exists now. The neighbors in the area that could be affected by additional traffic are the Rivershore Hotel and the Sportcraft Marina. Both owners attended the Master Plan presentation meeting and were in support of the project.

It has not yet been determined by the City what the hours of the park will be. This decision will be impacted when the usage patterns of the dock floating dock are assessed. Should the City, rent dock space to a riverboat for short cruises, traffic may increase for short amounts of time when passengers are boarding and unboarding. Again, this is really a function of the dock, and not the park. Park traffic will likely be seasonal for picnicking and passive recreational activities

h. **Traffic Impact Study**

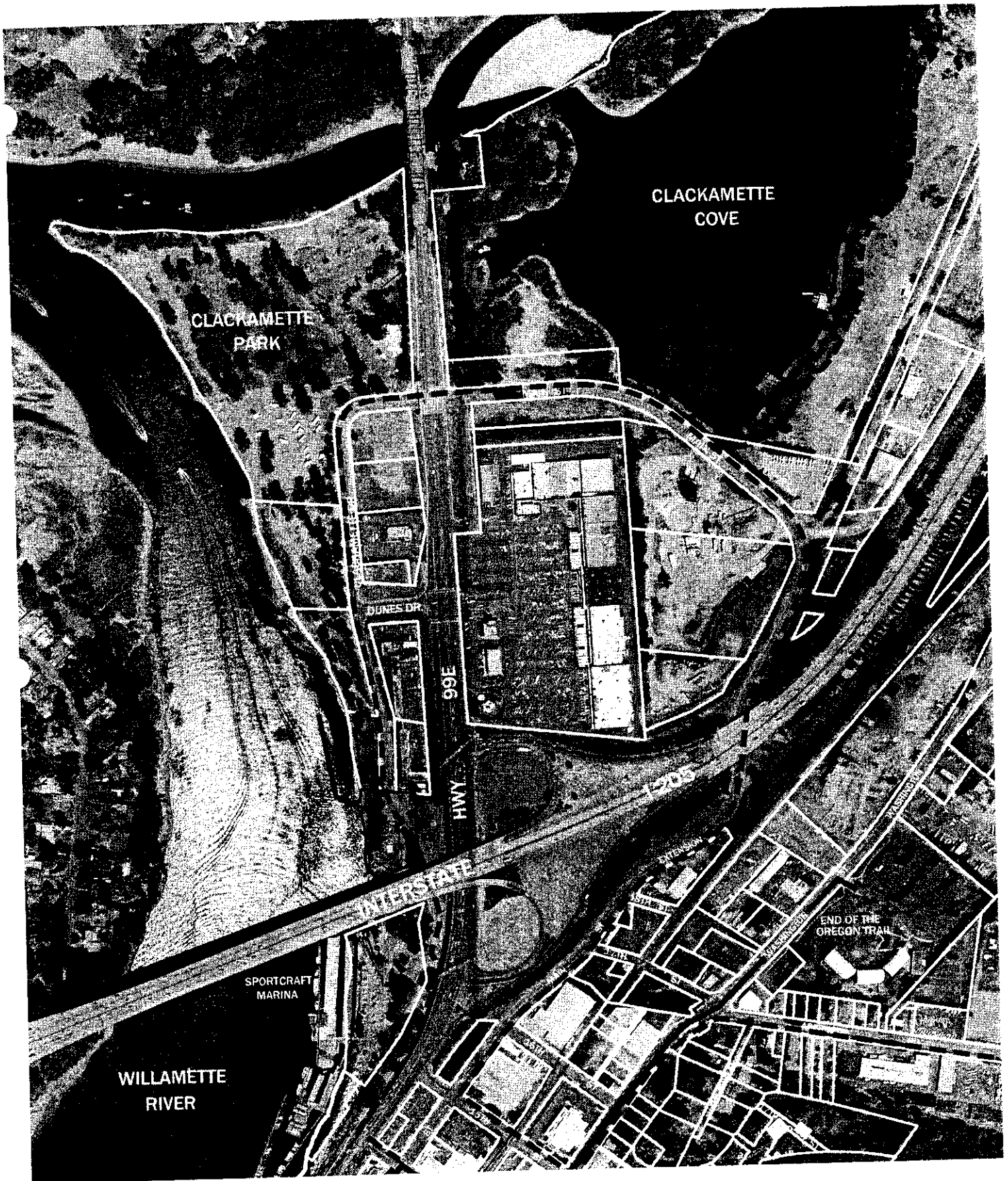
Because the proposed development is a small park that is not anticipated to affect existing traffic patterns, the City has not required a traffic study.

i. **Implementation of Required Transportation Capacity and Safety Improvements**

This is not applicable because the City has not required a traffic impact study for this project.

j. **Development Standards**

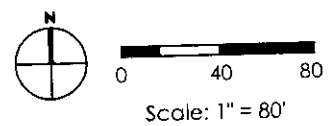
Development standards have not been proposed for this project.

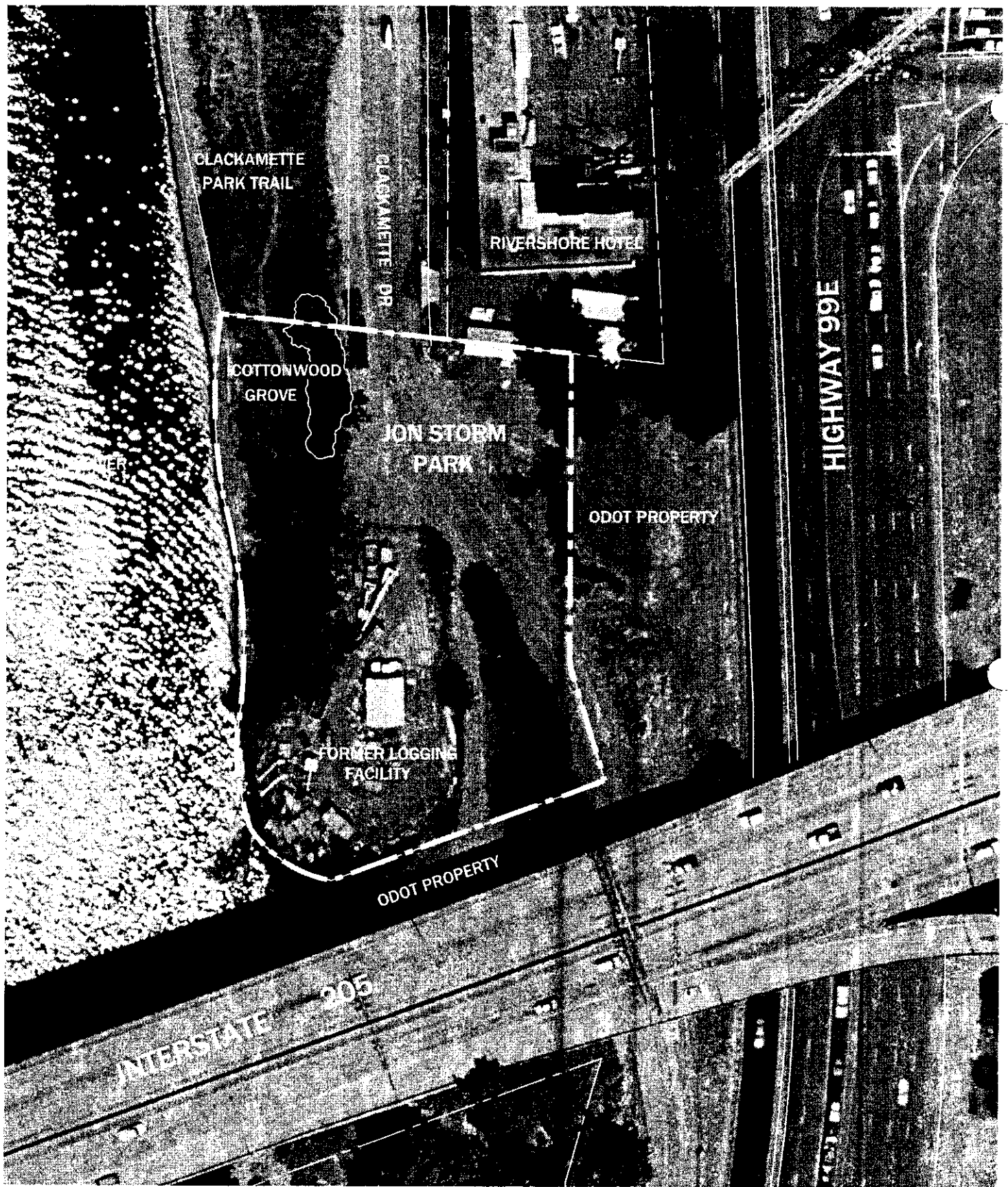


## Vicinity Map

Jon Storm Park, Oregon City

11 November 2004





## Aerial Photo

Jon Storm Park, Oregon City

11 November 2004



not to scale

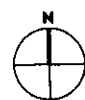




## Existing Conditions Site Plan

Jon Storm Park, Oregon City

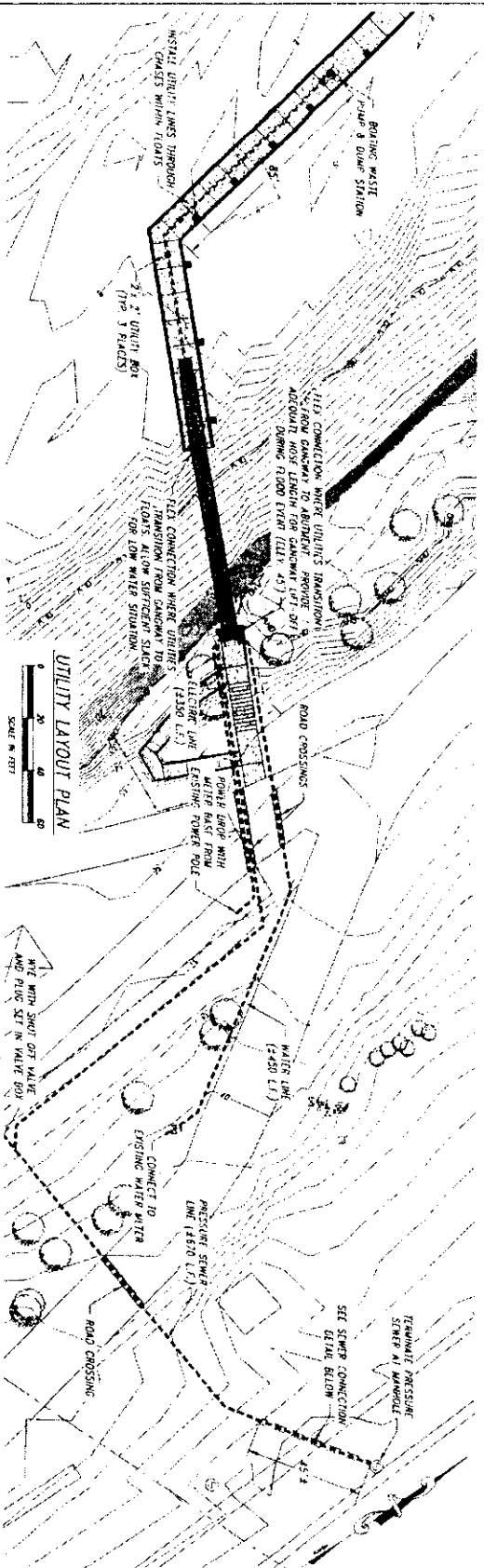
11 November 2004



0 40 80

Scale: 1" = 80'

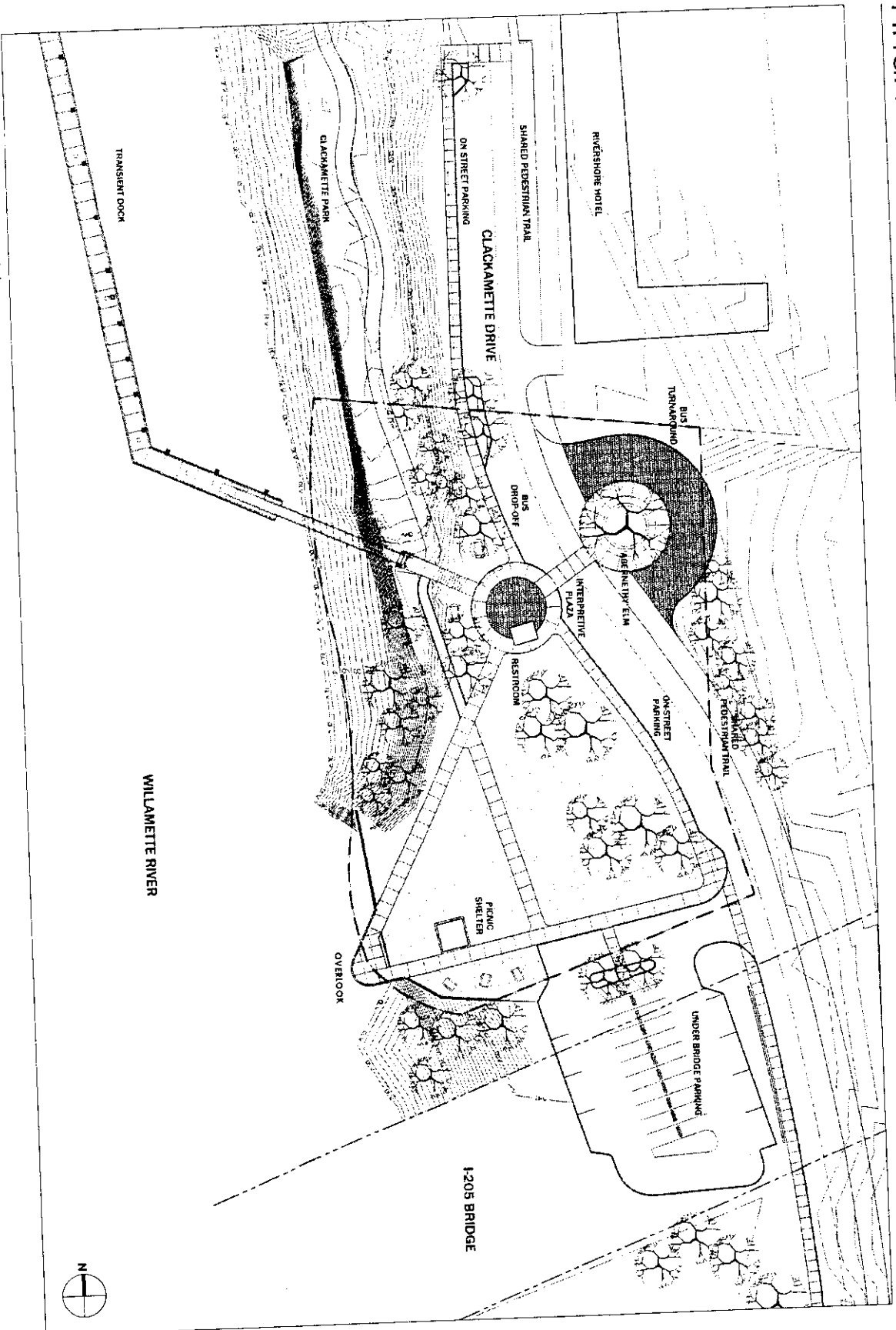
# Existing Utilities



Utility Layout Plan from Oregon State Marine Board drawings for the transient dock.



# Final Master Plan Design



Final Master Plan (not to scale).

# Clackamas County Fire District #1

## Fire Prevention Office



### Fax Memorandum

**To:** Tony Konkol, City of Oregon City Planning Dept.  
**From:** Joe Ligatich, Inspector, Clackamas County Fire District #1  
**Date:** 1/12/2005  
**Re:** MC-04-01; Master Plan

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

- 1) Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking Fire Lane" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane.
- \* Recommend that outbuildings be constructed of non-combustible materials.



Oregon Department of Transportation  
ODOT Region 1  
123 NW Flanders St  
Portland, OR 97209  
Telephone (503)731-8200  
FAX (503)731-8259

# Oregon

Theodore R. Kulongoski, Governor

File Code:

December 21, 2004

PLA9-2B -64  
ODOT Case No: 2045

City of Oregon City  
Planning Department  
PO Box 3040  
320 Warner Milne Rd  
Oregon City, OR 97045-0304

Att: Sean Cook

Re: **MC 04-01: Jon Stormo Park Master Plan**  
I-205/OR 99E

Dear Mr. Cook,

We have reviewed the draft park master plan and have no objections to the development of the proposed park.

ODOT is currently leasing property to Sportcraft. If their property is to be affected by park development, the City will need to work out a solution directly with Sportcraft. An ODOT lease must be negotiated to use state property under I-205 for the proposed parking lot; ODOT will lease the property at fair market rate.

ODOT requests the City impose the following conditions of approval to ensure compliance with state requirements:

1. A fully executed lease with ODOT shall be obtained prior to the commencement of construction of the parking lot located under I-205. All construction costs must be born by the applicant.
2. An ODOT permit for any work in the I-205 or OR 99E right of way must be obtained prior to construction.
3. An ODOT Drainage Permit is required for connection to state highway drainage facilities (pipe or ditch). Connection will only be considered if the site's drainage naturally enters ODOT right of way. The applicant must provide ODOT District 2B with a preliminary drainage plan showing impacts to the highway right of way.

A drainage study prepared by an Oregon Registered Professional Engineer is usually required by ODOT if:

- a. Total peak runoff entering the highway right of way is greater than 1.77 cubic feet per second; or
- b. The improvements create an increase of the impervious surface area greater than 10,758 square feet.

Please advise the applicant to contact the following ODOT offices for follow up:

- I-205 Property Lease: Harry Whitney, Sr. Property Agent, ODOT Region 1  
telephone 503-731-8427, e-mail: [harry.whiteney@odot.state.or.us](mailto:harry.whiteney@odot.state.or.us)
- OR 99E-path connection design: Basil Christopher, Bicycle Pedestrian Coordinator,  
ODOT Region 1, telephone: 503.731-3261, e-mail: [basil.r.christopher@odot.state.or.us](mailto:basil.r.christopher@odot.state.or.us)
- ODOT Permits: Gary Hunt, Permit Specialist, ODOT District 2B  
Telephone: 503-653-3086, e-mail: [gary.k.hunt@odot.state.or.us](mailto:gary.k.hunt@odot.state.or.us)

If you have questions regarding this matter, please contact me at 503.731.8282. Please forward a copy of the decision when it has been issued. Thank you.

Sincerely,



Sonya Kazen  
Development Review

C: Gary Hunt, Steve Coxen, ODOT District 2B  
Harry Whitney, Right of Way, ODOT Region 1  
Basil Christopher, Project Delivery, ODOT Region 1

*Just a note to Tony Konkol:*

12/30/04

*This is concerning the plan for "Jon Storm Park". If this plan includes substantial car parking space and restrooms we would have no reason to object. If the plan does not include adequate parking and restrooms we will have questions. The undersigned will be interested in sending a representative to the January 24 meeting.*

*Thank you for including us in your decision.*

*Sportcraft Marina Inc. and Employees*

*Jerry B. C.*  
*Ed M. L.*  
*Sheri Nichols*  
*R. L. O.*  
*T. J. P.*  
*T. J. P.*  
*J. J. B.*  
*E. J. B.*  
*F. J. B.*

**CITY OF OREGON CITY - PLANNING DIVISION**  
**PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304**  
**Phone: (503) 657-0891 Fax: (503) 722-3880**

**TRANSMITTAL**  
December 15, 2004

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- TRAFFIC ENGINEER**
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- ☒ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☒ TRI-MET
- ☒ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:  
Tony Konkol, Senior Planner  
Planning Division

COMMENTS DUE BY: **January 13, 2005**  
HEARING DATE: January 24, 2005 (Type III)  
HEARING BODY: STAFF:    PC: XX CC:   

**REFERENCE TO**

FILE # & TYPE: MC 04-01: Master Plan  
PLANNER: Tony Konkol, Senior Planner  
APPLICANT: The City of Oregon City, Jim Row  
REQUEST: The applicant is seeking approval of a Master Plan for Jon Storm Park (zoned Institutional).  
LOCATION: The site is located at 1801 Clackamette Drive and identified as Clackamas County Map 2-2E-29CB Tax Lot 300.

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

       The proposal does not  
conflict with our interests.

       The proposal conflicts with our interests for  
the reasons stated below.

X The proposal would not conflict our  
interests if the changes noted below  
are included.

       The following items are missing and are  
needed for review:

Obtain necessary permits for Postroom Bldg. Obtain Variances  
for construction within Floor plans

Signed \_\_\_\_\_  
Title \_\_\_\_\_

[Signature]  
Building Official

**PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL**



10my  
Konkol

**CITY OF OREGON CITY - PLANNING DIVISION**  
**PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304**  
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|---|--|
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| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review:              |

Signed \_\_\_\_\_  
Title \_\_\_\_\_

*John M. Jones*  
*Operations Manager*

1/11/05

**PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIALS**

MEMORANDUM  
City of Oregon City

DATE: December 22, 2004

TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests

File Number MC 04-01

Name/Address: 1801 Clackamette Drive  
Master Plan for Jon Storm Park

---

**Water:**

Existing Water Main Size = 6"

Existing Location = along Clackamette Drive (see attached map)

Upsizing required? Yes ☐ No ☒ Size Required See Water Master Plan inch

Extension required? Yes ☒ No ☐

Looping required? Yes ☒ No ☐ Per Fire Marshal \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

New line size = \_\_\_\_\_

Backflow Preventor required? Yes ☒ No ☐

**Pressure Reducing Valve required for 70 psi or higher.**

Clackamas River Water lines in area? Yes ☐ No ☒

Easements Required? Yes ☒ No ☐

**See Engineer's comments**

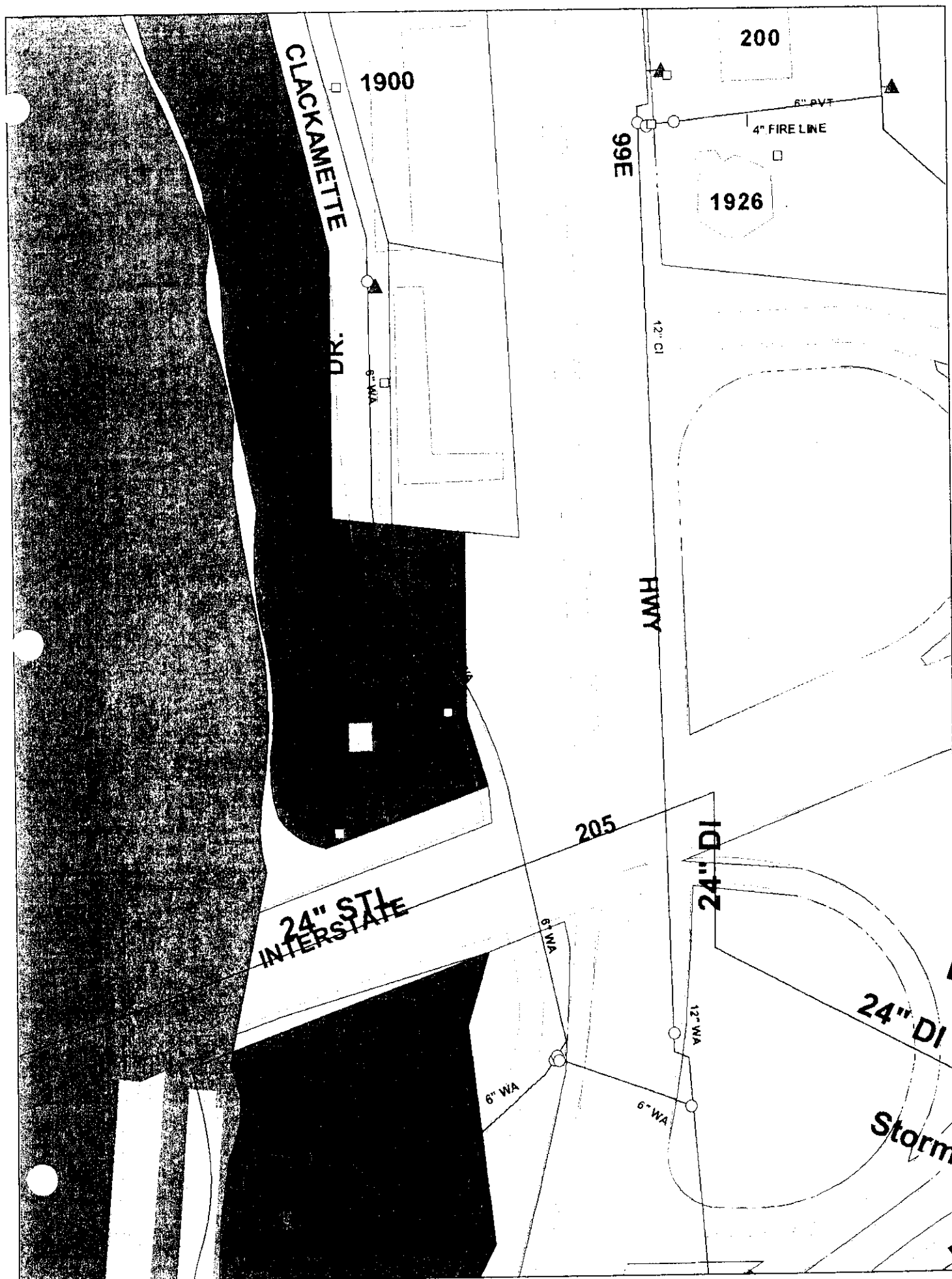
Recommended easement width → ft.

Water Divisions additional comments No ☐ Yes ☒ Initial eli Date 12/22/04

**Consult Water Master Plan.**

**Not sure what is required for water in the proposed park. Need to review and comment on proposed preliminary utility site plans. Repeat review, see 10/4/04 comments for water. Need backflow preventor assemblies to protect Oregon City's drinking water after the water meters.**

**See attached OC H2O map.**



MEMORANDUM  
City of Oregon City

DATE: 28-Dec-04  
TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests  
FILE NO. MC 04-01: Master Plan  
NAME:

Streets:

Classification:

Major Arterial \_\_\_\_\_ Minor Arterial \_\_\_\_\_  
Collector \_\_\_\_\_ Local X \_\_\_\_\_

Additional Right Of Way Required? Yes \_\_\_\_\_ No X \_\_\_\_\_

Jurisdiction:

City X \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Existing width = \_\_\_\_\_ feet

Required width = \_\_\_\_\_ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes \_\_\_\_\_ No \_\_\_\_\_

Transit Street? Yes \_\_\_\_\_ No \_\_\_\_\_ Line No= \_\_\_\_\_

See Department additional comments No \_\_\_\_\_ Yes X \_\_\_\_\_ Initial P.I. \_\_\_\_\_

1. Improvements to Clackamette Drive along the Rivershore Hotel property should be addressed  
in conjunction with improvements planned for the Jon Storm Park property.

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**TRANSMITTAL**  
December 15, 2004

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|---|--|
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| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review:              |

Signed Ralph W. Kiefer  
Title CHAIR, PPNA Land Use Committee

**PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAIL**









## 14. URBANIZATION

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 14, Urbanization. This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

The city will continue to grow and needs to manage the growth for the benefit of its citizens and businesses. The goals and policies of this element are intended to ensure that the city grows in ways that are fiscally sound, that result in high quality development, that allow services to be provided efficiently and that protect natural resources. In general, Oregon City will urbanize in a thoughtful and deliberate manner to protect, preserve, and enhance the positive facets of city life.

### Background

Urbanization is the conversion of rural or natural resource lands to urban uses as the area of the city expands. In 1982, Oregon City occupied approximately 3,000 acres of land. In 2002, there were approximately 5,892 acres within the city limits. Another 1,403 acres were outside the city limits but within the urban growth boundary, for a total of 7,295 acres. Urbanization at the edge of Oregon City is constrained by the Willamette River to the west, Clackamas River to the north, and steep topography to the south and east.

Much of the future population growth will occur in unincorporated areas that are outside of the 2002 city limits. Metro requires concept plans be completed four years from date of inclusion. Oregon City will continue to grow in land area, through annexations and urban growth boundary expansions, the most recent of which added 738 acres to the south of South End Road, east of Beaver Creek Road, and south of Redland Road. A Concept plan for the areas must be completed by March 2007.

An intergovernmental agreement between the City and Clackamas County guides land use designations and extension of public services to the urbanizing area. The "Urban Growth Management Agreement" (UGMA) has been in place since 1990. Under the terms of the agreement, Oregon City, rather than Clackamas County, plans for and provides urban services for the urbanizing area. The agreement stipulates that city Comprehensive Plan designations will apply within the urbanizing area and that the County will zone properties inside the urban growth boundary Future Urbanizable (FU-10) until the City annexes them and applies the appropriate city zone.

Because the City provides sewer and water services to properties in the urban growth area only after properties either are annexed to the city or the property owners agree to annexation, urban level development can occur only within the city limits, under City land development standards and regulations. The UGMA appears to be working well, in that urban level development has not occurred outside of the city limits, as has been the case in other jurisdictions within the Metro region. As expansion of the urban growth area becomes more difficult over time, the UGMA can be amended to ensure that the City and County continue to plan for rational development at the city's edge.

## **Growth and Urbanization Issues**

How will the city urbanize in the future? Will the city grow in quality as well as quantity? What measures can the city government, or other governmental agencies serving the city, take to guide the type, location, quality and design of new development? Some of the challenges facing Oregon City include:

- Protecting and enhancing existing development, including older development that is now considered historic, along with new growth.
- Ensuring an adequate supply of housing in a range of prices and types, including housing that is affordable to low and moderate-income families.
- Attracting multi-story offices, unique commercial centers, vibrant mixed-use centers, and productive employment areas.
- Ensuring that the city's basic utilities and facilities, especially its transportation system, have the capacity to handle the growth.
- Creating an urban environment, while keeping significant amounts of open space and parks available and accessible to its residents.
- Balancing private property rights with the public goals and needs as the City adopts new programs and regulations aimed at shaping the city's built and natural environment.

The City will need to use all available tools in a strategic and coordinated manner to encourage high quality development and redevelopment in appropriate locations, and at the same time protect and enhance the livability of the city. Goals and policies to meet the challenges described above are in some measure implemented through other elements of the comprehensive plan, such as good urban design in development, creating compact growth to reduce the need for expansion of the urban growth boundary, multi-modal transportation initiatives, and creating viable neighborhoods with a variety of uses. Other themes that the city should consider as it grows and expands in the future are discussed below.

## **Expansion of Boundaries**

The city cannot expand west or north because of rivers and the adjacent cities of West Linn and Gladstone. The city will ultimately run out of land on which to accommodate new development, both within the current city limits and within the urban growth boundary. As the city grows, it will need to expand its city limits to accommodate a portion of the regional housing and employment needs. This should be done in a rational and planned manner, in coordination with the city's capital improvement program and its ability to provide services to new areas. In addition, neighborhoods potentially affected by a proposed UGB expansion should be consulted in advance of the proposal to solicit input, determine local concerns and expected impacts, and assess the level of support.

The UGB is established to identify and separate urbanizable land from rural land as described in Statewide Planning Goal 14. Metro regulates the expansion of the Metro UGB, including Oregon City's UGB, through Title III of the Metro Code. However, Oregon City can apply for a major amendment to the UGB every year except a year in which Metro is updating its five-year analysis of buildable land supply.

Metro considers the following main factors when evaluating proposed changes to the UGB:

- (1) Demonstrated need to accommodate long-range urban population growth;
- (2) Need for housing, employment opportunities, and livability;
- (3) Orderly and economic provision for public facilities and services;
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (5) Environmental, energy, economic and social consequences;
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.

Applications for an expansion must demonstrate that growth cannot be reasonably accommodated within the current UGB, that proposed uses are or can be compatible with existing uses, and the long-term environmental, economic, social, and energy consequences after mitigation are not significantly more than they would be elsewhere.

Metro's Title 11 requires cities to include the land within their UGB in their comprehensive plans prior to urbanization. Title 11 intends to promote the integration of land added to the UGB with existing communities when comprehensive plans are amended by ensuring that "concept" plans are developed for areas proposed for urbanization or annexation. Concept plans must include a conceptual transportation plan; natural resources protection plan to protect areas with fish and wildlife habitat, water quality enhancement and mitigation and natural hazards mitigation; a conceptual public facilities and services plan for wastewater, water, storm drainage, transportation, parks, and police, and fire protection; and, a conceptual school plan. Oregon City will require concept plans to be developed for areas added to the southwest and southeast of the city.

Once inside the UGB, areas can be proposed for annexation when and where appropriate. The Oregon City zoning code lists factors that the Planning Commission and City Commission are to use when reviewing a proposed annexation. The annexation should not take on issues that are better suited to development review. Simply, the city should consider the adequacy of facilities and services to the area or the ability to provide those services in an efficient manner. This would leave development plans and related issues to the site development/design review process.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for

annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

### **Partnerships with Other Governments**

The City does not provide all of the urban services necessary for the urban area. Clackamas County, the Oregon City School District, the Oregon Department of Transportation, the TriCities Sewer District, Clackamas Community College, and many other agencies also provide necessary services to the residents and employees in the city. In order to efficiently and effectively use the public dollars available to all of these different agencies, the City should be proactive in forming excellent working relationships with other agencies to address urban service issues.

### **Green Corridors**

"Green corridors" are lands and waterways left in a natural condition to provide open space, recreational, habitat, and a sense of separation of various areas. Metro has identified "green corridors" around the region in the 2040 Growth Concept. Although there are no green corridors within the city at this time, there may be a time in the future when there would be. The City recognizes the value of green corridors, and will ensure that any such corridors within the city limits of Oregon City or within its urban growth boundary are adequately protected. Beavercreek and its tributaries are potential green corridors. Clackamas County is establishing green corridors adjacent to Oregon City on Highway 99E from Canemah to New Era and on Highway 213 from the Oregon City city limits to Molalla.

Options for implementing green corridor concepts elsewhere include:

- Providing a gradual transition from green corridor to urban environment.
- Implementing a green belt or green corridor policy of parks and open space along these corridors. This could include purchase and development of parks along corridors, and restricting development in natural areas with steep slopes, wetlands, or other flooding issues from development along these corridors.
- Preserving these areas by adding zoning language to implement scenic roads policies.
- Reviewing development standards along the corridor to extend setbacks, increase landscaping requirements, encourage native vegetation.
- Developing incentive programs and educational programs.
- Linking tourism promotion or historic preservation to green corridors.

## **GOALS AND POLICIES**

### **Goal 14.1 Urban Growth Boundary:**

**Establish, and from time-to-time amend, an Urban Growth Boundary in the unincorporated area around the city that contains within it sufficient lands needed to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.**

Policy 14.1.1 The Urban Growth Boundary shall be in conformance with Metro Title 3 and will provide sufficient land to accommodate 20-year urban land needs, result in an

efficient urban growth form and a distinction between urban uses and surrounding rural lands; and will promote appropriate infill and redevelopment in the city.

Policy 14.1.2 Concept Plans that provide more detailed comprehensive planning will be required prior to development of lands within the Urban Growth Boundary, known as the Urban Growth Area.

**Goal 14.2 Orderly Redevelopment of Existing City Areas**  
**Reduce the need to develop land within the Urban Growth Area by encouraging redevelopment of underdeveloped or blighted areas within the existing city boundaries.**

Policy 14.2.1 Maximize public investments in existing public facilities and services by encouraging redevelopment, as appropriate.

Policy 14.2.2 Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

**Goal 14.3 Orderly Provision of Services to Growth Areas:**  
**Plan for public services to lands within the Urban Growth Area through preparation and adoption of a Concept Plan and related Capital Improvement Program as an amendment to the Comprehensive Plan.**

Policy 14.3.1 Maximize use of new public facilities and services by encouraging new development within the Urban Growth Area at maximum densities allowed by the Comprehensive Plan.

Policy 14.3.2 Extension of new services shall not diminish the delivery of those same services to existing areas and residents within the city

Policy 14.3.3 Oppose formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Area.

Policy 14.3.4 The costs of providing new public services and improvements to existing public services resulting from new development shall be born by the entity responsible for the new development to the maximum extent allowed under state law for Systems Development Charges.

**Goal 14.4: Annexation of Lands to the City**  
**Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.**

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary,

and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:

- a) avoid creating unincorporated islands within the city;
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

#### **Goal 14.5: Partnerships with Other Governments**

**Create and maintain cooperative, collaborative partnerships with other public agencies responsible for servicing the Oregon City area.**

Policy 14.5.1 Enter into an Urban Growth Management Agreement with Clackamas County to control land uses in the unincorporated area around the city to ensure that conversion of rural lands to urban uses upon annexation is orderly, efficient and in conformance with the Comprehensive Plan for Oregon City.

Policy 14.5.2 Coordinate public facilities, services and land use planning through intergovernmental agreements with the school district, Clackamas Community College, Clackamas County Fire District #1, Tri-Cities Services District and other public entities as appropriate.

Policy 14.5.3 Coordinate with Clackamas County and Metro to contain city boundaries and future urban land uses to areas on relatively level land north of the steep lands of Beaver Creek and its tributaries that border the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of the city.

#### **Goal 14.6: Green Corridors and Green Belts**

**Promote green corridors and green belts in lands beyond Oregon City's Urban Growth Boundary to maintain the rural character of the landscape and unincorporated communities and to protect the agricultural economy of the region.**

- Policy 14.6.1 Support Green Corridor policies and practices along major transportation routes to neighboring cities that may be designated by Clackamas County.
- Policy 14.6.2 Maintain a green belt around the southern and eastern edge of the city by confining urban land uses to the relatively level lands north of the steep slopes of Beaver Creek and its tributaries along the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of the city.
- Policy 14.6.3 Maintain the rural forested appearance along the Willamette River along US. Highway 99E within City areas from Canemah to South End Road at Beaver Creek by requiring vegetative screening and setbacks to provide a visual buffer and by regulating signage and lighting.





**CITY OF OREGON CITY  
PLANNING COMMISSION  
WORK SESSION  
SEPTEMBER 15, 2004**

**COMMISSIONERS PRESENT:**

Chairperson, Linda Carter  
Commissioner Lynda Orzen  
Commissioner Tim Powell  
Commissioner Dan Lajoie  
Commissioner Mengelberg

**STAFF PRESENT:**

Tony Konkol, Senior Planner

**1. CALL TO ORDER**

The meeting was called to order at 6:45 p.m. by Chairperson Carter.

**2. WORK SESSION:**

*Review and discuss potential "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18, 2004 (Planning File L 03-01)*

*Review Single-Family Housing Design Standards  
Review Farm Uses  
Design Award Ceremony*

Farm Uses

**Mr. Konkol** said staff reviewed Bend, Canby, Springfield, Tualatin, Beaverton and several other jurisdictions to determine how they dealt with agriculture and other farm uses inside their city limits. Many of them were very restrictive.

He thought the best example was Bend. As a permitted use within its urban low density, Bend allowed agriculture excluding the keeping of livestock. The keeping of livestock was a conditional use and was limited to one horse per 7,500 square feet, two horses at least 10,000 square feet, and an additional 5,000 square feet for each additional horse. Cows, goats, sheep, swine, fowl, or other livestock could not be kept on any parcel of land with an area of land less than 5 acres. No enclosure for horses, cows, goats, sheep, swine, fowl or other livestock could be kept on a parcel of land with an area less than five acres, and no enclosure for these animals could be located less than 25 feet from a dwelling. Fences had to be made from lumber. Bend allowed agriculture and horticultural uses excluding livestock in its medium density residential zone.

Tualatin's permitted uses in low density residential allowed for agricultural uses of land such as truck gardening, horticultural but excluded commercial buildings or structures and excluded the raising of animals other than the normal household pets.

The City of Springfield permitted agricultural uses were permitted in the residential districts and some temporary sales allowed by additional standards of the conditional use process. That city broke it down to fowl and poultry. The number of animals per minimum lot size was one to four. One would need a 10,000 square foot lot for five animals. Springfield broke out rabbits and bees, and then they got into horses, llamas, goats, and sheep. One animal was allowed per 20,000 square feet, and two or more required an additional 20,000 square feet for each additional animal. Two pygmy goats were allowed on the first 20,000 square feet, and three or more required an additional 10,000 for each animal. At least 75% of the lot area had to be accessible to the animal without violating the required yard setbacks. Springfield also had a sanitation exemption, and all animals had to be properly caged. The structures designed to house farm animals had to be located in the rear portion of the yard no closer than 40 feet from the front property line or 20 feet from any interior property line. The City and animal control had the right at any time to inspect the premises where farm animals were kept. Owners of premises not in compliant with the section shall were notified in writing to correct the deficiency within one week or legal action would be taken.

At the direction of the City Commission, a conditional use process would be prepared working from the standards that allowed them, and staff would reference other jurisdictions. **Mr. Konkol** asked that the Planning Commission review the numbers and locations that staff proposed.

**Commissioner Mengelberg** encouraged that Mr. Konkol speak with the Soil and Water Conservation District about innovative mitigation techniques.

**Mr. Konkol** discussed the City of Bend's limitations that only allowed for farm uses on R-10 lots. Other jurisdictions allowed agriculture on smaller lots. One could really reference the "at the edge of the City" as it was constantly changing.

**Commissioner Powell** discussed the problems with farm animals in developed areas.

**Chairperson Carter** commented on a development that was proposed near an existing dairy farm and noted citizens won their case that development was not appropriate.

**Mr. Konkol** agreed that was part of the larger question. If you bought a house next to a farm, you bought into it.

**Commissioner Orzen** thought there might be some performance standards the City could look at – odor, potential impact on environment, noise. The City may want to consider periodic reviews that included opportunities for neighbors to voice their concerns.

**Commissioner Powell** thought that was a good idea, but the City did not have the staff to handle its current codes including dogs running at large. How would the City go out and count how many goats people have on a ten-acre property? He did not want to get into the situation of managing these things by code.

**Commissioner Orzen** suggested a complaint-driven process. Go out once a year to get comments and complaints and schedule a hearing if necessary.

**Mr. Konkol** noted that was two separate realms – planning and code enforcement. Giving a conditional use and letting the neighborhood take another swipe the next year did not really meet the needs.

**Commissioner Orzen** said on the other hand the neighbors had a right to peace and quiet and enjoyment of their property.

**Commissioner Lajoie** thought the conditional use process was appropriate.

**Commissioner Powell** thought the Planning Commission should talk more about animals because he was not comfortable.

**Commissioner Orzen** suggested a discussion about raising animals and sales. Would people come to the property to work? Would there be more traffic generated?

**Commissioner Powell** thought the traffic advisory group would have to be involved at that point. He discussed managed growth that did not take away from the rural character. He did not recommend it should not be done, but the Commission needed to plan intelligently.

**Mr. Konkol** understood that Canby did not allow farming in the city limits. The city had one parcel in the city limits but outside the urban growth boundary, so that section of the Canby code was written for one parcel. There was a huge dispute going on right now because they wanted that parcel in the urban growth boundary in order to build a subdivision. The neighbors did not like the farm use because of the noise and smells. They did not want a subdivision either; they wanted open space. Canby's code said agriculture including all accessory structures used for and necessary for the conduct of agricultural activity but excluding commercial processing, sales, manufacturing, or packaging plants except when used for items grown primarily on the premises.

**Commissioner Powell's** initially feeling was that if it was zoned residential that farm animals should not be allowed. He did not have any problems with truck gardens and things of that nature. He felt there was an inherent problem. Sometimes they live together, but most times they don't. Those were his first thoughts, but he was open to suggestions.

**Mr. Konkol** understood the Natural Resources Commission would provide comments and shared the Planning Commission's concerns including the use of pesticides.

**Chairperson Carter** said the conditional use allowed an applicant to show how he would control the situation. She suggested that perhaps the Planning Commission should develop a set of criteria.

**Commissioner Orzen** commented that the County had a lot of great looking farm plans on paper that never get implemented. Some people build their McMansions and then have a llama for a pet. She wanted to be assured that there was some way to enforce the conditions of approval were enforced.

**Commissioner Powell** agreed, but the reality was Oregon City just did not have the personnel to do that.

**Chairperson Carter** said conditional use permits had to come back to the Planning Commission within an identified time frame for renewal.

**Commissioner Powell** saw that more in the farm animal aspect.

**Commissioner Orzen** added there were issues with agriculture such as dust and pesticides, but those could be managed. The City would want to ensure the neighbors were not being disproportionately impacted.

**Commissioner Powell** would like to learn how other jurisdictions manage conditional uses. He could not envision code enforcement monitoring the uses.

**Commissioner Orzen** commented she would be angry if the farmer next door used an herbicide that killer her flowers.

**Mr. Konkol** understood that agriculture would be treated differently than farm livestock. He discussed size and commercial endeavors.

**Commissioner Orzen** suggested some kind of fence with a 10-foot setback that might cut down on dust and pesticides. There may be restrictions for agricultural uses.

**Commissioner Powell** suggested getting recommendations for animals in that kind of environment.

**Commissioner Mengelberg** suggested going to the extension service for information.

**Commissioner Orzen** discussed a house on Glen Oak Road that put out two little stations on Hwy 213 with flower bouquets. Where does something like that come in where a grower only has an acre or two? Would that be a home occupation?

**Mr. Konkol** explained Oregon City's home occupation regulations did not allow sales of a product, only services.

**Tam Seaholtz** shared several points. She did not think the problem would be that grate since there were not that many large parcels in the City limits. She doubted people would consolidate parcels in order to start a farm. People may want a few goats to make goat's cheese or have a seasonal market garden. It was not farming within the concept of a large

harvest. Although she could be wrong, she did not believe there would be an interest in turning property into farm land. Impact wise, small gardens should not be a problem.

**Commissioner Powell** thought the Commission should plan for the worst case scenario.

**Tam Seaholtz** discussed market gardens. She planned to grow organically and was concerned about her neighbor's spraying. She believed people would be sensible in managing their lots.

**Commissioner Powell** added the next owner of that property may not feel the same way, so he believed there needed to be some codes in place.

**Jackie Hammond-Williams** commented on the traffic on Holcomb Road. She did not believe a small operation would attract a lot of traffic and added that garages sales brought in a lot of traffic with no parking stipulations.

**Jackie Hammond-Williams** did not produce enough for a farmers market, so it was more convenient for her to open her doors. She indicated a willingness to live within the restrictions. The City wanted to embrace tourism, and she developing a map of farms that sold on the weekends. She discussed the number of animals per acre. As one looked at the carrying capacity of the land, one needed to consider the size of the animal. The City might think of developing a carrying capacity per breed or perhaps something based on weight. If she did have to apply for a conditional use permit, it was not her long range goal to become a large dairy. She cannot sell wholesale. Her small dairy, as defined by the state, would be nine or fewer milking animals, so her application would be self-limiting. She discussed the ability to package and sell directly. It would be nice to have a tasteful sign she could put up during the weekends letting people know that goats milk or eggs were available. She saw it as an asset to those in the community who wanted to purchase farm fresh.

**Chairperson Carter** said since the guest's farm was already in operation, it would be grandfathered in. The group discussed the length of time it took getting the property into shape, working with the state, and finally having a product. The water was tested regularly, and the wastewater went into the treatment facility. The group discussed requirements for treating wastewater and protecting water resources.

**Mr. Konkol** said the other consideration was steep slopes and calculating the required square footage for animals. The City cannot go out and enforce. He discussed the liability of dogs getting into the livestock.

**Tam Seaholtz** explained she had horned goats, and the neighbors were concerned about their children's safety. She proposed she be allowed to use electric fencing setback from the property line to contain her animals.

**Mr. Konkol** discussed the conflict of having to have an electric fence to feel safe about keeping her animals in and other out.

**Tam Seaholtz** said the electric fence was five feet inside a standard fence and asked why that would be a problem.

**Mr. Konkol** thought the electric fence would be a hard sell inside any city.

**Chairperson Carter** thought the conditional use was the way to go.

**Mr. Konkol** discussed conditional use language based on animal type or size and acreage, seasonal and weekend sales, and signage. This could not be tied to home occupation since those regulations do not allow commercial sales. He suggested making distinctions between market and commercial agriculture.

#### Single-Family Housing Design Standards

**Mr. Konkol** provided a copy of the e-mail from Ernie Platt of the Homebuilders Association that defined an irregular lot and a copy of the list of design standards the Planning Commission discussed. He reviewed several changes he made:

- 17-20 -- applicability. He changed that to read, "with or without a garage." The developer only needed to meet four design criteria if there was no garage.
- Page 2, change 1 to read, "the garage was recessed two feet or more from the street-facing façade."
- C – the garage may be up to 60% of the length of the street-facing façade and extend up to five feet in front of the street-facing facade.
- E -- added that the garage may be side-oriented to the front lot line and up to 30 feet long.
- 17.20.040 regarding shakes, shingle, stone or other similar decorative materials changed to a minimum of 60 square feet.
- #12 – third garage that was recessed a minimum of two feet.
- Removed all references to shutters.

**Mr. Konkol** went back to the definition of an irregular lot. He had no problem with five sides or more which was typically on a cul-de-sac.

- #2 – "a slope up or down from front to back greater than 15%. Mr. Konkol did not agree with this one. He would say a natural slope up from front to back within the building setbacks greater than 15%. He would use natural so someone did not simply grade to achieve that slope.

- #3 – the dimensions such that the width measured along the street frontage was less than 35% of the depth. He would agree to that for R-6, -8, and -10. The R-3.5 however goes outside the garage standards. He did not believe the R-3.5 or R-2 zone should have that option. The group discussed skinny lots.

**Mr. Konkol** discussed objectivity on irregular lots that required the developer to meet seven design criteria and one of the two requirements for a porch or something over the garage. A regular lot would have to meet four design criteria. A snout house, for example, with eight feet in the front, would have to meet seven of the design criteria and one of the two options in B which was a minimum 60 square foot front porch five feet deep or the garage was two levels with a minimum 12-foot window on the second floor.

**Chairperson Carter** did not believe moving to the highest would be fair.

**Commissioner Powell** thought seven criteria might be somewhat high and could drop to six.

**Mr. Konkol** said a developer could simply add a dormer or hip roof. He discussed various combinations of the criteria to meet the standards.

The group discussed combinations of the various options.

**Mr. Konkol** said the HBA was asking for some leniency from the garage standard from the length of the garage in relation to the façade. The City was saying there would be an exemption from the garage façade standard, but the developer would have to meet seven design standards.

**Chairperson Carter** said if Mr. Konkol was comfortable and it read correctly to go ahead.

**Commissioner Powell** referred to 17.20.040 – the recessed entry at least two feet behind the front façade.

**Chairperson Carter** said the difference was that it had to be at least five-feet wide instead of the three-foot entryway. He thought it was like a tunnel.

The group discussed various designs. **Chairperson Carter** recalled the in the discussion with the builders that it gave enough room to have windows on each side of the door. The advantage was that there would be a porch with a little cover over the front door.

The group discussed octagonal vents as a feature.

**Mr. Konkol** urged giving credits for something the City wanted.

**Commissioner Powell** did not like the idea of the minimum of five feet without meeting the other standards and thought eight was fine. He discussed defining gables, dormers, and hip roofs standards in more detail.

**Mr. Konkol** will ask Ms. Robertson-Gardiner for a better definition of these features.

**Chairperson Carter** said these standards were 250% beyond where the City had been, and she was impressed that the HBA weighed in and was pleased with the efforts.

**Mr. Konkol** discussed Pan Pacific's comments and the 99E McLoughlin Boulevard Enhancement Plan. There was a client that wanted outside storage which was not allowed in mixed use downtown, so they put in a farm store. Part of the area would be a special transportation area (STA) that would allow narrower travel lanes, 10-foot sidewalks, and street trees. He felt there was a vision for a pedestrian-friendly area.

**Commissioner Powell** discussed the Mills Corporation that typically focused on theme developments. The group discussed the aspects of a regional center and Metro's definition.

#### Design Award Ceremony

**Chairperson Carter** discussed the award program, and the expense involved. The group discussed the beginnings of the program and how it might evolve over time.

**Chairperson Carter** adjourned the meeting at 8:30 p.m.

Respectfully Submitted

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Tony Konkol, Senior Planner



**CITY OF OREGON CITY  
PLANNING COMMISSION**

**SEPTEMBER 27, 2004**

**COMMISSIONERS PRESENT:**

Chairperson, Linda Carter  
Commissioner Lynda Orzen  
Commissioner Tim Powell  
Commissioner Dan Lajoie

**STAFF PRESENT:**

Tony Konkol, Senior Planner  
Bill Kabeiseman, City Attorney

**1. CALL TO ORDER**

The meeting was called to order at 7pm by Chairperson Carter.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA**

Kathy Hogan, 19721 S. Central Point Road, Oregon City. Ms. Hogan urged residents to participate in this year's Fill a Stocking, Fill a Heart efforts to aid needy families during the upcoming holidays.

**3. HEARINGS**

**Chairperson Carter** announced this evening's hearings.

**PD 04-02 (Quasi-Judicial Hearing), Applicant: Paul Reeder, Requesting approval of a 67-unit Planned Unit Development. The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3SW-1E-CD, Tax Lot 300 (6.7-acres zoned R-6.MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.**

**WR 04-12 (Quasi-Judicial Hearing), Applicant: Paul Reeder, Requesting a Water Resource determination and mitigation plan approval in association with a Planned Unit Development application (PD 04-02) 02-01). The sites are identified as Clackamas County Map 3S-1E-12D, Tax Lots 300, 301, 302, 400, 401, 402, 500 and 600 (12.01 acres and zoned R-10 Single-Family Dwelling District). The sites are located at 19599, 19619, 19623, No Site Address, 19631, 19645, 19665, and 19679 Central Point Road.**

A staff report was prepared for each application and was available for public review seven days prior to the hearing. The staff report identified the approval criteria that applied to each applicant's proposal. Staff analyzed the criteria along with written comments and input received through the public notification process for these applications.

The quasi-judicial hearing procedures followed by the Planning Commission were set out by state law and the Oregon City Municipal Code. Those procedures were shown on the chart. Anyone who wished to speak filled out a card and gave it to the planning staff. Letters, reports, or pictures were marked as an exhibit by the planning staff before they were submitted into the record. For the public record, people wishing to testify were asked to give their names and address. Testimony and evidence should be directed toward the applicable approval criteria. If one believed other criteria applied in addition to those addressed in the staff report, one should identify and discuss those criteria and explain why one believed those applied to the application. One did not have to testify in order to submit written material of any length as long as the record

was open. However, any party wishing a continuance or to keep the record open must make that request before the public hearing was closed.

If the Planning Commission makes a decision with which one does not agree, any issue which one may wish to appeal must have been raised for the Commission's consideration. Without raising the issue on the record with sufficient specificity and accompanied by statements or evidence so the City and all parties may respond, the issue would not be adjudged appealable to the State Land Use Board of Appeals (LUBA). In addition ORS 197.796 required an announcement. The failure of an applicant to raise Constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precluded an action for damages in Circuit Court.

**Mr. Kabeiseman** asked the Planning Commissioners if they wished to declare any bias, ex parte contacts, or conflicts of interest and site visits.

**Commissioners Lajoie, Powell, and Orzen** visited the site, but there were no conflicts of interest.

**Mr. Kabeiseman** asked if there were any challenges from the audience. Hearing none, he advised the Planning Commission to proceed.

**Mr. Kabeiseman** said an application for development on this same site was previously submitted. The Planning Commission made a decision last year that was appealed to the City Commission. It was eventually denied. What the Planning Commission had before it was a new application, and it was not a remand from the City Commission. It was a new application to judge separately. One of the issues that would likely come up had to do with its being substantially similar. The Oregon City code has a provision that bars the reapplication for a substantially similar project within one year of the public hearing denying an application. Staff determined this was not substantially similar based on some criteria that are in the code and outlined on page 4 of the staff report. There were definitions in the PUD that addressed substantial modifications to a PUD. Staff reviewed those and decided those modifications from last year's application were substantial enough to make this a different application.

**Mr. Kabeiseman** said if someone brought this up as an issue, it was the Planning Commission's decision if the application was substantially similar or not. The staff recommendation was that it was not. He wanted to note this because he anticipated that question from the Commission and the public relating to the previous application. He wanted the Planning Commission to be aware of the relationship and that the issue was out there.

**Mr. Konkol** provided the staff report. This was a Type III application. The decision of the Planning Commission is appealable to the City Commission within 10 days of issuance of the notice of decision. The applicant, Mr. Paul Reeder, was requesting approval of a 67-unit Planned Unit Development including 49 detached units and 18 attached units.

Tax lot 300, the rear of the two lots, had a Comprehensive Plan designation of low density residential/manufactured housing. It was amended from low density residential to the low density/manufactured housing per Ordinance 92-1029. The application was submitted prior to the zone change and Comprehensive Plan amendments that went into effect in June. The application was proceeding under the Ordinances and Comprehensive Plan designations that were in place prior to the June 2004 city code updates. The PUD was still an option at the time this application was made.

The applicant initially applied for a 76-unit Planned Unit Development and a water resource determination and mitigation plan on January 14, 2003. The request was denied by the Planning Commission following a public hearing on August 25, 2003. The Findings of Fact were included in the staff report. The decision of the Planning Commission was affirmed by the City Commission on appeal at the October 1, 2003 City Commission hearing.

On June 3, 2004 the applicant applied for a zone change of tax lot 300 from R-6/MH to R-8 single-family. The application was withdrawn when it was discovered that a Comprehensive Plan amendment was also necessary in order to accomplish the zone change. There was no zone change application as part of this application.

The preliminary PUD consisted of 67 dwelling units of which the applicant proposed to have four platted but remain vacant for a minimum of five years. Access to the site was from four locations – two private drives and two public streets off Rose Road. There was no access to the site from South End Road. The applicant proposed full-street improvements on the loop road and half-street improvements to Rose Road and South End Road. Rose Road would include the half-street improvement plus 10 feet for safety.

The PUD included open space in two tracts both containing a water quality resource area and utilization of the two overflow areas of the two storm ponds representing 26% of the gross area of the site. The applicant proposed to increase the area of the existing on-site wetlands to mitigate for the removal of an existing wetland due to the improvements to Rose Road within the vegetated corridor and a water quality detention system into the vegetated corridor.

**Mr. Konkol** referred to Section 17.64.030. A development proposal may be processed as a PUD as long as the development proposed at least 80% of the gross density allowed by the underlying zone. Tax lot 300 was 6.5-acres and would accommodate 41.6 dwelling units at 6.4 dwelling units per acre. Tax lot 1700 was 9.52-acres and would accommodate 41.9 dwelling units at 4.4 units per acre. The total site could accommodate 84 dwelling units, and the PUD must have a minimum density of 80% for the site or 67 units which the applicant proposed.

The applicant was also required to have between 20% and 50% of the net developable area consist of residential uses other than single-family dwellings which was defined as a detached building designed and used exclusively as the residence of one family. The applicant proposed 80% of the net developable area as detached and 20% as attached, and this met the requirement.

**Mr. Konkol** addressed substantially similar. As Mr. Kabeiseman stated, he related substantially similar to other sections of the PUD code. There was no definition in the Oregon City Municipal Code defining substantially similar. That was at the discretion of the Planning Commission to make that determination. In the PUD code, there was a material deviation. If an application for a PUD was applied for and approved, then the community development director would approve the final plat as long as it did not *materially deviate* from what was approved by the Planning Commission. If it was determined there was a material deviation, then it would be brought back to the Planning Commission for a second review. The code identified five criteria for a material deviation:

1. 10% increase in the number of approved dwelling units;
2. 10% increase in the number of multi-family dwellings;
3. 10% change to the approved commercial use square footage;

4. 10% reduction in the approved amount of landscaping, open space, or protected lands; and/or
5. 10% increase in the amount of impervious surface.

**Mr. Konkol** prepared some numbers that showed what type of percentage change occurred since the first application was denied and the submittal of the one currently before the Planning Commission. The applicant proposed:

1. 12% reduction in the total number of lot;
2. 6% reduction of the detached dwelling units;
3. 25% reduction of the attached dwelling units;
4. 1% increase in the open space area;
5. 11% reduction in the total number of trips per day from the site;
6. 10% reduction in the PM peak hour trips; and
7. 19% reduction in the AM peak hour trips.

The applicant proposed changes that could be not shown mathematically such as:

1. Integration of the attached and detached housing units;
2. Placement of larger lots along the north property line;
3. Rear-loaded garages accessed via an alley;
4. Relocation of the active open space to be more centrally located to the entire development; and
5. Expansion of the storm detention system to exceed the City standards and address 50- and 100-year storm events.

Based on the proposed changes to the site layout, housing units, vehicle trips created, and detention system, staff recommended that the Planning Commission find that the application was not substantially similar to the previous application.

**Mr. Konkol** reviewed consistency with the Comprehensive Plan criteria. It was located in a water resource overly district as well as a high ground water table. The applicant's proposal maximized the urban services available to the site. It utilized vacant land within the area which had access to City water and sewer. The applicant proposed improvements to both Rose Road and South End Road. The applicant proposed a development through the PUD process that met density requirements as well as protected natural resources on the site. The applicant proposed a housing development that provided a variety of housing types and sizes at different prices meeting some of the Comprehensive Plan criteria.

He addressed the code criteria. Water and sanitary sewer service can be provided to the site. There were two existing drainage swails and wetlands running across the site. They were 400 feet and 800 feet away from South End Road. The applicant proposed not to disturb those areas and provide a 50-foot buffer along the wetland areas. Both of the drainage swails cross Rose Road via a culvert under the road and follow an existing drainage swail which enters a single drainage ditch and drains into the Southridge Meadows Subdivision system. The Southridge drainage system appears to adequately sized to receive this drainage.

The applicant proposed to drain the site into three detention ponds and utilize the existing wetland and water resource areas for water quality and conveyance of storm water. The detention systems are located adjacent to the wetland areas. The applicant proposed to drain the site to two existing drainage swail southwest of Rose Road. Both drainage swails had a field

inlet as a control structure prior to entering a culvert under Rose Road that discharges into the existing storm swail on the southwest side of Rose Road. The field inlets would be designed to ensure the water resource will not be drained.

Preliminary hydrology calculations were provided to the City for review. The analysis concluded the City stormwater design required a detention system to be designed to reduce peak runoff for the 2-, 5-, and 25-year storm events. That was accomplished through this application.

The applicant indicated that the proposed development would contribute to the increase of traffic volumes that would eventually require modifications to the intersections of South End Road with Warner-Parrott Road and Partlow Road. For the present, all the intersections in the vicinity function at an acceptable level of service (LOS), and the proposed development would meet its obligations for future improvements through the payment of system development charges (SDC) and by signing a non-remonstrance agreement with the City. The principal site accesses, Rose Road and South End Road, were found to operate acceptably. The intersection of South End Road and Warner-Parrott are expected to deteriorate in its operation. This four-way, stop-controlled intersection was predicted to deteriorate from LOS D to F during the PM peak hour for the poorest approach. The degradation was due to a combination of high traffic growth rates and this development. It was worth noting that the overall intersection LOS was predicted to be LOS D during the PM peak hour under background 2005 conditions. As a signalized intersection, the intersection was predicted to operate at LOS B during the AM peak hours and C during the PM peak hour. Like other developments in the south part of the City, this development was putting pressure on the transportation system that would justify the improvements shown in the Transportation System Plan (TSP), including the planned improvements and signalization of South End Road and Warner-Parrott Road.

The Oregon City School District was notified of this development. The School District Business Manager, Ken Rezac, indicated that the development in the South End would necessitate a boundary adjustment for the elementary schools. No such adjustments were needed for the middle school or high school.

There were no comments received from the fire and police services. The proposal had frontage on South End Road, a minor arterial, which provided the quickest and most direct access for emergency vehicles rather than a local street several blocks off a minor arterial.

The applicant would provide half-street improvements to South End Road bringing it up to City standards including sidewalks, street trees, and planter strips. Rose Road would also be improved to a local street standard plus an additional 10-feet on the other side of the half street to provide for safe vehicle movement in both directions. The applicant would provide full street improvements on the loop road – the local street. That was a 52-foot right-of-way that included 32-feet of pavement, 5-foot planter strips on both sides with street trees, and 5-foot sidewalks.

The applicant requested several adjustments to the dimensional standards of the R-10 and R-6/MH zone. These modifications were necessary to enable the use of the reduced lot sizes, meet density requirements, and accommodate the mix of housing types within the constraints that affect the property, specifically the water quality resource area that was being protected. The applicant proposed to provide 25-foot rear yard setbacks for all the proposed lots in the PUD meeting the rear yard setbacks of the R-10 zone and exceeding the requirements for the R-6/MH zone.

The applicant was required to provide the underlying zoning setbacks for all the perimeter lots on the subject site. That standard would require that the attached housing facing South End Road and Rose Road have a front yard setback of 25 feet. Staff recommended that the setback for those lots fronting South End Road and Rose Road that will utilize an alley for access be reduced to 10 feet in order to provide an urban appearance and streetscape on South End Road, Rose Road, and the interior loop road. This would be for all the housing that was being accessed through the alley.

The current design for driveway approaches allowed a driveway width of 24 feet for properties zoned R-8 and above. Such a design allowed a driveway to cover nearly 50% of the property frontage of the detached housing units and nearly 75% of the attached housing units. Staff recommended that a joint driveway be required and that the width from the property line to the planter strip be limited to a maximum of 24 feet for the attached housing, and the driveways be limited to a maximum of 16 feet for the detached housing. The limitations to the driveway cuts were necessary to limit the driveways to appropriate sizes for the lots and ensure on-street parking was provided in front of the detached housing and minimize the negative aesthetic impacts to the streetscape that would occur with unproportionally large driveways.

Staff recommended that the garage wall of the detached and attached units be limited to 40% of the length of the street-facing façade. A condition of approval was provided to require that. The housing design limitations would mitigate the smaller lot sizes and ensure a housing design that was compatible with surrounding homes and did not allow for a façade dominated by a large garage that was incompatible with the house and lot size.

The applicant proposed to provide 26% of the total gross area as common open space. The applicant stated that the open space functioned to protect the natural areas as well as provide a buffer and visual separation between the three development areas on the site.

The project proposed approximately 10% as active open space and 90% would be protected as water quality areas. Per Section 12.24, staff found it was inappropriate to require fencing and/or vegetative shrubs on both sides of the accessway connecting South End Road to the interior local street along the north property line. The applicant proposed a path connecting Tax Lot 300, the interior loop road, to South End Road along the north property line. The code would require fencing on both sides of that path. Staff recommended fencing only on the north side adjacent to the existing homes rather than on the interior side as well where the open space was located.

The applicant designed the entryway to the bike/pedestrian system near detention area C which was on tax lot 300 toward the rear of the site with enhanced landscaping in order to draw attention to the area as a pedestrian/bike route. Staff recommended the same consideration be taken for the entryway off South End Road.

The applicant proposed a mix of active and passive uses in the open space. Staff agreed that the general concept of the open space met the intent of the PUD. Additional landscaping and minor alterations to the proposed uses and locations of the open space uses would be addressed in the site plan and design review of the attached housing and open spaces which was required.

**Mr. Konkol** reviewed the additional conditions of approval that required that all streets with a pavement width between 28 and 32 feet be marked with “no parking – tow away” on one side of the street. Parking would be restricted to one side. As stated earlier, the applicant would be required to receive site plan and design review approval for the design of the open space, attached housing units, and parking lot prior to the issuance of a building permit for the

attached housing and parking lot. Per PUD code, the applicant had the option of either performing the site plan and design review concurrently or defer that review. The applicant chose to defer. Staff was clarifying what issues would be reviewed in site plan and design review.

Staff would need to amend condition of approval #34 because the wrong tax lots were referenced. Condition #34 should read, "The applicant shall locate the front yard setback on and orient the front of the primary structure of lots 62 – 67 to face South End Road."

Conditions #42 referred to landscaping to identify the pathway location off South End Road.

Condition #43 required the applicant to flip the configuration of the housing units along Rose Road and the loop street to provide detached housing units along Rose Road and attached units along the interior loop.

**Based on the findings in the staff report and the conditions of approval, staff recommended approval of PD 04-02 with conditions.**

**Mr. Konkol** addressed water resource application WR 04-12. The applicant identified and submitted all the necessary documentation and mapping to process the application. The applicant identified the potential impacts from the development, increased runoff, and loss of the water quality area associated with development of this site. The applicant proposed the appropriate mitigation measures and replacement of the lost resource area on the site. The applicant adequately addressed the channeling of ground water into trenches into the wetland area. The applicant addressed the infringement of storm pond C into the vegetative corridor and replaced a larger amount than was being impacted or lost. The applicant addressed the pathway system. The applicant proposed a bridge at two locations to provide access over the water quality resource area. It would not impact the jurisdictional waterways. The posts would be located outside the jurisdictional waterways.

**Based on the proposed mitigation plan and the impact analysis provided by the applicant, staff recommended approval of WR 04-12 with the two conditions.**

**Commissioner Orzen** referred to the four parcels that would not be developed for five years. She asked if those were counted as part of the units.

**Mr. Konkol** said those were counted. The applicant was required to meet the 80% density to have 67 lots as proposed. The applicant proposed to shadow plat four of the lots as shown in exhibit 6 of the staff report.

**Mr. Konkol** entered the following exhibits into the record:

1. Exhibit A – a letter from Mr. Russ Woodward, President Finnegan's Terrace Property Owners Association. He stated the Association continued to oppose Village at South Rose. The concerns included changes to natural drainage patterns, additional traffic to South End corridor, and development that was out of character with the entire South End area.
2. Exhibit B – a letter date stamped August 13, 2004 from Mr. Steve Mannis and Jane Hawk, 18825 Lafayette Avenue. They wrote regarding the PD and WR applications. (1) The density was not significantly changed to solve the issues. For dead-end streets, there were simply too many dwellings. (2) Parking will be a serious problem. No spaces have been set aside for RVs, boats, pickups, or other vehicles. (3) The water drainage

problems have not been significantly dealt with. In the northwest corner along Lafayette, the application drawings showed installing a drainage system only in kind with what already existed. The installation of subdivisions such as this would act as a dam on the south side of Lafayette Avenue and cause flooding on all properties along the upstream side. The properties on the downstream side would be starved. The above referenced application did not make significant changes sufficient to deal with the issues at hand.

3. Exhibit C – two poster boards that were being referenced.
4. Exhibit D – jungle gym poster board at the bottom.

There were no further questions for staff at this time.

#### Applicant's Presentation

**Tom Sisul**, 375 Portland Avenue, Gladstone, Oregon; Gene Grant, Davis Wright Tremaine, representing the applicant; Todd Mobely, Lancaster Engineering, traffic engineer; Jim Embry, GeoPacific Engineering; Kathleen Baufmann, landscape architect; Rich Imbrie, Environmental Technology Consultant.

**Monte Hurley**, AKS Engineering and Forestry, 13910 SW Galbraith Drive, Sherwood, Oregon. He stated that the applicant concurred with the staff report and supported a majority of the conditions as proposed. Mr. Konkol presented the issues in a good manner. The project met and exceeded the requirements of a PUD in Oregon City, and he recommended approval. The approval for the PUD was for 67 lots. Four of those lots would not be developed for five years. They will be shadow-platted. It would help defer some of the development into the future and spread it over time. The applicant thought that would be a good thing for the neighbors, and it was a concern they brought up. Lots 1, 2, 16 and 17 were those four lots, but the applicant had flexibility. Those lots would initially allow for larger open spaces for the children. He understood there was an extensive history of the project. When he was brought in, he looked at the file. He worked to address the concerns of the neighbors and the City while still making it a feasible project. One would say a PUD makes sense on this property because of the significant amount of wetlands and water resource issues on the property. If one looked at the criteria for a PUD, that was one of the major criteria. A PUD was logical and allowed protection of the water resources. It allowed for landscaping and buffering in those areas. He thought it was obvious that there were a lot of enhancement going on. There were paths connecting different parts of the neighborhood along those water resource areas. The open space areas were enhanced with play structures, a sport court, and picnic tables.

Some of the challenges of this project were addressing the criteria for denial of the previous application, the substantially similar issue, and the concerns of the neighborhood. Since Mr. Hurley became involved, there were numerous meetings with the neighborhood to address as many issues as possible while staying within an approvable application. That meant the applicant had to meet all the criteria for a PUD while trying to address neighborhood concerns. He believed six to eight meetings were held to try to hit all of the issues.

The major issue was integration of housing types – the attached and detached units – that was in the previous application's recommendation for denial. The larger lots along the north property line and smaller lots along the interior streets, Rose Road, and South End Road. The rear-loaded garages on the alley were included to reduce driveways on Rose Road to address some of those concerns. Providing a centrally-located, active open space area in the middle of



the project for children. This was basically a project for all the neighbors, not just those living in the subdivision.

A lot of time was spent on stormwater concerns and enlarging the facility to essentially exceed the City standards. There were concerns expressed by the neighbors along the northeasterly property line regarding the proposed development and grading and fill associated with on lots 7 – 17 and cutting off the drainage pattern from those properties. Those properties drain southeasterly onto this project naturally. The neighbors were afraid the development would cut off the flow and create some kind of ponding or laking in their yards. That was a reasonable concern. The applicant designed a French drain and ditch along the backs of those lot lines that would intercept the stormwater and direct it into the existing drainage way. If anything, this would improve the drainage along those lots and address any concerns about storm drainage on lots 7 – 17. The stormwater would be directed around those lots and provide a means into the existing drainage.

There were neighbor concerns from the southwest on the other side of Rose Road that the water naturally flowed across Rose Road and created problems on those lots. That issue was addressed by the public facility standards of the City. Rose Road and interior lots would be equipped with curbs, basins, and storm sewers. Those facilities would collect the stormwater from the roofs and streets and direct it into the storm sewer which would drain into the detention ponds. The flows are mitigated in those detention ponds and directed into the existing drainage ways. Stormwater problems on those properties to the south would be addressed by everything he stated. There may be some additional issues to the south of those properties which were based on nothing that had to do with this proposed development. He understood there was an unnamed tributary south of those properties that may be contributing to some of the localized flooding. That was a drainage that did not flow through the subject property. It may have been affected by other developments to the south, but it would not be affected by this development. Mr. Hurley addressed the existing drainage ways. There were two major culvert crossing on Rose Road, and there were some concerns about localized flooding at those culverts. The flooding was probably the result of those culverts being undersized and not having sufficient capacity. When the improvements are made to Rose Road, the culverts would be upsized to handle the capacity. The localized flooding at the drainage ways would be improved by the proposed development. That was a City requirement and would also be in the developer's best interest. If the culverts are deficient, then they would be upsized.

The issue of high groundwater came up. That was a concern for the homes in the new development as well as many other homes in Oregon City. Many areas have a perched groundwater table which in the winter resulted in high groundwater. That issue cannot be resolved completely. What the developer could do was to mitigate the problem. There were roofs draining directly into the street or the storm sewer. You are taking out that impervious area on each lot and directing it into the storm sewer that drains into the detention facilities where the flows are mitigated and then into approved discharge points in an approved drainage ways. High water localized near the foundation was addressed by foundation drains in each of those homes. If there was high water, the foundation drains would send it out to the laterals and eventually into the facility. These mechanisms get rid of the high water in the foundations. Many older homes do not have the foundations drains and storm sewer laterals, and that is what creates some problems. The proposed development would address those issues. Not only would it not be as much of an issue with all the homes being proposed, but it should improve the drainage situation for the homes on the south side of Rose Road. The stormwater would be moved into the approved discharge point in the drainage ways.

A lot of time was spent on the water quality and detention calculations. Oregon City's standards were among the toughest in the Portland metro area. They required water quality design that included storm event sizing and additional dead storage volume. The detention requirements essentially require the two-year post-develop flows on the site to be less than or equal to half of the two-year pre-develop flows. That means you are actually reducing the flow rates for the post-develop condition compared to the pre-develop condition on the two-year storm. Additionally, the 25-year post-develop storm is supposed to be reduced to the 10-year pre-develop storm event. Again, the flow rates were being reduced in the post-develop condition. Where does all that water go? It goes into the detention facilities and is released over a longer period of time. That reduces to flow rates downstream.

The developer looked at what would provide additional storm water detention. Those stormwater facilities have been oversized to accommodate the 50-year and 100-year storm events, so the flows in the post-develop condition will match the pre-develop condition or the existing condition of the site.

Integration of the attached and detached housing types were spread through the development. That was a concern that was raised with the original recommendation by the Planning Commission and City Commission. He felt those concerns made for a more cohesive development. Instead of stacking high density in one are of the project, it was spread out through the site. The exception would be along the northeasterly property line and to the far west. These were large lots and should match the surround neighborhood much better. Those were held as detached units. The attached ones were mostly in the center of the project on Rose Road or South End Road. The number of units decreased from the previous application. The total number of peak hour trips and overall traffic was reduced. The accesses were taken off Rose Road and put along the alleyway. Basically, there were three public site accesses, and lot 30 accessed directly onto Rose Road. That should help address some of the neighbors' traffic concerns.

The open spaces were enhanced significantly, and the landscape architect would discuss that further.

**Mr. Sisul** addressed some conditions with which the applicant had some minor deviations or concerns. Condition #43 talked about flipping some lots. The applicant met with the neighbors, and they suggested the same thing. He pointed out the double driveways. The condition noted that all the detached housing faced Rose Road with the others facing the interior street. Mr. Reeder did not have any problems with that condition.

He discussed the 12-foot buffer area. Condition #44 talked about putting a right-of-way extension through the landscape buffer. The 12-foot strip was put there because the neighbor's yard to the northwest encroached onto Mr. Reeder's property. They came to an agreement that Mr. Reeder would not disturb his yard if possible. If the dedication was required, then the applicant would request that the right-of-way improvement be allowed to be stopped at the fence line the neighbor was currently using and not encroach into what he was currently using as his yard. If that was not an acceptable option, the other option would be that Mr. Reeder could convey that 12-foot strip to the neighbor in some manner. The intent of the 12-foot buffer strip was to allow the adjacent neighbor to continue to use what he believed until recently was his yard. If the Planning Commission wished to have the right-of-way continue through but not the street improvement, then he asked that the condition be modified to read in that manner.

**Mr. Hurley** said when he first reviewed the information related to this project, he realized although many of the items in the prior applications could be significantly changed to address the concerns of the Planning Commission and neighbors based on the numerous meetings with the neighborhood association. Not all items could be changed. The Planning Commission will hear a lot of discussion about issues that cannot be changed. With development, comes additional neighbors and traffic. The burden of addressing some of those concerns was with both the City and the developer. He believed through the conditions, the SDCs, and significant amount of improvements with this project that those items were addressed. These included the street and utility improvements, extension of public sewers throughout the project and adjacent properties, and public water. Drainage issues were addressed and improved for the site as well as much of the neighborhood along Rose Road and the properties to the north. There were active and passive open spaces proposed that would allow places for children to play and provide site amenities for the neighborhood as a whole – not just this project. One looked at potential issues that were negative, and one looked at traffic and neighbors. The project brought positives including improvements, site amenities, open space, and better infrastructure for the site and the City. Site design review would be provided later and allow for specifics on the attached homes and landscaping. The landscaping will be in substantial conformance with what was seen here.

The applicant concurred with the staff report and support the conditions with the few minor deviations discussed. He thanked staff and Planning Commission.

**Mr. Sisul** asked if the Planning Commission wanted to ask its questions now or after the rest of the team made its presentations.

**Chairperson Carter** said if all the Commissioners were in agreement that the testimony should continue.

**Todd Mobley**, Lancaster Engineering, 800 NW 6<sup>th</sup> Avenue, Suite 206, Portland, Oregon 97209. Most of the issues he had in his notes were reflected in the staff report. The two intersections to the south of the study area – Rose Road, South End Road, and Partlow Road at South End Road – operated acceptably with the project in place. There was a delay study done at the intersection of Partlow Road and South End Road to ensure that what was calculated to be the intersection operation was reflected by the existing operation. Those two results were very close and added to the confidence of the initial results. The project itself would not trigger the need for any improvements. There were improvements planned at Warner-Parrott and at Partlow Roads in the TSP. The project would contribute to those through SDC payments. He recommended some clearing at South End Road frontage at Rose Road to ensure there was adequate intersection sight distance. There were no other offsite mitigations to accommodate traffic from the subdivision.

**Jim Embry**, GeoPacific Engineering, 27005 SW Ladd Hill Road, Sherwood, Oregon. He was the soils engineer for the project and revised the previous project to reflect the current proposal. However, there were few changes and no additional recommendations from the last Planning Commission hearing. He wrote a letter on February 3, 2004 that he felt addressed the issues raised at the last Planning Commission hearing.

**Chairperson Carter** noted that was Exhibit 10.

**Mr. Embry** added there were no additional changes to the recommendation although there was a slight change to the development. The issues related to groundwater did not substantially

change. There was shallow groundwater – perched groundwater – that was created during the wet weather season. For the type of construction proposed which was raised wood floors that would incorporate low point drains and perimeter footing drains. Given that, there was nothing else he could see that could be practically recommended to mitigate that concern. The conditions would be similar, and soils throughout Oregon City are essentially the same.

**Mr. Konkol** added Exhibit E – Play equipment Carousel #85113 -- to the record.

**Kathleen Baufman**, Landscape Architect, 1405 NE Broadway, Portland, Oregon 97232. There was an enhanced streetscape that met all the requirements of the street tree code. There was a very strong pedestrian pathway that went all the way along the property line. She made a clarification to one of Mr. Konkol's comments regarding enhanced landscaping to better identify that path. Those were also proposed in the previous application with nodes and enhanced landscaping with boulders and plantings at each end to make it clear where the entrances to the pedestrian accessway were. This application had new pathways, so pedestrians could better enjoy the water features. There were potentially other nodes where the enhanced landscaping could be used to direct people along the pathway. There would also be lighting along the pathway as required by City code. The pathway connected the whole development to ensure it was unified so the open space was in a more central location. There was a big, active open space area with a sports field, basketball, tetherball, and picnic tables. There was concern about concentrating everyone in one area and that people living adjacent to the park might have concerns about noise. As a result there were berms along the perimeter to keep the noise within that park area. There was playground equipment geared for several ages to diversify the experience for kids. She discussed the psychological separation from traffic which was open for discussion.

**Commissioner Powell** understood the open space areas were not deeded to the City and would be managed by the homeowners' association.

**Ms. Baufmann** said that was also her understanding.

**Commissioner Orzen** asked if some of the existing vegetation would be kept in the detention and wetland areas.

**Ms. Baufmann** said none of it would be removed; it would be enhanced. When she did the original plan, there were areas that would be kept and not planted over.

**Mr. Sisul** said the applicant's team was finished with its initial presentation and asked if there were any questions.

**Chairperson Carter** had questions about getting her bearings on the property.

**Mr. Sisul** said everything in that part of the City was about on a 45. Lot 1 was the most northerly, and lot 61 was the most southerly. For reference and convenience he suggested referring to the top of the page as north.

**Chairperson Carter** understood the water flowed from the north at a 45-degree angle to the south.

**Mr. Sisul** said that was correct.

**Chairperson Carter** asked how the water would drain to the middle of the property.

**Mr. Sisul** said there were three development areas within the two parcels. He asked Chairperson Carter if she was referring to onsite or offsite water flows.

**Chairperson Carter** indicated she was asking about both.

**Mr. Sisul** responded for the water that actually falls on the site, the water would be directed to the detention areas. For that that crosses from the north property line, there was a natural drainage outfall from the neighboring subdivision that created that wetland. Other existing homes that back up to this parcel have roof and yard drainage that goes across the property line. There were some pipes actually plumbed under the fence. The drainage from those would be picked up by a French drain. Roof drainage would be picked up by a hard pipe and directed along the property line and travel past lots 16 and 17 to the drainage way. The same would occur behind what was shown as lots 45 – 49 in the middle section. There was a pathway there, but any drain connections would go one direction or the other. That would probably be in the pedestrian easement area. Closest to South End Road, there was a vacant lot with possibly one home on an oversized lot. If there was any drainage there, it would come across the property line and be directed back towards the wetland. The intent was to cut off drainage that was crossing the property line at any point that was not in a wetland or a wetland buffer and direct it to those points.

**Chairperson Carter** understood all of the water from the property was going into the middle.

**Mr. Sisul** replied it would go into the two wetlands or buffer areas.

**Mr. Hurley** added the drainage sheet flows across the north property line naturally. It did not adversely affect the proposed lots or negatively affect the existing lots. It would be collected along the north property line and directed into one of the two drainage ways depending on the location.

**Chairperson Carter** understood the French drain would go along the north end of the property. She asked the sizes of the backyards.

**Mr. Sisul** responded that 20-foot yard setbacks were indicated. It did not necessarily mean that was how close the homes would be.

**Chairperson Carter** said then let's assume a 20-foot backyard. On which side of the fence would the drain run?

**Mr. Sisul** said it would be on the development side of the fence. The applicant did not have or expect permission to build a line on the neighbors' properties.

**Chairperson Carter** said there would be the fence line and the French drain. Would that be open or fenced again?

**Mr. Hurley** said the water was minimal surface flows or subsurface flows. The French drain would be in a 15-foot easement along the north property line. You could build within five feet of that French drain technically, but those lots are 100 feet deep. The front setback was 20 feet, so you would have a 60-foot deep home which was not really as deep as the homes would likely be.

You have a 15-foot easement with a French drain along the north property line that would be entirely on the lots.

**Chairperson Carter** asked the width and depth of the French drain.

**Mr. Hurley** said the French drain would typically be 2 -3 wide filled with river rock and 4-5 feet deep. It would drain with a gravity flow toward the existing drainage way. It would be filled with round river rock to the surface to collect any surface flow into the French drain and directed to the drainage way. It will also pick any subsurface flow because it would be intercepted by the round river rock and follow the path of least resistance to the drainage way. It would be a small portion of the 15-foot easement which was the public easement requirement. That would address any offsite flows.

**Mr. Sisul** stated there would also be a hard pipe to pick up the roof drains that were daylighted across the fence line. There were two systems – the French drain to pick up ground water and surface water and additional piping to pick up the roof drains for a direct connection. There would be discussion of some of the fills toward lots 16 and 17 and to some degree lots 13, 14, and 15. In those areas, the French drain will likely move closer to the property line because of the slope. In the areas where there were no fills proposed, the French drain may move off the property line. It would be preferable to keep it off to some degree because it was easier to construct and preserve trees. The fills would crowd the French drains to the north property line. In all cases, the drain would stay on the development side of the property.

**Commissioner Powell** asked for more discussion of the fill.

**Mr. Hurley** said the structural fill would taper off toward lots 7, 8, 9, and 10 and go from approximately 1 – 2 feet deep on lot 10 all the way to a maximum height of 4 feet on lots 16 and 17. There were concerns raised that this would cut off stormwater that currently flowed naturally across these lot. That was where the French drain concept came in to intercept the flow and make that a non-issue. The intent of the fill was to level off the lots and make them closer to the street grade.

**Mr. Sisul** said additionally those lots would have to drain into the detention area. The lower lots get too close to the wetland elevation, and they have to be able to drain above that. The lots have to drain by gravity to the detention pond. That was what was forcing it. He mentioned this to the neighbors – there was a relatively new product that was not yet approved by the City that would allow a reduction of fill. The applicant proposed what was currently approved by the City. He understood the neighbors' concerns but could not make a promise on something the City had not approved.

**Commissioner Powell** asked if lots 16 and 17 were also raised.

**Mr. Sisul** replied lots 16 and 17 would be raised to the final development grade. Lots 1, 2, 16, and 17 were noted as future buildable lots, but there was some flexibility. If there was a clear feeling among the neighbors about other lots, Mr. Reeder was receptive. He would like to hold out lot 1 because it had more trees than the others. Lots 1, 2, 16, and 17 could be used as open recreational areas at least until they were developed.

**Commissioner Powell** commented that as he listened to the comments and read the information, he looked at those lots as being left natural. Filling would not be leaving them natural. Now he saw them as unfinished building sites as opposed to a natural location that

runs into the wetland. He was not sure he would want to live next to an unfinished building lot. On the other hand, he did not imagine the developer would want to landscape it.

**Chairperson Carter** could not imagine why these lots would be empty for five years – why not build it out?

**Mr. Sisul** replied when the second application came in and the original presentation was made to the neighbors, they were showed a 63-lot configuration. That was based on the assumption the R-8 zone change request was going to be permitted. That did not happen because of the conditional use. Mr. Reeder felt to be forthright with the neighbors, that he would hold those four lots out for a certain period of time.

**Mr. Hurley** added lots 1 and 2 were being left very close to their natural states. Lots 16 and 17 would be filled and leveled out and would have grass that would be a good area for children to play at least for a short period of time. They are essentially finished building lots that would not be built upon for several years.

**Commissioner Powell** said that was okay. He had a picture in his mind of an entryway into the wetland and wanted to make it clear. Now, he envisioned it as flat land with grass which he did not feel was unreasonable.

**Commissioner Orzen** asked if there would be a chain link fence around the detention facility.

**Mr. Sisul** replied City code required a chain link fence around open detention ponds.

**Mr. Sisul** added to his response to Commissioner Orzen that when a portion of a detention area was used as a part of a recreation area, he saw a chain link fence to separate the primary detention area from the overflow detention area.

**Chairperson Carter** wanted clarification on the water. She understood the report said the water was ground, surface water that flowed over the top of the property as opposed to water that came up from the ground.

**Mr. Embry** responded that was correct and was stated in Exhibit 10.

**Chairperson Carter** understood when one looked at the property, it was hard to see what the property was doing because there was so much brush. She assumed there were some high and low spots with a wet spot in the middle. She understood the applicant was trying to engineer it into being buildable by raising the back a little and getting all of the ground water drainage to go into the detention pond. From an engineering point of view, that was a nice project. From the Planning Commission point of view, it was scary.

**Mr. Embry** said by the wording, it implied to him that because there was water underneath, it would not be buildable. He asked Chairperson Carter if that was what she was implying.

**Chairperson Carter** thought it would make a difference if there was water coming up from underneath the ground and trying to engineer to build on top of a water table. To her that was distinctly different from water flowing over the property. One seemed possibly more buildable than the other.

**Mr. Embry** responded that almost every site in Oregon City would have an offsite basin that would sheet flow over the site. Any place where one portion of property was above or upstream of another, there would be sheet flow across the site. That was natural topography. If you go from a high point to a low point, there will always be some flow across the site. This case was no different. We have some flow coming from the north across the site. There were two things. Oregon City had a high groundwater table. Most contractors use pumps in the trenches, which was a separate issue. The surface stormwater issues can be addressed with French drains directing flows into drainage ways at an approved discharge point and not negatively impact the surrounding properties. The high water table had to be addressed on site with the development. That was no different than any other development in Oregon City where there was a high water table. It is dealt with perimeter or foundation footings to direct the water from that high water table into the storm sewers. It was not a major geotechnical issue or stormwater issue.

**Commissioner Powell** asked about the term “perched.” To him perched did not sound like it was running off. It sounded like it was sitting there waiting.

**Mr. Sisul** replied it was waiting and flowing slowly laterally toward the wetland.

**Commission Powell** understood him to say it was a sheet, while the Planning Commission was reading “perched.”

**Mr. Embry** explained that there were both. There were very few sites in the Portland area where the rain was soaked up rapidly. Tualatin Valley had silt which was a little more permeable, but during periods of heavy rains, the same thing happens. You ended up with water in crawl spaces. That was what low-point drains did. Their function was to take that water and take it out from under the house and into the storm system. The reason for raised wood floors in the Portland area was to get houses off the ground, have a well-ventilated crawl space, and make the under portion of the house no more moist than the other five sides of the house.

**Commissioner Powell** understood, but the message was somewhat different from the original application.

**Mr. Sisul** said if there was water coming up from under the ground and had such high head pressure on it a quicksand situation would come up. The soil grains would be buoyant and float. Then you have bearing loss and all kinds of problems that could potentially damage the house if the developer did not mitigate for the ground water. Those types of measures were not required on this project.

**Chairperson Carter** wanted the assurance that if the Planning Commission approved the application that the developer was not engineering his way into something that would not actually do what it was supposed to do. The issue on the previous application had to do with the water and density. We need to be clear about what we have today. The Planning Commission does not want to approve something that will not work.

**Mr. Sisul** asked Chairperson Carter to define “something that will not work.”

**Chairperson Carter** replied this seemed more engineered than the majority of other projects in respect to water issues. There have been engineering issues having to do with steep slopes.

**Mr. Sisul** understood part of the reason the application was denied had to do with groundwater concerns, then it was unjustifiably denied. There was some shallow perched groundwater. The



development was designed for that, but it would not go away entirely. There would be soggy lawns and the potential for water entering crawl spaces. There was not much more that could be done. It was not as big an issue as was being made because that happens everywhere.

**Chairperson Carter** said it was true the Planning Commission sometimes over-thinks things. The Commission had a lot of pressure to try and make the right decisions, so let us move on.

**Commission Powell** said so far we have, referring to the map, water up there that was heading down here, and we bring it to the site and deal with it. What happens south on Rose Road. Apparently, there was water that continued through.

**Mr. Hurley** said there were two issues: the perched groundwater and surface runoff. There was surface water from storm events that falls on site. There was also offsite that flowed onto the site. This was not unlike most other developments with upstream properties. There was a sheet flow going onto the site naturally. In storm events that sheet flows across the site, Rose Road, and onto their properties causing some localized stormwater concerns. When you have streets with curbs and gutters and lots with roof drains all going into the storm sewer, that water causing the problems on the other side of the road would be collected in the development, directed into the storm water facilities, and discharged at approved points in the drainages. The addition of the French drain and collection along the north property line would improve the drainage to the properties to the south because the water will be put in the drainage ways and into the culverts on Rose Road. It would not sheet flow across Rose Road onto the other properties. In the end, it will flow into two different drainage ways. Those are the best discharge points to not only address development but also improve the drainage for the properties to the north and the south. The existing problem and issues were raised at the meetings he attended.

**Commissioner Powell** understood how that could be good for the drainage. Will there be any problems downstream?

**Mr. Hurley** did not see any. The properties upstream and the site itself may sheet flow across, but they all meet a little further downstream. The two drainage ways meet cross South End Road further down. All of the water was going to the same location when it got to South End Road. It is a case of how it gets there.

**Mr. Sisul** thought there was confusion of a groundwater concern where one did what is feasible versus what was a problem. He did not believe this needed to be elevated to a problem. Groundwater concerns were similar throughout much of Oregon City. Everything that could be done was being done.

**Commissioner Powell** commented he did not hear much about on-street parking. He was not clear about the parking only on one side.

**Mr. Sisul** referred to the map. The public street on the west side where most of the lots were would be standard 32-foot curb-to-curb, so parking would be permitted on both sides. With the alleyway in the center, all of the frontage on that block will be parking as well as along Rose Road. Parking may be permitted on one side and asked that Mr. Konkol clarify that. In the middle section, the entry street from Rose Road would be 32-feet curb-to-curb. It was proposed as a private street. The street running parallel to Rose Road was proposed at 28-feet and would have parking on one side. On the section closest to South End Road, parking stalls were indicated. He understood the TSP allowed parking on South End Road as a minor arterial. He

was not sure the City would allow that. Because of the alleyway, there would be more parking than normal for this type of development. There would be interior parking plus Rose Road if allowed. He felt there was plenty of parking potential for this neighborhood.

**Commissioner Powell** asked a question related to turnarounds. It did not seem the private street would be large enough for a fire truck to turn around. It seemed like there should be some turnarounds on those dead ends.

**Mr. Sisul** said the applicant proposed a 25-foot radius at the "T" that would allow normal passenger vehicles to make the turn. Bigger vehicles such as fire trucks and garbage trucks would have to make a backing motion to make that turn. He anticipated people would be able to make the turning motion. People actually going to a residence would be able to use the driveway and making the turn.

**Mr. Sisul** said the street was 32-feet curb-to-curb with parking anticipated on both sides. The other would be 28-feet with parking only on one side.

There were no further questions from the Planning Commission at this time.

The Planning Commission recessed briefly.

#### Citizen Testimony in Opposition

**Kathy Hogan**, 19721 South Central Point Road, Oregon City, Oregon 97045. She spoke representing the neighborhood association. They have concerns. It would have been nice if the fire department had responded. It should not be a condition of approval. To her it should be done already so the neighbors know if that road was adequate – the alleyway – for fire trucks if they cannot get to a person on the other side of the road. It would be nice was known before the application was approved. Is that going to be a park for the existing homeowners? Would they be allowed to use it? In her area, a homeowners' association was formed and the neighbors had been promised that kind of a park, then they were told it was private and they could not go into it. It did not fit with the character of the neighborhood. There was no transition. She was worried about the schools. Some of the children from the Hazel Grove School will be moving to another school and would have to find their own transportation. How much of that was true, she was not sure. People go in there thinking their kids will be really close to that school could be going to another school. The traffic was a concern being a dead end. All of that traffic coming out. Ms. Hogan deferred to Kathleen and agreed with everything she says.

**John Dinges** was called to speak, but he asked that Ms. Galligan speak first.

**Mr. Konkol** accepted Exhibit F – a letter dated September 25, 2004 submitted by Ms. Galligan.

**Kathleen Galligan**, 18996 S. Rose Road, Oregon City, Oregon 97045. She spoke representing Rose Road residents and those living on Lafayette. They went on record as opposing the approval of both the PUD and water resource applications. The first objection to both of the applications was that they were substantially similar to the previous applications that were denied by this body and the City Commission in October 2003. She noted the staff and applicant worked very hard to provide the definition of substantial for this application. Mr. Konkol gave a rundown of how he came to that conclusion, so she did not review that. They were using a portion of the code that applied to an already approved PUD application and a

material deviation of the same. That was where the 10% number came from. She appreciated the convenience of having a number that defined substantial, but the code does not use a number to define substantially similar, it was up to this body to determine what was substantially the same or different. It was true the number of lots was reduced by nine and there were a number of cosmetic changes – which she appreciated were made in conversation with the neighborhood and came from their requests. The overall plan was virtually the same. She did not have the capacity to make a drawing. The first attachment was a comparison of the two plat maps. They look almost exactly the same. There was not a substantial difference. For all practical purposes, the houses, utility systems, and roads are in the same place. The exterior appearance of the PUD was virtually the same – creating the same problem with transition from urban to rural that this body and the City Commission found troublesome before. There was a lot of talk about the larger lots at the back fence line. There were five larger lots. That was 5 out of 22. The other 17 were still the 5,200 square foot lots that were there before. The setbacks on this application were identical to the ones used previously which the Planning Commission and City Commission believed could lead the development to have an adverse impact on the adjacent properties. Traffic was reduced on Rose Road with this application by 11% compared to the previous application. That was true. The impact of this traffic on the neighborhood because of its location on a dead end road was of concern to the neighborhood and was mentioned as a significant concern by several Commission members in their previous deliberations. We would argue an 11% decrease when compared to a 600% to 700% increase in traffic does not define a substantial change. Reading the traffic report supplied, the executive summaries are nearly identical but for the small change in Rose Road traffic. Included in the testimony was a statement from the public works department indicating that no impact study was done regarding South End Road and 2<sup>nd</sup> Street and 2<sup>nd</sup> Street and Hwy 99E. They felt that the proposal conflicted with their interest for that reason. She did not know if that had been completed or not. It was not part of the information she received. The PUD application had 44 conditions of approval. Thirty-four of those conditions were identical to the previous application. Of the ten that were different, only two were directly related to a change in the application. Of the 15 conditions that disappeared from the previous PUD application, ten disappeared simply because the applicant met the condition with this application. Only two disappeared due to actual design changes. Simply meeting the previously-denied conditions of approval does not make the application meet the necessary criteria regarding substantial change.

The water resource application, which was necessary for the PUD application, but was an entirely separate application as noted by the separate application for, separate fee, and separate staff report must also meet the criteria of not being substantially similar. She provided copies of the separate application form, fee schedule, and staff report. The applicant did a much better job this time of presenting the issues about the water. It was much more understandable and one could follow it more clearly. However, the water resource report 04-12 was more than substantially similar; it was virtually identical. WR 04-12 says there have been no significant changes from the last report. The staff report points out that the information relied upon in WR 04-12 was the same information used in WR 03-01. As she attempted to compare the two reports, she had to continually go to the front of the folder to see what the date of the report was as she could not tell the difference just from reading them.

The new staff report noted only two conditions of approval while the old one had 13. The only reason for the difference between the two was that the second application meets the conditions of approval of the first. This body and the City Commission did not find the original report with conditions of approval to be acceptable. Merely meeting the old conditions of approval did not make the new application substantially different. Since the application was virtually identical, it

must be denied per section 17.502.20 of the code. Even if this body did not feel they were substantially similar, the accompanying water resource application was substantially similar and should be denied on those grounds. This would leave you with a PUD application without a water resource report. Therefore, it was incomplete and defective and must be denied.

Should this body disagree with the neighborhood on the issue of substantial similar, Ms. Galligan asked that the PUD application be denied as presented. We still have concerns that a development of this density created a immense amount of impermeable surface area which is estimated to be about 250,000 square feet over a relatively small total area that has a high water table. The Planning Commission and City Commission had the some concerns when faced with essentially the same development. While the new application moved the play areas to near the detention pond and increasing the size of the ponds for 50- and 100-year events, which she thought was a great idea, the management of the everyday stormwater remains unchanged creating the same potential problems. She attached testimony from the previous application that outlined the water concerns because frankly they would not have been any different. She did not want to take the time to review them, but they did speak to the high groundwater table, horizontal flow of the water, and concerns about recharging the groundwater. You asked about what would happen downstream. Much of this land has a clay layer where there was very slow permeability back into the groundwater system. There would be virtually no surface area particularly in the back half of the piece to allow the water to perk back into the groundwater system. It would all be collected and carried further downstream. That was a concern. That was all outlined in number 4 which she enclosed.

We continue to be concerned about the traffic impact development of this density will have on a neighborhood with only one access point. The connectivity plan was, she realized, the only feasible one. Yet it relies on significant changes that will most likely not take place until some time in the future.

Last but not least, they were concerned about the compatibility of the PUD with the surrounding area. As noted in the previous testimony, the one goal of the Comprehensive Plan was to maintain and enhance the natural and developed character of Oregon City and its urban growth area. This site was unique in its shape and position on a dead end road. It was also unique in its location – an area of larger lot sizes and open acreage close to the urban growth boundary. The density of the proposal created an abrupt change from the character of the surrounding neighborhoods. In conversations with the developer, there was a lot of discussion about that abrupt change and the 10-foot setbacks along Rose Road. It was suggested that people look at a development at 142<sup>nd</sup> and Sunnyside to see what it would look like. Attachment 5 was photos of what that development looked like in comparison to the area in which it would be sitting. They were not saying they had a problem with that development. The position was that there was quite an abrupt change from what exists to that kind of development. With that total number of units proposed despite several ramifications that were created from the neighborhood's suggestions and reviewed by the neighbors, the basic problem of the abrupt shift could not be addressed. The abrupt change in density was a concern of this body previously as comments were made that high density was not in keeping with the idea of transitional housing at the edge of a rural definition, and the fact that a dense development did not fit in well on South End Road.

The City Commission agreed with the Planning Commission on this issue. She understood that lot size does not define character or compatibility. Neither does the presence or absence of mix of single and multi-family homes. She was of the opinion that those types of changes could, in fact, exist in this neighborhood under the right circumstances. There were several discussions

with the applicant. The difficulty has generally been the density as it drives all of the concerns. She believed the starting point for density discussion is the allowed 40 homes that would be put there as a subdivision. The applicant was interested in a higher density. At this time, the applicant proposed 67 lots but did express interest in the lower number of lots as evidenced by the attempt to submit an application for 63 lots. The mere change of four less lots actually began to address the issue of compatibility as it allowed for larger lots all along the backside along the Lafayette side of the project for a more gradual change of density. Moving the attached homes to the area around the open spaces and to the middle of the development also helped. The reduction of a few more lots would allow for somewhat larger lots on the Rose Road side allowing for transition that was zoned R-10 for the future. A lower density also clearly means less stormwater to manage, more area for groundwater to perk back into the system, and less traffic. They were told there was no flexibility regarding the density requirements of a PUD. This put a stop to further negotiations leading them to a decision that they needed to oppose the current application.

Code section 17.49.060(b) stated that the water quality resource area code applied in addition the requirements of the City land division an zoning ordinance. Code section 17.490.070(b) provided that the area of land contained in a water quality resource area may be excluded from the calculations for determining compliance with the minimum density requirements of the zoning code. The PUD regulations were part of the zoning code. Therefore, the Planning Commission may reduce the PUD minimum density requirements by excluding the water quality resource area from the density calculations. She was unsure of the exact place on the two lots of the water resource area and could only estimate its size. Rough calculations told her it could allow for a minimum density of 51 units or so. She attached the rough calculations. She understood this was a part of the code that if you asked two lawyers you would get three answers on how best to interpret it. The real point was that it appears the flexibility did exist. If the applicant showed interest in reducing the density and the neighborhood thought its concerns could be met with the lower number, the possibility existed for a win-win-win situation for all involved. We get growth in our area that seems compatible and has a lower negative impact. The developer gets several more units than allowed by a subdivision. The City gets a mix of lot sizes of attached and detached housing helping to increase density as required by Metro. She appreciated the opportunity to express the neighborhood's concerns and requested that the record be held open for at least seven days. She requested the Planning Commission check back with her during the hearing as that might not be necessary.

**John Dinges**, 18896 S. Rose Road, Oregon City, Oregon 97045. Ms. Galligan covered most issues. There was quite a misconception about how the water flows. The water resource report reads, "The high water table wet soil was caused by slowly permeable layer of depth of approximately 33" to 36" with the permeability rate of .6 to .2 inches per hour and the silt covering most of that site. The water in this area was 2 to 3 feet below ground during the winter and early spring. The wetland areas are composed of delta silt loam with an extremely low permeable layer at a depth of approximately 2 feet. Permeability below the upper two feet was less than .06 inches per hour." That was very, very slow. The water table in the winter and early spring was from ground level to 18 inches below the ground. We have been saying the water is at the surface in the winter time particularly where they say that open space was going to be. He believed there were some pictures of staking in that general area last year. Groundwater travel – remember below the soil was a clay layer which was impermeable. That fills up with water, cannot go any further, and gets soggy. Then the water flows horizontally. It is not just surface water like he thought the Planning Commission was lead to believe. When that 3-foot layer becomes saturated, then the water starts to move horizontally. That was storage and would eventually percolate down and recharge the groundwater. They said all of the area has a high

water table, and houses need drains. Just across South End Road from this site was a new development. They have foundations in, but there are no footing drains. If that ground was as wet as this one, why didn't they have footing drains? They have drains around the top of the footings for the roof drains and gutter, but there were not footing drains. They had ditches 3 or 4 feet deep. There has been quite a lot of rain, but there was no water in those ditches. If you want to take a look, he just happened to have a 1996 hydrology study. It showed the soil there was slightly different and had more permeability. It was not a high water table all over Oregon City. If you want to look through the study, it shows the types of soils and differences in permeability. This property was unique. It was called the South End Basin. If you look at the contour line, all of the properties tend to slope in the general direction of this piece of property. That was why it was so wet. That was too many houses for that piece of property. It can be developed. He wanted it developed so the neighborhood could have a new road. They just did not want that many houses.

**James Kosel**, 11466 Finnegan's Way, Oregon City, Oregon 97045. He spoke representing the Central Point/Leland Community Planning Organization (CPO). He pointed out that Clackamas County Fire District #1 did respond to this application. They did request a turnaround for the six attached unit places. They also talked about water availability depending on construction type and fire sprinkler protection for the units in that area. The response was faxed to the City to Mr. Konkol's attention.

**Mr. Konkol** said that response was in the staff report as Exhibit 12. The Fire Department did comment, and it may not require a turnaround for those attached housing units since they have frontage on South End Road. It would be at their discretion. Usually two accesses to a property are not required.

**Mr. Kosel** said the concern the District shared with him was that because of the vehicle parking, fire apparatus or other emergency vehicle have difficulty moving in the area. At the last CPO meeting, the attendees voted unanimously to continue to oppose the PUD originally known as Rose Vista and renamed Village at South Rose. The first reason for the opposition was the significant changes in natural drainage patterns that have been discussed tonight would not only impact the properties immediately to the south but also like result in water flow reductions to the ponds and streams further south of the PUD including Roberts' Pond and its beaver population and Little Beaver Creek that feeds into Beaver Creek. Beaver Creek was one of the main streams in a newly formed Watershed Council of which Oregon City was a participant for natural resources and watershed restoration. Any water reduction to that creek would cause irreversible harm to the watershed and make restoration that much more difficult. They did not believe the applicant provided information that there would not be any impacts. The attached units as proposed were out of character with the entire South End neighborhood. Even the concept plan for the future urban holdings in his area, was in its infancy stages. In deference to the existing character of what was on South End Road, he requested the Planning Commission deny the request for the PUD on that site.

The final concern was the additional traffic. They were talking about 600 plus vehicle trips that would only impact Rose Road and South End Road, but it will impact other streets. He used the example of when he moved there 28 years ago, gridlock on South End Road at Warner-Parrott was four vehicles at that intersection at the same time. Today, at 5:30 down at 99E you have to wait through two signal cycles to get up on 2<sup>nd</sup> and then when you get to the top of the hill, you are lucky if you make it to Amanda Court. Adding these additional 600 vehicle trips a day, we may be all the way back to Pinewood. Now it takes about four minutes to get through the

intersection from Amanda to South End Road and Warner-Parrott. Add these, and we may be back to 5 or 6 minutes to get through. This PUD as submitted, he requested that it be denied.

**John Dinges** had another point he wanted to make. To help better understand the soil conditions, he read from the geotechnical report from GeoPacific on page 4 regarding site preparation. To prepare the site for construction they recommended removing the topsoil down to a depth of 6" to 18" with the average depth of unsuitable soil removal at 8". They recommended the stripped soil be hauled off and stockpiled. The construction site during dry weather conditions once the striping was approved, the area should be over-excavated to a depth of 12" to the exposed subgrade be allowed to extensively aerated before the soil was replaced and compacted. He was not a soil engineer, so he called one and read that to him. The first words out of that person's mouth were, "Wow, that must be a wet site." He said what that meant was that all the topsoil was taken off. Over excavate mean to remove the soil and take it out. That was down to the clay. Then they will let it dry out, but it does not say how long. Then the soil will go back and be recompacted so it can be built on. He asked what the purpose was for doing this. It was to make it buildable. Did that mean the property was not buildable the way it was? The other question he had was they go to all of this expense when they build, what will happen in five years after several seasons of rain. The clay would become recompacted, and we will be back where we are today. Will they move all the houses and aerate again? He did not think so. That was right out of the report.

There were no further citizen comments.

**Mr. Konkol** made several clarifications. The Fire Department did submit some comments. It did not have any problems with the design of the middle, interior street. The comment for the required turnaround for the attached housing was made because the department was concerned about a development with 6-foot fences in the backyards along South End Road. In that instance, they would not be able to get through the fence to get to the house, so a turnaround would be required. Once they realized the houses would be fronting the street, and they would have direct access from South End Road for fire protection, he imagined they would not require a turnaround in that area. If they did, the applicant would need to provide it, so there would be two fire accesses to those six attached houses on South End Road. The Fire Department was concerned there would be 6-foot fences that would limit access from South End Road to those six properties.

**Mr. Konkol** discussed the comments from public works that identified the need to look at S. 2<sup>nd</sup>. Public works looks at the public infrastructure for storm, sewer, and water. David Evans & Associates performs the City's traffic reviews and did the consultation with the applicant's traffic engineer. It was determined that review of that intersection was not necessary based on the amount of traffic that would be generated from this site. David Evans & Associates was the City's traffic engineering consultant. They required what was necessary to evaluate an application.

**Mr. Konkol** commented on the references to Chapter 17.49 – that the water quality resource area may be excluded from the density calculations. That was if an applicant applied for a subdivision and the water resource area would be taken out of a standard subdivision that was done as a Type II application. The 80% density would be calculated by removing that water resource area because they do not have the benefit of using smaller lot sizes. One is not allowed to remove the water quality resource area from the density calculation in a PUD application. The code specifically says for a PUD that 80% of the gross density allowed by the underlying zone designation shall be required. The applicant may not request an adjustment from this

standard. Removing the water quality resource area from the calculation of density for the site in a PUD was not an option.

**Mr. Konkol** discussed the groundwater and wet site. There were several areas in Oregon City where subdivision applications were processed that have high groundwater and are on the geological hazard map. That was different from a water quality resource area. These were separate issues. Water quality resource areas has to do with protecting a resource. Development must stay outside the jurisdictional wetland, spring, and intermittent stream, and a buffer is required. The geotechnical map that showed the high water table indicated the need to make sure the construction goes a step further than if the property was high and dry. It did not say this was undevelopable or a reduction of density was necessary. He wanted the Planning Commission to understand the distinction. Additional studies are required by a geotechnical engineer for construction types that are suitable in these types of situation. This does occur frequently in Oregon City. It was prevalent hazard in this area.

#### Applicant's Rebuttal

**Eugene Grant**, Davis Wright Tremaine, 1300 SW 5<sup>th</sup> Avenue, Portland, Oregon 97201. He represented the applicant. He requested the record stay open for seven days after this hearing in order to submit additional evidence.

**Mr. Grant** discussed the issue of substantially similar. While the Planning Commission has discretion to decide what that meant, that discretion was not unlimited. The courts would overrule the Planning Commission if it defined it in a way that was clearly wrong. They will defer to making a reasonable interpretation. He urged the Planning Commission to keep that in mind and consider the differences are significant particularly in density. Reducing density by nine lots was a very sizable difference in terms of this development. The applicant shadow platted four lots and would have to pay the expense to put in the sewers, curbs, sidewalks, and utilities. All of the expense was there, and the developer would have to carry that expense for five years before it could be recovered. That was the primary reason for shadow platting those lots. The effort to get down to the 63-unit dwelling level was to try and make it crystal clear that this was a substantially different development proposal from the one submitted previously. There were site characteristics such as the wetlands that obviously cannot be changed. The water resources application was an overlay on the development application. The substantially similar rules spoke to substantially similar development. One has to look at the water quality application as an overlay. One could realize from a common sense standpoint that with the wetland rules and laws, a developer has virtually no choice in terms of what can be done with the wetlands. Naturally, that would be substantially similar to what was proposed before. He changed things in the configuration of the layout, for example the alleyway did not exist before. All the driveways were off. The configuration of the streets was different. There were lots of things in addition to the number of lots.

**Mr. Grant** addressed the concerns about schools. By state law, one was not allowed to deny an application based on concerns about the schools. He understood those were real concerns and needed to be addressed, but it was not a legal basis upon which to deny an application.

**Mr. Grant** discussed the French drains along the north boundary. He had one, and on the surface it looked like part of the yard. It will not appear separate. It will not be fenced off. It will look like part of the yard. The drain was all subsurface. He did not want the Planning Commission to have the idea the people would have less of a backyard or that it would have to be fenced. They would have the full benefit of their backyards in terms of landscaping.



Lots 1 and 2 will not need any fill. It was only toward the wetland area that there would need to be filled. Lots 16 and 17 were the only shadow platted lots that would have to be filled of those four.

He believed the water issues had been beat to death. He believed Mr. Konkol's comments were sufficient in terms of the fact that this site was typical of Oregon City conditions. The exceptional engineering was an effort to address the concerns from the original application. The project was over-engineered from the water standpoint primarily in terms of the storm drainage and impervious surface concerns. This has now been engineered to a 100 year flood level. That was when the Oregon City downtown was under 20-feet of water. There was not a lot more that could be done. All of the water from the impervious areas will be sent to the drainage areas. It will go out more slowly as it goes south than it does now. One of the opponents testified he was concerned about decreasing the water flowing to the south. Some people oppose it because they say it will make it worse and increase the flow. Others testified it would decrease the flow. It cannot be both. From an engineering standpoint, all of the rain that falls on the site will flow out. The flow would not be decreased, but it would be gradually metered out in the drainage ways.

One of the opponents mentioned the density issue. Mr. Konkol adequately addressed the code, and the 67 units were the minimum. That was the purpose of the shadow platting. From the developer's standpoint, the neighbors were told repeatedly that was the lowest density. The applicant was entitled under the new zoning to build 78 dwelling units on the property. If the property was developed as a shoebox condominium development, the same houses could be built with the same attached units with the same layout under a condominium form of ownership. That could be done without a development application because a condo does not create lots and divide the land. All the units are built on one big lot. The developer was saying he would reduce the density below what was legally allowable to 67 lots and shadow plat four, but he could not go any lower. If the application was denied the decision could be easily overturned because that would violate the PUD 80% rule. Secondly, the applicant would not even wait for the appeal. He would use the condominium form of ownership to develop on that property to the allowable density under the City's zoning. He would not allow that property right to be taken away by the neighbor's obsession with having extremely low density on that site. Oregon City considered this very carefully recently and said this land should accommodate 78 units. That was the policy adopted by the City Commission. Applying for 67 lots says the developer will do significantly less than the maximum if he was allowed to do it on separate lots.

**Mr. Embry** said Mr. Grant addressed the engineering issues well, and he would be available for any further questions.

**Chairperson Carter** understood there were two requests to keep the record open for seven days.

**Mr. Kabeiseman** discussed several issues. This meeting was September 27, with seven days for new evidence, and seven days for rebuttal evidence if requested. The applicant then gets seven days to prepare the final argument pursuant to state statute. That would be October 18, which would be the Planning Commission's second meeting of the month. That would be the due date for the final argument and the Planning Commission could hear it that evening. Alternately, it could go to November 8. He asked the Commission's preference.

**Chairperson Carter** asked when the Comprehensive Plan review hearing would be.

**Mr. Konkol** said that would be October 11.

**Mr. Kabeiseman** said the applicant expressed a willingness to submit a few days early. The argument should address issues and not contain any new facts.

**Mr. Konkol** corrected the dates of the Planning Commission hearing.

**Mr. Kabeiseman** recommended continuing the hearing to October 25, closing the public hearing, keeping the record open for seven days, and deliberating at that meeting.

There were no further questions of staff.

**Mr. Kabeiseman** clarified that the hearing would be closed and the record would be left open for seven days until October 4, 2004 at 5:00 p.m., which would be the final day to submit new evidence in writing. On October 11, 2004 at 5:00 p.m., the rebuttal of that new evidence would be due. The applicant would have until October 15, 2004 at 5:00 p.m. to submit the final rebuttal that would not include any new evidence.

**It was moved by Commissioner Powell and seconded by Commissioner Orzen to close the hearing and keep the record open for seven days until October 4, 2004 at 5:00 p.m. and would be the final day to submit new evidence in writing and continue the hearing to a date certain on October 25, 2004.**

**Mr. Konkol polled the Commission. Commissioners Orzen, Powell, Lajoie and Chairperson Carter 'aye.' [4:0]**

#### **Composition of the Planning Commission**

**Mr. Konkol** proposed putting the Planning Commission's comments in a letter format. He would discuss it with the city manager prior to forwarding to the City Commission.

**Mr. Kabeiseman** said this was an internal policy matter, and there was no legal issue with sending a letter like this. It was at the Planning Commission's discretion if it felt it was an important communication.

**Commissioner Orzen** asked what the normal size of a Planning Commission and City Commission was for a city the size of Oregon City.

**Mr. Kabeiseman** was not certain there was a norm.

**Mr. Konkol** added in some cities a quasi-judicial hearing such as the one just heard was handled by a hearings examiner – one person trained in law.

**Chairperson Carter** understood Planning Commissions were set out in state statute and gave cities the authority to establish commissions. It speaks to the membership and powers and duties.

**Mr. Kabeiseman** noted that ORS 227.090 stated, "except as otherwise provided by the city council, a city planning commission may ..." There was a lot of flexibility about what a city may do with its planning commission.

**Chairperson Carter** referred to the bylaws. To some extent the Planning Commission governed itself. The Mayor appoints, and the Commissioners appoint the Chair.

**Mr. Konkol** said the bylaws were reviewed by the City Commission. When staff works on bylaws for the Planning Commission or any citizen committee, they were reviewed and approved by the City Commission.

**Mr. Kabeiseman** said the Planning Commission is more than advisory in that it did have decision-making authority. If no one appealed, the Planning Commission was the final word. It was advisory for zone changes and Comprehensive Plan amendments. To a certain extent more than another advisory body in that certain things must go according to code to the Planning Commission. The City Commission was not required to consult other advisory bodies, however, it may.

**Chairperson Carter** understood there was agreement when the Planning Commission initially went to the City Commission. If the Planning Commission was still in agreement, she wished to reiterate its position.

**Commissioner Powell** was in support. He believed five members was enough and worked well. The members represented the area well.

**Commissioner Lajoie** could not comment too much without understanding why the City Commission wanted to make the membership seven. His question would be why was this happening?

**Mr. Kabeiseman** reminded the Planning Commission this was a legislative matter, and there was nothing preventing a discussion with the City Commissions about this idea. There were no ex parte concerns.

**Mr. Konkol** said staff was working on setting up a meeting with both groups.

**Commissioner Lajoie** could not express an opinion without knowing the reason past better representation. What was it about the Planning Commission's representation that was not adequate?

**Mr. Konkol** asked if the Planning Commission wished to proceed with the letter.

**Chairperson Carter** said the group would never get to those answers if it did not proceed with the letter and hold a meeting. There has been an absolute lack of communication. The Planning Commission tried to express its feeling, but the communication seemed to break down. This was a second effort to communicate.

**Commissioner Orzen** felt it should have been discussed to make sure the concerns were real.

**Chairperson Carter** agreed. If the City Commission was not happy with the Planning Commission's representation of the issues, they should tell the group what the concerns are. The Planning Commission should have a chance to change things before taking the step of increasing the size of this body. She suggested Mr. Konkol add that to the letter.

**Commissioner Powell** thought in support of the City Commission he would say that the Planning Commission asked to decrease the membership to five.

**Chairperson Carter** said that was done because of the quorum issue. The City Commission heard this concern and thought it wanted better City representation. The City was expanding, and maybe the City Commission thought the Planning Commission should have different factions represented.

**Mr. Konkol** thought it was worth the conversation. One person made that statement, and Mr. Konkol was not sure there was consensus.

**Commissioner Lajoie** heard consensus until that comment was made.

**Chairperson Carter** said the last she heard, the membership was to remain at seven legally. Five appointed. The number of appointed of that number was a quorum. The Planning Commission understood that was the end of the discussion, and everyone agreed they could live with that. Then it morphed back to the seven. She felt the issue needed to be clarified and settled.

**Mr. Konkol** stated he would draft the letter and try to schedule a meeting.

**Commissioner Orzen** asked when she would be reappointed.

**Mr. Konkol** said that was in the Mayor's hands.

**Chairperson Carter** agreed that was an issue.

**Commissioner Powell** suggested that be part of the same discussion.

**Chairperson Carter** asked if legally an unappointed person sitting on the Planning Commission and making decisions.

**Mr. Kabeiseman** said since Commissioner Orzen was appointed and her term expired, that was a different case. There was a holding-over provision in state law that allows for that. One could continue to serve in that position if no one was appointed as a replacement. He understood it was more tenuous.

**Chairperson Carter** thought the Mayor should have made that clear because it affected the entire Planning Commission.

**Chairperson Carter** adjourned the meeting.

Respectfully Submitted

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Tony Konkol, Senior Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION**

**OCTOBER 25, 2004**

**COMMISSIONERS PRESENT:**

Chairperson, Linda Carter  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT:**

Tony Konkol, Senior Planner  
Bill Kabeiseman, City Attorney

**1. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Chairperson Carter.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA**

None.

**3. APPROVAL OF MINUTES:** *August 29, 2004, August 30, 2004, and September 13, 2004*

**Commissioner Powell** noted a correction to the minutes that attributed a comment to a "male commissioner" and he recalled it was Commissioner Lajoie.

**Commissioner Powell moved for approval of the minutes with the correction. Commissioner Orzen seconded the motion. A roll call was taken, and the motion passed with Commissioners Orzen, Powell, and Chairperson Carter, voting 'aye.'**  
[3:0]

**4. DELIBERATIONS**

**Chairperson Carter** announced this evening's hearings.

**PD 04-02, *Planned Unit Development, Village at South Rose and the accompanying*  
WR 04-12**

The public hearing was on August 9, 2004, and the Planning Commission would deliberate at this meeting. Commissioner Mengelberg recused herself as she did not attend the hearing, and Commissioner Lajoie was out of town this evening, and under no circumstances could he attend this meeting.

**Mr. Konkol** said the Planning Commission was mailed all of the exhibits entered into the record at the public hearing. There was new information received between September 28 and October 4. There was no written rebuttal to the new evidence within the next seven days. The applicant submitted his final testimony dated October 18, 2004.

Exhibit P was staff's response to Mr. Norr's question about including the water resource requirement in the density calculation for a planned unit development (PUD) as well as staff's recommendation for how to review the water resource report in terms of being substantially similar. He entered into the record a fax from Mace Childs to Mr. Konkol that indicated the turnaround requirement at the end of the access road for lots 58 through 63 was changed to say that this condition was not required since the units would be facing South End Road.

**Commissioner Powell** understood this was a follow up for clarification.

**Mr. Konkol** confirmed that was correct.

**Chairperson Carter** stated that the Commissioners deliberated as individuals and had little contact outside the meetings.

**Commissioner Powell** thanked everyone who attended the meetings and offered testimony. This was a difficult decision. While he did agree the plan was considerably similar to the plan reviewed before and denied, he had to say that after reviewing both the plans and the legal definitions and the requirements for a PUD, he was under the opinion that the applicant had little to work with in terms of changing the application any more than he did. He believed the applicant made an extra effort to meet with the neighboring community and tried to make changes that would get him closer to the type of development that would work for everyone.

After reviewing the facts of the application, he reviewed his issues on the previous application. He found that the applicant assured him on the water issues. He was convinced the technologies that were to be used in the development were a tried and successful method of removing groundwater. The presentation lacked in some respects, but Commissioner Powell based his decision on the technology. He believed the applicant made an effort to expand the detention pond size to more effectively accommodate the runoff. It appeared the applicant took the issue seriously and in his opinion did a good job of resolving it.

**Commissioner Powell** was also concerned about traffic in and out of the development. He believed the applicant made an effort to reduce the traffic impact in the development. The Rose Road intersection with South End Road raised more questions for him. It was a problem he could not deny. In re-reading the traffic study and listening to the input from all parties and looking at the City consultant's report, it appeared that the City should be able to handle the traffic from that site. The Planning Commission and City Commission agreed that future improvements needed to be a priority. He believed the South End traffic could be handled more effectively with some changes.

Lastly, Commissioner Powell was concerned about density. It appeared that the applicant made every effort within the guidelines of the PUD to decrease the density. Ms. Galligan noted in her presentation, that the neighborhood would be all right with the density of 40 lots but not the 67 planned lots. That was a substantial difference, but he also felt the same concerns would be faced with either number of sites. It was a matter of percentage. He believed the applicant worked within the legal bounds of the PUD and met those requirements. He was pleased the applicant tried to work with the neighbors, and because of the discussions, Commissioner Powell thought the application was more workable and would benefit the entire community. He supported the planned unit development and water resource applications.

**Commissioner Orzen** visited the site and walked the entire area yesterday. She was struck by how narrow and restrictive the area was. She also wanted to see how much water there was from the recent rains. There was not that much water in the wetland area, but that was probably because there was so much acreage that was not covered at this point. Commissioner Orzen was struck by the dead-end road and the amount of traffic that would result from more housing. She was struggling with the number of units, and it seemed too congested with 67 units. There was no transition from the surrounding R-10 properties to such a high density. Although she commended the applicant for working with the neighborhood association, she still had a few problems in her mind and did not think the development was proper for the area. Less housing and less impervious surface would be better for the area. With the streets and homes, there would be more runoff. Even though it would go into a water retention area, the wells that people count on for their water would not be recharged or replenished. That was a huge issue in her mind. Because of those issues, she would deny the application at this time.

**Chairperson Carter** spoke to the issue of substantial difference. She did not believe one could win that argument either way. Sixty-seven units versus seventy-six was a difference of nine. That was significant on some scale but not significant enough in this application. The application was laid out the same as it was previously. Trying to take four building sites and leaving them un-built for four years to make the project seem a little less dense did not fly for her. With regard to the water resource mitigation, it would be impossible to know if all the water engineering would be successful or not. Technically speaking they believed it would, but it was one of those situations that it was unknown whether it would succeed or not. She believed there was a risk of putting all of the groundwater into the drainage system and keeping it from percolating into the properties on the south side of South End Road where people depend on that replenishment for their well water.

**Chairperson Carter** discussed the PUD density. She understood the applicant tried to meet the PUD density criteria, but that brought to the reasons for taking PUDs off the books. It was difficult to be able to get all of the factors working together in a way the City hoped it would. This project did not seem to work as hoped. The density was too high for the area, and it did not fit in with the surrounding area. She would have liked to see less density and bigger lots. This application does not transition to the surrounding area. She could not approve the density in good conscience given the surrounding area. She felt there were too many unresolved issues after the second hearing. One person wrote about Goal 1-4 and that information necessary to reach policy decisions shall be available in a simplified, understandable form, and assistance shall be provided to interpret and effectively use this information. Chairperson Carter did not feel she was clear about the water mitigation on the property. The testimony was distinctly contradictory with regard to the issues. She did not feel her questions were resolved. Therefore, based on these various opinions, she would deny the applications.

**Mr. Kabeiseman** understood from the discussion that two Commissioners would deny the application, so staff would ask for guidance on what issues had not been met. The Commission could make motions on each separate issue if it wished or discuss those after the motion. He heard each member's opinions, and he could prepare what he heard for the final decision. The other alternative would be a discussion.

**Commissioner Orzen moved to deny application PD 04-02 for a 67-unit planned unit development located at 19093 South End Road and 18879 Rose Road and WR 04-12 a water resource determination and mitigation plan. Commissioner Powell seconded the motion for discussion.**

**Chairperson Carter** did not believe the second application was significantly different. The number of units was reduced by nine; however, the other factors were almost identical.

**Commissioner Powell** said in the scope of things, nine was a good percentage of the whole application. Within the legal limits of the PUD, he believed the applicant made a good effort in decreasing the size of the site. In his mind, Commissioner Powell thought the applicant made an effort to do that and was a substantial change.

**Chairperson Carter** did not believe it was considerable enough. Unfortunately, the Planning Commission was hemmed in by 80% of the underlying zoning. The applicant made a sincere effort to stay within that. The reduction of nine units did not change the overall proposal. She did not feel it had a different effect. She did not believe the reduction made a significant difference.

**Commissioner Powell** said there was limited space within which to make changes in this type application. Where could the changes be made? He did not see a way to make changes other than

the way the applicant brought it forward. In his mind, it was significantly different in that way. He felt it was considerably the same but not significantly the same. It was a simple word change, but to him it meant something different. The changes were enough in his mind to alter his opinion. Sites were moved and changed to the neighbors' requirements. The neighbors wanted bigger lots on one side, so that was what the applicant tried to accomplish.

**Chairperson Carter** noted the density went to the south side of the development which was where the largest properties were. She did not feel it achieved anything. The bigger properties were on the inside, and the most dense were on the outside. She did not believe 3,000 and 4,000 square foot lots were right for that neighborhood. It did not meet the test of transitioning or blending or compatibility with the surrounding neighborhood.

**Commissioner Powell** understood that feeling. He believed there needed to be a transition at some point. It seemed to be the logical place for the transition.

**Commissioner Orzen** thought the two sites looked very similar, but there was a decrease in density. The wetland area was changed. On that she was on the fence and waiting to hear from the attorney. She did not think that was an issue at this point.

**Mr. Kabeiseman** said there was no definition of substantially similar in the Oregon City code, which meant it was the Planning Commission's decision. He discussed the Wal-Mart decision in which there was a discussion of substantially similar. There was an excerpt of what they said about substantially similar in the memo, but that had more to do with the water quality resource and the whole proposal. There were a number of factors one could look at. There was the overall feel, percentage of units, and other legitimate factors. The Commission could direct that findings be prepared for its review.

**Chairperson Carter** stated this application was just too dense for the surrounding area and would not fit in. It would stick out like a sore thumb irregardless of any traffic or water problems. It simply would not, could not fit in and blend in and transition with the surrounding area.

**Commissioner Orzen** said one of the issues she based her opinion on was the fact that this did not fit the area because of the environmental issues, the water resource, and the implications that would take place on the neighbors across Rose Road with this compact a development. She lived on an R-10 lot, and she had standing water. If one had a 4,000 square foot lot with streets, sidewalks and other impervious surfaces, one would have a lot more runoff, and water would not be going back into the soil.

**Chairperson Carter** agreed with that concern.

**Commissioner Orzen** said it was also an issue of compatibility. It went from 10,000 square feet to 4,000 square feet. That was not a smooth transition.

**Chairperson Carter** said there was a lot of engineering going into taking the water flow off the property and into the drainage system. One could not know what would happen because of the lack of percolation to the neighboring properties that depended on wells for their water. If too much water was taken away, she thought people could have dry wells in five years or so.

**Commissioner Orzen** believed transportation was an issue with the dead-end road and traffic coming out onto South End Road.



**A roll call was taken, and the motion passed with Commissioners Orzen and Chairperson Carter voting 'aye' and Commissioner Powell voting 'no.' [2:1]**

**Commissioner Powell** asked that the issue of "instant buildings" be on future agenda.

**Mr. Konkol** said that would be a work session item on the November 22, 2004 agenda. He planned to discuss these instant or membrane structures, farm uses, and tree ordinances outside the City limits but within the urban growth boundary. The findings for tonight's decision should be ready for Planning Commission review on November 8, 2004. The Comprehensive Plan and zoning code language amendments will go before the City Commission at its November 3, 2004 meeting. For the most part, those amendments would go forward as recommended.

**Mr. Kabeiseman** updated the Planning Commission on the Comprehensive Plan appeal to LUBA. The due date for the brief from the other side was today, but he has not seen it.

**Chairperson Carter** adjourned the meeting at 8:30 pm.

Respectfully Submitted

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Tony Konkol, Senior Planner

**CITY OF OREGON CITY  
PLANNING COMMISSION WORK SESSION**

**NOVEMBER 22, 2004**

**COMMISSIONERS PRESENT:**

Chairperson, Linda Carter  
Commissioner Lynda Orzen  
Commissioner Tim Powell  
Commissioner Renate Mengelberg  
Commissioner Dan Lajoie

**STAFF PRESENT:**

Tony Konkol, Senior Planner  
Dan Drentlaw,  
Community Development Director  
Nancy Kraushaar, City Engineer and  
Public Works Director

**CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by Chairperson Carter.

**WORK SESSION TOPICS**

**1. Holcomb Boulevard Pedestrian Enhancement Concept Plan**

**Ms. Kraushaar** said Alta Design was hired about nine months ago to prepare a concept plan for Holcomb Boulevard that was in part driven by the requests of the neighborhood organization as well as the City's recognition of infrastructure needs. Clackamas County agreed to share the cost of a plan. Alta proposed on the project and was found the most qualified to do the Project. Public involvement was extensive, and the consultant and staff were very responsive to citizen input. The Plan recognized the fact that it was somewhat of a rural area even though it was changing and looked at consolidating pavement as much as possible considering the growth.

Ms. Wildman Wildman said there was an initial cursory inventory of estimated daily trips (EDT), land uses, and locations of the future subdivision to prepare the existing conditions memo. The first public meeting was attended by about 30 to 35 people from the neighborhood, and the feedback from these meetings were used to develop goals and objectives. The number one goal that came out was that Holcomb Boulevard needed to be a safer place for pedestrians particularly children and public housing residents. The first goal was to provide pedestrian facilities that would enable all people, meaning it would be ADA compliant, get safely along and across Holcomb Boulevard. It would be firm, consistent, with safe crossings, a buffered separation with either plantings or a bike lane to keep pedestrians as far away from motor vehicles as possible, and some type of calming to slow vehicles. She discussed venerable trees that provided an enclosed canopy that typically caused drivers to slow down. Drivers tended to speed in wide open spaces, and this was noted in the areas of the new subdivisions.

The second goal was to preserve the neighborhood character. Holcomb Boulevard and the land uses along it were unique and were changing rapidly as one moved

toward the urban growth boundary (UGB). There was an older, more rural feeling that was transitioning to urban, and at this point she did not know how to preserve that rural character. People wanted to make a concerted effort to preserve a lot of the older trees. And many people had plantings that encroached into the right-of-way. Additionally, she wanted to keep the right-of-way to a minimum. There was 60- to 65-feet of right-of-way up and down the corridor. Right now the pavement was only about 24-feet wide, so to move it out to 60 feet would be a tremendous impact. She wanted to consider the use of green street treatments using bio-swales to treat stormwater on site so additional storm water treatment infrastructure would not have to be constructed.

The third goal was design oriented. They wanted consistency without uniformity, and people did not really like the things that were going in with the new subdivisions. The little trees planted every five feet; the little wells every 25 feet. They did not like the large cobra head lighting that seemed to be more freeway style and were designed for safety. For a pedestrian, it did not really cast enough lighting. She was looking at using a variety of trees and shrubs in the right-of-way and focusing on native plants. They designed the corridor by going tax lot by tax lot and looking at existing conditions, working around that, staying consistent, and looking at what was most likely to develop in the future. Street lighting would be installed that had an historic character similar to the downtown style. They did not want something in the middle of the road like a median or a roundabout.

The roadway will not change. It will be two 11-foot travel lanes with 5-foot bike lanes throughout. From Apperson to Steve's Market, there will be a center turn lane for the commercial area that may develop in the future. Additional roadway features were 6-foot sidewalks, 9-foot on-street parking bays which could be 8-feet in some areas if necessary, 5- to 10-foot planting strips, 10- to 12-foot bio-swales, pedestrian lighting, marked crosswalks, and traffic calming or stopping devices.

Because a portion of this was the Barlow Trail, people wanted to integrate some of those themes. It would help add interest to the neighborhood and garner some pride in the roadway itself. It led to the Oregon Trail Interpretive Center and could be a nice connection as an historical tie. They were thinking placing rocks along the way inscribed with quotes from pioneer journals to create additional character. In the public process, someone mentioned the damp place by the Baptist Church. That was the old watering place for the oxen when they came down the Barlow Trail, so that could be developed as an interpretive site. It was a spring, so the concept plan included a swale around it. One of the neighbors had a farm, and she had a number of horseshoes which she found in plowing her fields that could be placed in the sidewalk to create a trail. These were all ideas to make a boring sidewalk project into something that was special and created community.

**Ms. Kraushaar** added the street lights would not have open tops.

**Ms. Wildman** said some things were tweaked after meeting with Clackamas County. She indicated the phasing that would begin in about 5 years and beyond depending on what funding sources the City went after and how income would be generated. The second phase was probably about 8 years and beyond and the third phase 10 years

and beyond. It all depended on funding sources. There would be existing sidewalks over Hwy. 213 on the bridge. On the north side, the sidewalks would be curb-tight. The reason for that was that the roadway was oriented in such a way that it was already taking advantage of a lot of the right-of-way, and there was some vegetation on the north side they hoped to incorporate. From that point on, there was a gravel walkway that was not designated as an official walkway, but people were welcome to use it. It essentially saved the riparian area and provided stabilization. She indicated the area of the cross section that would be widened for a center turn lane in the neighborhood commercial zone. It was probably too steep on the creek side for development.

**Ms. Wildman** continued. As one moved to Front Street, there were existing sidewalks leading to the elementary school. The Plan proposed a crosswalk on Front Street with a pedestrian refuge since the roadway widened at that point. The sidewalk picked up to anticipate development. Phase 1 would connect to the Oregon City Manor View to provide a safe connection between the public housing to the market. Clackamas County suggested purchasing property at Beemer to straighten the roadway and create a 90-degree angle for improved safety. It integrated the curb-tight sidewalk on the north, swales, on-street parking, and vegetation or planter strips.

**Chairperson Carter** asked why Beemer would not be straightened at the end.

**Ms. Kraushaar** said it was because of the proximity of Front, Beemer, and Hiram Streets. To do otherwise would create an offset intersection and reduce safety.

**Ms. Wildman** said the cross section was narrow because some of the houses were only about 10 feet from the right-of-way. Continuing up the hill, Ms. Wildman pointed out the spring. The curb-tight sidewalks continued on the north side with a combination of on-street parking and planting strips throughout. She was presenting a concept plan, and the City would go through this process when it came down to design and engineering. Property owners would be asked if they wanted on-street parking and how it would manifest itself in the long term. She noted the neighborhood commercial zone ended at Front Street.

**Ms. Kraushaar** added planning staff and the consultant looked at the lot pattern. On-street parking was not really necessary in subdivisions and swales were designed in those areas. Where possible there would be on-street parking for the lots fronting Holcomb Boulevard.

The group discussed the difficulty with land use on Holcomb Boulevard, future subdivisions, and on-street parking needs. It was noted that the street was a minor arterial, which had two lanes throughout.

**Ms. Kraushaar** noted there were a couple of locations, Swan Street and near Holcomb School, where center turn lanes would be considered.

**Ms. Wildman** pointed out the swales from Hunter to Swan. Elements such as traffic circles, sidewalks, and stop signs were being considered. At this time a traffic circle was being discussed to slow traffic and improve pedestrian safety in that area.

**Ms. Kraushaar** added some right-of-way might have to be acquired, but from the layout of the land and the way the streets were angled, the City would have a good shot at that.

**Commissioner Powell** asked staff to compare the proposed lighting with Molalla Avenue. He found it very dark at this time.

**Ms. Wildman** said the intersections would be well-lit with cobra head style lights. There would be intermittent lighting near the subdivision particularly because of the vegetation. In areas closer to homes, the lighting may be staggered.

**Ms. Kraushaar** commented staff would look at the lighting patterns to provide drivers with continuity in illumination.

**Ms. Wildman** added continuity for pedestrian lighting was about 150-foot intervals.

**Ms. Kraushaar** said there were not real examples of that in the City at this time. She discussed landscaping on the roundabouts. The group discussed lighting and historical themes.

**Ms. Wildman** pointed out that Oregon City Manor View had an existing trail that popped out onto the roadway. Phase 1 was to connect that trail to the market. She anticipated that younger children would bike or skateboard on the sidewalk which was designed wide enough for them to feel comfortable. She was apprehensive of the speeds they might reach and the driveways that crossed the sidewalk. Competent bicyclists would use the bike lanes in the road. She noted there was a hillside constraint in several areas that would likely necessitate some low retaining walls that could provide an opportunity to integrate a Barlow Trail theme. She noted an existing trail leading to Holcomb Ridge Subdivision currently under construction. She pointed out the current sidewalk that was built on an extremely steep slope and added nothing would be done with little. The vegetation was taken out leaving the site vulnerable to rain, and that was something she wanted to avoid in the future. A new sidewalk would connect with that and be curb-tight around the curve. There was about 90-feet of right-of-way but because of hillside constraints, they decided to stay with the original alignment of the curve.

**Ms. Kraushaar** added the ASHTO design would require cuts on the uphill side. The idea was discarded because of the cost of retaining walls and what could happen to the natural terrain. It would also help slow traffic.

The group considered the right-of-way and vacant lot that could be developed as a pocket park.

**Ms. Wildman** continued. Coming around the curve, there was a large Douglas fir and vegetation that would have to be cleared to improve sight distance. At the Holcomb Elementary School driveway, some kind of stop control feature was being considered to slow and stop traffic. She discussed petitioning Clackamas County and whomever to make that area a school zone when children were present or during specific times. Going up the hill, there was a very constrained situation. For that reason, the sidewalk on the south side was terminated at the crosswalk while the sidewalk on the north side continued. There was about 22 feet of right-of-way on the south side, but it was not really buildable without massive retaining walls. She

pointed out a protected crosswalk with illumination and warning signs. The north side would need a retaining wall the height of which would be determined.

**Ms. Kraushaar** added the Planning Commission should keep in mind that this was a concept plan with a minimal amount of civil engineering. The sidewalk was curb-tight all the way on that side.

**Ms. Wildman** discussed the existing condition of a large, grassy swath on the backside of the subdivision with the little trees and the little tree wells. It was an ineffective sidewalk design with huge cobra head lights that gave a highway feel. The concept was to keep the 6-foot sidewalk and grind out 12 feet of the asphalt to create a swale. That would provide a green street treatment that would narrow the space, provide more greenery, treat the stormwater on the site, and give the area less of a hardscape feel.

**Ms. Kraushaar** discussed the Glen Oak Meadows subdivision area and the tree plantings.

**Ms. Wildman** said the north side would remain a 7-foot sidewalk. She noted the City limits to the south where the area became rural and indicated the general location of the new road. In that area there was only about 45 feet of right-of-way, so the Plan proposed transition from swale and separated bikeway to an 8-foot shoulder pathway.

**Ms. Kraushaar** added that as growth occurred, the City would ask for dedication of right-of-way in the event the UGB expanded.

The group discussed the importance of having a plan to deal with developments as they come along and commented on some of the poorer treatments.

**Ms. Wildman** discussed the phasing strategy and cost estimates. The entire project would probably cost about \$3 million.

**Ms. Kraushaar** thought the cost estimate was low, but on the other hand, it did not include roadway reconstruction. It did include an overlay.

**Ms. Wildman** noted the City was in a better position to seek grants because it had a concept plan with some interesting elements that made it unique.

**Commissioner Mengelberg** noted there were some steep slopes that could be planted to make them more attractive. The group discussed landscaping at Holcomb Ridge.

**Ms. Wildman** noted the power poles would have to be dealt with because they would be in the middle of the sidewalk.

**Ms. Kraushaar** commented on PGE's practices and easements. The group expressed interest in undergrounding the utilities.

Commissioner Powell discussed a frontage road near the subdivision.

## **2. Farm Use**

**Mr. Konkol** pointed out new language relating to farm uses and discussed some of the recent issues.

**Mr. Drentlaw** said it was approved that farm products could be sold as long as they were produced on the property.

**Commissioner Powell** was concerned about traffic problems and thought some management plan should be in place.

**Chairperson Carter** recalled discussion about a farm management plan with the County, and she believed that should be a requirement. It would address numbers of animals and environmental issues.

**Mr. Konkol** commented those were County standards and suggested that Ms. Kraushaar discuss NPDES permits, potential liability, and increased requirements on the City to address stormwater issues. The City would be overseeing something that was not mandatory in the County.

**Commissioner Mengelberg** envisioned the applicant would be required to work with the Soil Conservation District to develop a farm plan. It would be more of an education process to ensure people understood best practices, practiced sustainable farming, and mitigated to provide a healthy atmosphere.

**Mr. Konkol** thought there could be a problem because the program was voluntary, and the City could not enforce.

**Chairperson Carter** said the other alternative was to leave it the way it was and deal with issues on a complaint basis.

**Mr. Konkol** commented on the earlier discussions of 20,000 square foot lots. This was much further reaching than just several zones. The City would somehow have to tie into a process that got to a condition of approval to comply with the Soil Conservation District. If one had a farm and disagreed with the District's requirements, then an appeal process would have to be identified.

**Commissioner Powell** asked what the City could currently do to control runoff issues on a farm within the City limits.

**Ms. Kraushaar** replied the City did nothing. She discussed bacteria and new stormwater permits that addressed pollutant reduction. She noted the high levels of bacteria in local streams and discussed her concerns about animals and their proximity to streams. She thought the City could require downstream monitoring.

The group discussed monitoring points.

**Mr. Konkol** was concerned about going with Clackamas County's standards because they were probably more dense than city jurisdictions.

**Commissioner Orzen** liked the process in that the would-be farmer would get some education about basic stewardship of the land.

**Chairperson Carter** thought for the sake of clarity, the City should go with what was established in the County if the standards were reasonable.

**Commissioner Powell** did not think they were. If one had 20,000 square feet and could have 40 animals what would stop someone from doing that?

**Chairperson Carter** thought that would probably go beyond the carrying capacity of the land. One should assume reasonableness with what the County was doing.

**Mr. Konkol** discussed the research he had done with other jurisdictions and found some consistency in the numbers and types of animals allowed on a given area of land. Commissioner Mengelberg' comments got to the issue of best management practices such as odor and runoff control and carrying capacity. Another issue would be traffic.

The group discussed talking with the County to find out its standards.

**Commissioner Mengelberg** suggested requiring that people prepare a management plan in conjunction with the Soil Conservation District to capture changes in the best practices and continually be updated.

**Chairperson Carter** suggested making the management plan a requirement for obtaining a license. The Soil Conservation District would provide the guidelines. As far as the traffic issue went, there would have to be safe ingress and egress, parking, and good sight distance.

**Mr. Konkol** was concerned about making a double standard for seasonal operations. He discussed requirements for operating businesses.

**Commissioner Orzen** noted there could be a break between operating a large-scale and small-scale businesses. At some point a conditional use permit would be required which has a whole set of criteria. The group discussed double standards.

**Commissioner Powell** said businesses pop up on many corners, and the group discussed temporary licensing.

**Mr. Konkol** added many of these were residential sales.

**Commissioner Powell** agreed with Commissioner Orzen that it had to be equitable.

**Chairperson Carter** said doing business was not an entitlement, and there needed to be rules that protected everyone.

**Ms. Kraushaar** suggested small graveled parking lots in the rural environment.

**Chairperson Carter** recommended dealing with the issues on a complaint basis.

**Mr. Konkol** stated this whole issue of farms rarely came up.

**Ms. Kraushaar** thought the City could look at some of the existing farms and determine if they were operated with the best management practices.

**Chairperson Carter** thought there should be some kind of flagging system where if a person came in for the permit and had a management plan, then the operation would be tracked somehow.

**Commissioner Orzen** discussed a different kind of business license for farm use that included a management plan. Annual inspections could be triggered in a database and recommended a license for all types of sales. If the business got large enough, it would need a conditional use permit. The regulations would only apply to those with on-site sales. She felt the biggest concern was not with agriculture but with animals.

**Ms. Kraushaar** pointed out there can be chemicals associated with agriculture.



**Commissioner Orzen** said small farmers growing specialty vegetables were not likely to use pesticides. She was most concerned about what was going into the streams.

**Chairperson Carter** considered the management plan as being very important and discussed objections to a conditional use permit. She discussed the feasibility of a reduced cost farm conditional use permit.

**Ms. Seasholtz** understood the concerns but felt the Planning Commission was making it more complicated than necessary. She recommended a conditional use for 5 acres or more, and bring in the Soil Conservation District for less than that.

**Chairperson Carter** felt clear about this issue and recommended the City begin talking to Clackamas County.

**Mr. Konkol** said the concern was deferring a requirement to a voluntary program, and he was not sure it was enforceable.

**Chairperson Carter** had concerns about what the City could come up with on its own because it was not in agriculture. She hoped the County would be conscientious if it knew the person had a permit with the City.

**Mr. Konkol** said the issue was that changes could be unenforceable resulting in an appeal.

**Chairperson Carter** urged handling things on a complaint basis because she did not see how it could be regulated. How would criteria be created?

**Mr. Drentlaw** suggested criteria based on acreage, conditional use, and on-site sales.

**Commissioner Mengelberg** suggested going with Clackamas County and saying that in the case of a dispute the resolution would be decided by someone like the County hearings officer. That could be handled through a contract.

**Commissioner Orzen** thought there could be some criteria based on their expertise.

The group discussed other instances in which the City deferred to other bodies, such as the Division of State Lands for water resources, and signed off on something like a compatibility statement.

**Chairperson Carter** thought the Planning Commission should sit down with the County to determine what the criteria would be. The City would check against the criteria when people applied for their business licenses. A person could not get a license without a management plan from the County, and the City could adopt the County criteria as its own.

### **3. McLoughlin Boulevard Enhancement Plan**

**Ms. Kraushaar** said the City received a Transportation Growth Management (TGM) grant in 2003 to plan for a McLoughlin Boulevard facelift. The City hired a consultant and worked with ODOT, Metro, a citizen advisory committee, stakeholders, and the Oregon City Transportation Advisory Committee. There were several open houses although they were not well attended. People understood it was

pretty nice, and the only thing that would happen was that McLoughlin Boulevard would be better.

The Enhancement Plan considered all transportation modes and the downtown community plan. The message was to connect to the river. The good news was that there was also funding assembled for the design and construction of Phase 1 projects. She indicated Segment 1 that was from the tunnel and Railroad Avenue to the viaduct that crossed the Willamette River. She noted the River View Plaza that Oregon City did with ODOT about four years ago. Segment 1 also included the curve and access to the Hwy. 43 Bridge. ODOT was asked about cleaning the tunnel, but it had lead paint and would have to be encapsulated in order to pressure wash it. There were four travel lanes with intermittent on-street parking.

The Enhancement Plan included a redone entryway when you come out of the tunnel. The lanes would be tightened, and it was possible that the plan might eliminate the left-turn lane. She indicated the existing plaza that would be enhanced with the addition of trees and some official parking spaces. ODOT did not like the idea of parking, but eventually the City got them to agree. Once McLoughlin Boulevard got past 10<sup>th</sup> Street, the ADT went from 60,000 to 30,000, but ODOT was not willing to reduce the number of lanes.

**Commissioner Mengelberg** commented on the amount of turning radius needed for trucks near the mill.

**Ms. Kraushaar** said the amount of traffic justified two travel lanes in each direction. One thing that was put in the Plan but not detailed was the future deck suspended from the bridge. The City could not stray into a lot of details because ODOT wanted to stay within the right-of-way. She discussed the pergola and street trees near 12<sup>th</sup> Street to dampen the noise and offer pedestrians a greater feeling of safety. The group discussed growing vines along the side of the buildings in the new plaza. She indicated the environment from 8<sup>th</sup> Street to 10<sup>th</sup> Street. The large tower was a partial bridge over the river. There was a lot of area where Singer Creek flowed into the river. She discussed the importance of the connection to Main Street in downtown. A lot of traffic turned at 10<sup>th</sup> Street to go up Singer Hill, and that was the beginning of Segment 3 from 10<sup>th</sup> Street to 15<sup>th</sup> Street. It currently was not a good pedestrian environment, and the riverfront was not really being used at all. There was a pedestrian-activated signal just under the bridge, but a lot of people did not want to walk all the way to the end for a safe crossing. The concept was to have safe crossings at all of the signalized intersections. She indicated the 14<sup>th</sup> Street crossing and the trail, but it did not connect the City side with the river side. The intent was to move the express lane back so that pedestrians could cross at 14<sup>th</sup> Street. If it continued through the intersection as the TriMet busses liked, then there would be gaps in the curbing. She went through that section several times when there was a TriMet bus in the slip lane, and it took the bus forever to turn into the bus station.

Today there were four travel lanes and not a lot of greenery along the river. Ms. Kraushaar indicated Liberty Plaza that could have a river connection. There were some existing stairs, but it was not a very nice spot.

**Chairperson Carter** suggested a small platform of some kind.

**Ms. Kraushaar** indicated the location of the metal pergola. There was no on-street parking in that area. The buildings in that area were oriented to the side street rather than McLoughlin Boulevard. Parking would be picked up at 10<sup>th</sup> Street. Although there were gas stations on McLoughlin Boulevard, there were buildings and vacant properties with boulevard frontage. At 8<sup>th</sup> Street there was a concrete deck viewing platform and a place for art. At 9<sup>th</sup> Street, there was a stairway with a deck, and a viewing platform at 10<sup>th</sup> Street. She envisioned vendors on these decks in the summer.

**Commissioner Orzen** said this clarified the orientation of the buildings and where the parking should be and where the beautification efforts and noise softening should occur.

**Ms. Kraushaar** added the parking would be for either river use or businesses on McLoughlin Boulevard. The Plan showed the downtown was really 8<sup>th</sup> Street. The plan also would ensure improved pedestrian crossings.

**Commissioner Lajoie** commented on the importance of more welcoming side streets off McLoughlin Boulevard to connect with downtown commercial.

**Ms. Kraushaar** agreed a connection between Main Street and the river would be nice. She reviewed Segment 3 and the I-205 zone where there was a lot of McLoughlin Boulevard left. Oregon City did not have any more side streets between 10<sup>th</sup> or 11<sup>th</sup> Streets and 14<sup>th</sup> Street. That was where it truly began to feel like a highway, so the intent was to add a connection at 12<sup>th</sup> Street near Active Water Sports. The City owned some vacant property at that area, and the Plan envisioned a structure with parking and store fronts on McLoughlin Boulevard. It was near the transit center so could be eligible for some Metro transit-oriented development funds.

**Commissioner Powell** thought that would be an ideal spot for a pedestrian crossover.

**Mr. Drentlaw** added the zoning was changed at one time so there could no longer be any service stations or drive-thrus.

**Ms. Kraushaar** said at almost every local street, there was some sort of river access or viewing deck. The crosswalk delineation would be determined in the design phase. Pavers tended to require a lot of maintenance especially with bus and truck traffic, and they could be a problem if there had to be digging to maintain utilities. She noted ODOT did own the road, so she was not sure how amenable it would be to something other than asphalt and yellow paint. Just north of 9<sup>th</sup> Street there would be some median work, and past 10<sup>th</sup> Street there would be trees in the middle.

**Ms. Kraushaar** reviewed Segment 4 with the 15<sup>th</sup> Street intersection and the I-105 northbound on ramps. This was literally freeway zone, but the City wanted to enhance it with median trees. She discussed some ramp narrowing that should enhance safety. The ramp configuration would remain the same, but they would be tightening getting onto I-205 northbound. She noted that the pedestrian path on the west side of McLoughlin Boulevard would remain, but there would be a pergola rather than a jersey barrier to provide separation. There would also be a pedestrian/bike way. Past I-205 the multi-use path would drop down to the Clackamas River Drive level and hook up with a path that went past Jon Storm Park,

Clackamette Park, Clackamette Cove, and into Portland. The Oregon City Shopping Center never got finished because ODOT refused to use the current Master Plan. The Plan ended up with what looked like a standard boulevard. When the Oregon City Shopping Center eventually redeveloped, it was suggested that there be some sort of frontage road off 99E. ODOT's biggest concern with a frontage road was signalization. The report discussed a Parisian style boulevard with a frontage road on the east side and street level development on the west side with parking below. She reviewed the cross sections. The travel lane widths and number of street trees varied depending on the location and open space.

**Ms. Kraushaar** noted the cross section criteria that addressed shy distances and extra lane widths. The first phase was between 10<sup>th</sup> Street and I-205. It recognized the fact that improvements would have to be divided. The City wanted to widen the viaduct for a turn lane and wider sidewalks, so it would have to pay for those. Simply stated, the City would have to pay for whatever was not there now. There were specific TSP changes to the Plan having to do with land use. The table with roadway and bicycle systems improvements needed to be modified slightly.

The Plan also addressed the I-205 interchange operations on 99E. Currently, the TSP indicated two left-turn lanes southbound on McLoughlin Boulevard and going southbound on I-205. The traffic study did not support it, but there were a lot of uncertainties, so it was left intentionally inconclusive. The City felt there was a lot of pavement in the bridge area. Ms. Kraushaar discussed bike access. In the historic downtown area, bikes would use Main Street and Railroad. Once a rider got to 12<sup>th</sup> Street, the road was wider, so northbound bike lanes would be installed with a southbound multi-use path. ODOT did not like the idea of bike lanes in the interchange area, but she tried to remain firm on that. She discussed access from Clackamas River Drive to the bridge.

The next steps were to adopt the Enhancement Plan in the TSP, which was an ancillary document to the Comprehensive Plan. It would be termed a modification to the TSP. Phase 1 preliminary engineering would begin soon, and there would be construction funds in 2006 – 2008. The work scope for Phase 1 was between 10<sup>th</sup> Street, the north end of the viaduct, and I-205. The gateway by the tunnel was also included in that phase. Staff would ensure that the pathway connected to Jon Storm Park on the north end to link the bike/pedestrian access to the rest of the Clackamas River Trail System.

**Ms. Kraushaar** provided additional handouts that described the drawings. These addressed sight distance, curbs, street lighting, street trees, and edge treatments. She saw heavy landscaping creating spots along the riverside that offered the feeling of separation from the highway. She hoped the average traffic speed would slow to 25 mph and believed the current speed limit was 35 mph. Part of the downtown was designated as a Special Transportation Area (STA), and she believed that was designed for 25 mph similar to a commercial business district. She commented on truck and pavement noise.

The group discussed the effectiveness of dampening traffic noise. **Chairperson Carter** thought if people felt protected from the roadway, they could enjoy the river.

**Commissioner Lajoie** understood it could not stay the way it was, but he perceived McLoughlin Boulevard as the worst road he has ever been on. The river was a great feature, and he thought moving the roadway was the best idea.

**Chairperson Carter** agreed that would be the ideal thing to do, but it would take a lot of money. She saw the river as being more valuable than old town.

**Mr. Drentlaw** noted the 1964 Comprehensive Plan showed McLoughlin Boulevard moved.

**Commissioner Lajoie** asked if the City would actually be solving its problem. He was struggling with a long term solution.

**Mr. Drentlaw** replied that Front Street in downtown Portland had similar volumes but agreed that it was different with the large grass area between the roadway and the river.

**Commissioner Mengelberg** thought the boulevard treatment and trees would beautify the area. She looked at the stretch between Main Street and 6<sup>th</sup> Street and thought there was a missed opportunity for some street trees along the inside of the curve. The group discussed the feasibility of that, and Ms. Kraushaar would look into that concept further. Commissioner Mengelberg discussed efforts in San Diego to reconnect with its waterfront by using public art. She suggested doing that at the ends of the streets.

**Ms. Kraushaar** explained at all of the streets where there were either bump outs or platforms there were pedestals for art. Chairperson Carter suggested fish art.

#### **4. Placement of Membrane Structure**

**Mr. Konkol** provided a copy of an article regarding membrane structures and neighbor conflicts. He read the definition of structure, "A structure is anything constructed or built, any edifice or building of any kind, or any piece of work artificially built out or composed of parts joined together in some definite manner which requires location on the ground or attached to something with location on the ground including swimming pools, wave pools, patios, excluding outdoor areas such as paved areas and driveways."

**Chairperson Carter** adjourned the meeting at 9:15pm.

Respectfully Submitted

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Tony Konkol, Senior Planner