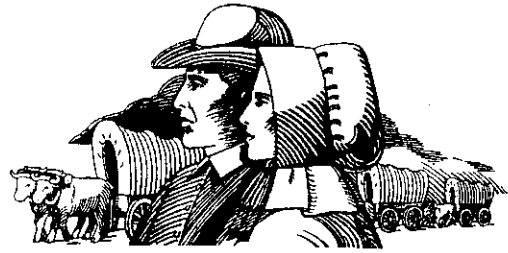


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

**City Commission Chambers - City Hall
November 22nd, 2004 at 7:00 P.M.**

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION WORK SESSION

Work Session Topics:

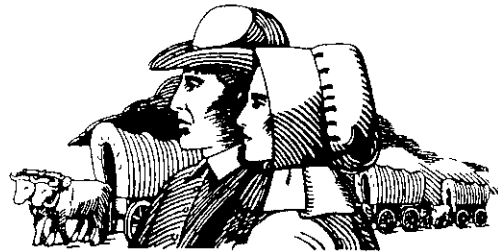
1. McLoughlin Boulevard Enhancement Plan
2. Holcomb Boulevard Pedestrian Enhancement Concept Plan
3. Placement of Membrane Structures
4. Preservation of natural resources on properties within the UGB and outside the city limits
5. Farm uses

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 OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



TO: Planning Commission
FROM: Tony Konkol, Senior Planner
DATE: November 15, 2004
RE: Work Session Agenda Items

Dear Commissioners,

The following discussion items are included in this packet and will be presented at the November 22, 2004 Planning Commission Work Session for your consideration and recommendations for further review if necessary:

1. McLoughlin Boulevard Enhancement Plan (MB Plan);
2. Holcomb Boulevard Pedestrian Enhancement Concept Plan (HB Plan);
3. Location of Membrane Structures;
4. Preservation of natural resources on properties within the UGB and outside the city limits;
and
5. Farm uses.

Nancy Kraushaar, the Public Works Director, will be presenting the McLoughlin Boulevard Enhancement Plan and Holcomb Boulevard Pedestrian Enhancement Concept Plan. Staff will be presenting information concerning the location of membrane structures on properties, how Lake Oswego has addressed logging of properties outside the city limits and a continuation of the discussion on farm uses within city limits.

Location of Membrane Structures

Staff has included an article from the Oregonian concerning membrane structures. As part of the review of the City code that was approved by the Planning Commission, the following changes were made to the accessory building section of the code. These changes require that all accessory structures be located behind the front building line of the primary structure.

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:
 1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a

building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line **and the accessory structure shall be located behind the front building line of the primary structure.**

2. Building Footprint from Two Hundred to Six Hundred Square Feet. **The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure.** The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category ~~when located behind the front building line of the primary structure,~~ provided the structure and its projections:
 - a. Are detached and separated from other structures by at least three feet;
 - b. Do not exceed a height of fourteen feet;
 - c. ~~The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
 - b. The lot must be in excess of twenty thousand square feet.
 - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
 - d. The accessory structure shall not exceed the height of the primary structure **and shall be located behind the front building line of the primary structure.**

Preservation of natural resource on properties outside city limits

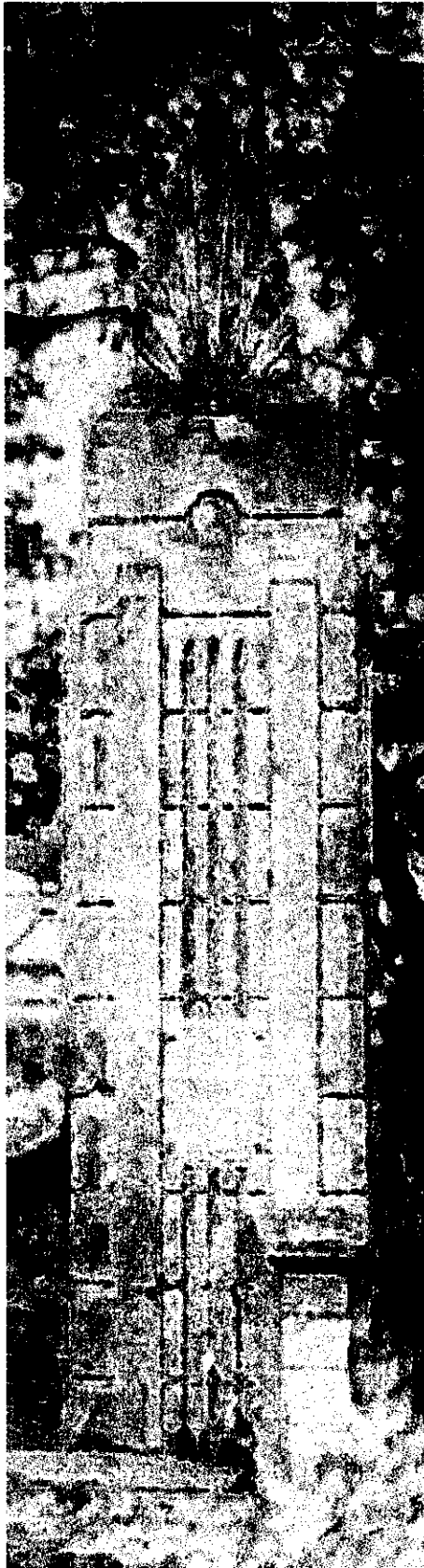
Staff has provided an article from the Daily Journal of Commerce concerning the resolution passed by Lake Oswego, the temporary Administrative Policy of Lake Oswego addressing natural resources and annexations and the resolution adopting policies discouraging the destruction of natural resources prior to annexation. Currently, a property to be annexed into Oregon City is reviewed based on the condition of the natural resource at the time of application and there is no policy concerning recently destroyed natural resources.

Farm Uses

As part of the review of the City code that was approved by the Planning Commission, the following change was made to the Permitted Uses of the R-10, R-8 and R-6 Single-Family Dwelling Districts. The change allows farm uses and the retail sale of materials grown on the site. The new language is as follows:

Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);

The Planning Commission may wish to add additional areas of concern for Staff to review.



McLoughlin Boulevard Enhancement Plan

Preferred Plan FINAL REPORT

**October 19, 2004
City of Oregon City**

McLoughlin Boulevard Enhancement Plan

Oregon City Project Team

Nancy Kraushaar	City Engineer / Public Works Director
Dan Drentlaw	Community Development Director
Dee Craig	Community Services Director
Christina Robertson-Gardner	Planning Division
Sharon Zimmerman	Public Works, Public Projects Division
Fran Shafer	Public Works, Administration
David Knoll	Geographic Information Systems

Consultants

Capital Project Consultants	
Herrera Environmental Consultants	Infrastructure Planning and Urban Design
Jerry Mitchell	Project Manager
Jeff Mitchem	Urban Designer
DKS Associates	Transportation Planning and Traffic Engineering
Carl Springer	Project Manager
Chris Maciejewski	Project Planner

Technical Advisory Committee

Ross Kevlin	Oregon Department of Transportation,
Bud Roberts	Transportation & Growth Management
Martin Jensvold	Program
Kim Ellis	Metro
Mark Rohden	TriMet

Citizens Advisory Committee

Bob Bailey	Lois Kiefer
Julie Hollister	Joseph Marek
Thelma Haggenmiller	Renate Mengelberg
Gabriele Holmes	Lynda Orzen
Dick Juntunen	Betty Schaafsma
Marcy Juntunen	Karen Slempp
Laurence Juhnke	Rick Winterhalter
George Kosboth	

This project is funded by a grant from the Transportation and Growth Management Program, a joint program of the Oregon Departments of Transportation and Land Conservation & Development, and by the City of Oregon City

McLoughlin Boulevard Enhancement Plan

Final Report

October 19, 2004

Preferred Plan

The Preferred Plan for McLoughlin Boulevard is comprised of the design elements described below and illustrated in Preferred Plan drawings dated July 31, 2003. It applies to the right-of-way of McLoughlin Boulevard from the railroad underpass north to the Clackamas River Bridge, a distance of approximately one mile.

Segment 1/Segment 2, Railroad Underpass to Tenth Street

- Provide two northbound and two southbound travel lanes with a typical width of 11 feet.
- Tighten intersection of 99E with Railroad Avenue to reduce speed of northbound 99E-

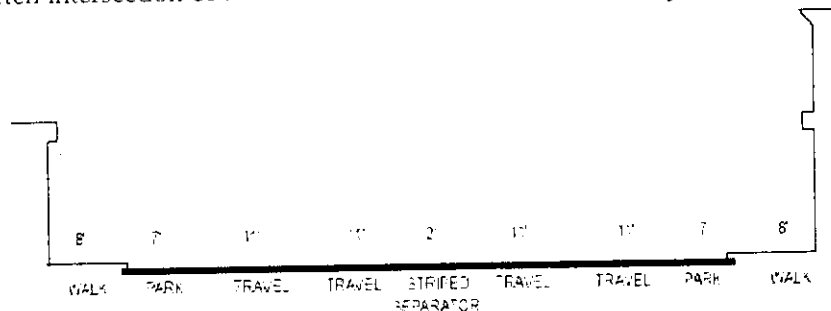


Figure 1 – Cross-Section 50 Feet West of Main Street, Looking West

- to-northbound-Railroad Avenue traffic, reduce pedestrian crossing distance and provide space for landscaped area with gateway element.
- Permit left turns from inside northbound and southbound travel lanes at Railroad Avenue
- At Railroad Avenue provide signage for bike route on Railroad Avenue / Main Street alignment. Continue signage along this alignment to Tenth Street Provide directional signage to Municipal Elevator at McLoughlin / Seventh and Main / Seventh.
- Provide a parking court with parallel parking on the east side of McLoughlin south of Sixth Street.
- Retain existing pedestrian-activated traffic signal at Seventh. Provide raised, textured concrete cross-walk with special scoring pattern to match sidewalks. Provide curb extensions on east and west sides of McLoughlin through Seventh Street intersection. Accommodate future construction of concrete deck that extends to west of existing railing and is supported by structure of Oregon City-West Linn Bridge.
- Install raised, landscaped median from Eighth to Tenth. At south legs of Eighth, Ninth and Tenth street intersections provide median pedestrian refuges and marked cross-walks.

At north legs of Eighth and Ninth street intersections provide southbound left-turn lanes; retain existing southbound left-turn lane at Tenth.

- Provide wide sidewalks *and/or* on-street parking along east side. Preferred sidewalk width is ten feet or greater; minimum sidewalk width is eight feet. Provide on-street parking as necessary to maintain existing parking count. Delete on-street parking if necessary to provide adequate travel lane width.
- Widen sidewalk to a typical width of 18 feet along west-side waterfront promenade. Provide parallel parking along west side as shown on Preferred Plan. Integrate art and architectural features in landscaping, sidewalks and railings to create attractive public spaces with a plaza atmosphere. Create strong separation – either continuous or at key locations – between highway and pedestrian space using architectural features and vegetation (for example, pergola or trellis with vines or tall, compact evergreen shrubs).
- Note that viaduct/bridge must be widened from Eighth to Tenth to accommodate wider sidewalks and a landscaped median with left turn lanes.

Segment 3, Tenth Street to 15th Street

- Provide two northbound and two southbound travel lanes with a typical width of 11 feet south of 14th and 12 feet north of 14th.
- Provide typical sidewalk width of ten feet or greater on east side. Provide 15-foot multi-use pathway on west side. Integrate art and architectural features in landscaping, sidewalks and railings to create attractive public spaces with a plaza atmosphere. Create strong separation – either continuous or at key locations – between highway and pedestrian space using architectural features and vegetation (for example, pergola or trellis with vines or tall, compact evergreen shrubs).

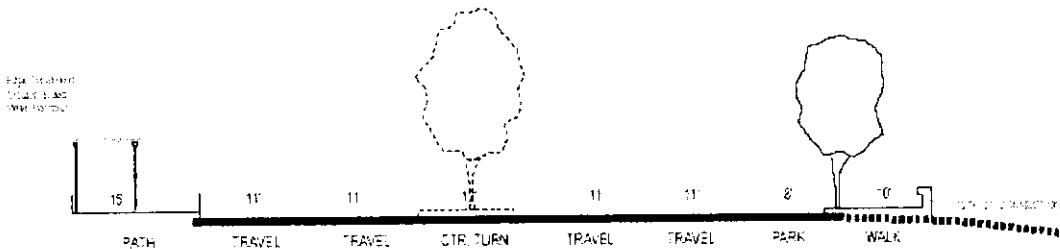


Figure 2 – Cross-Section 100 Feet South of 12th Street, Looking North

- Construct overlook plazas along the west side of McLoughlin at Eighth, Ninth, Tenth, 11th, 12th, 13th and 14th.
- Provide unsignalized pedestrian crossing with median refuge at south leg of 11th Street and southbound left turn pocket at north leg. Eliminate westbound left at 11th.
- Extend 12th Street west to provide a connection between Main Street and McLoughlin. Install traffic signal with protected southbound McLoughlin left-turn to 12th and pedestrian crossing at north leg and pedestrian crossing with median refuge at south leg.
- Construct raised, planted median from Tenth to 15th, with openings for street intersections and left-turn lanes. Construct median through 13th Street intersection north to 14th to eliminate southbound McLoughlin left turn in / out at 13th. Provide openings and marked pedestrian crossings at north and south legs of 13th Street intersection.

- Add pedestrian crossings at existing 14th Street traffic signal at north and south legs of intersection. Provide median pedestrian refuge at south leg. Retain protected southbound McLoughlin left turn to 14th.
- Provide on-street parking on the east side of McLoughlin from Tenth to 14th.
- Remove concrete barrier between southbound travel lane and bicycle-pedestrian pathway.
- Control traffic in southbound express lane at 14th Street signal. Begin taper to eliminate express lane at this intersection.
- At Tenth / McLoughlin provide directional signage to parallel bike route on Main Street. Provide bike route signage along Main Street from Tenth north to Main Street Extension and on to Clackamette Drive.

Segment 4 – Segment 6, 15th Street to Clackamas River Bridge

- Provide typical travel lane width of 12 feet.
- Provide three northbound travel lanes south of Dunes. Transition to two northbound lanes north of Dunes.
- Provide two southbound travel lanes and southbound express lane south of Dunes.
- On east side provide typical sidewalk width of ten feet south of 15th. North of 15th provide seven-foot walk with five-foot planter strip.
- On west side provide 15-foot multi-use pathway south of Dunes. North of Dunes provide seven-foot walk with five-foot planter strip.
- Tighten up 15th Street intersection to reduce vehicle speeds and shorten pedestrian crossing.
- Remove southern northbound direct right-turn channelization to I-205 on-ramp and combine with northbound on- and off-ramp further to the north. Note that this will result in a northbound ramp configuration that is similar to the southbound ramp configuration. It will eliminate the dangerous pedestrian crossing of the southern northbound on-ramp. Landscape the resulting open space. Organize a task force to develop a plan for special features that fit the scale of this open space, such as a fountain, sculpture or landmark tree planting.

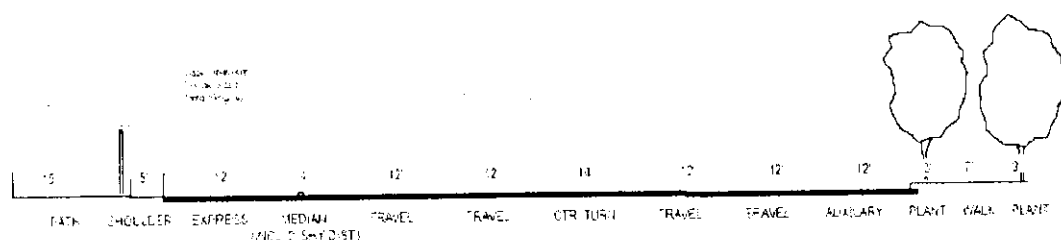


Figure 3 – Cross-Section North of I-205 Northbound Off-Ramp, Looking North

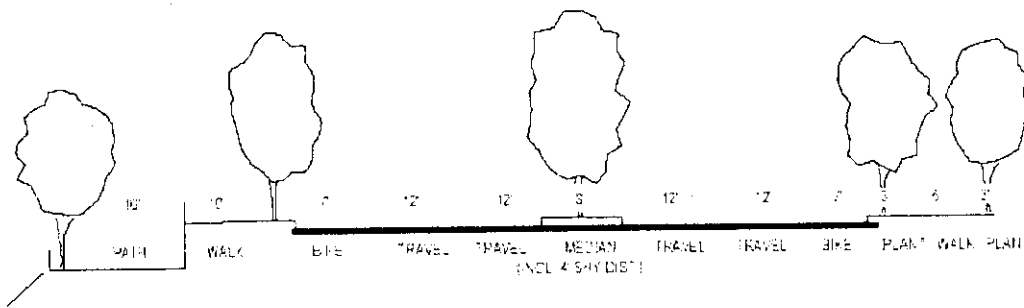


Figure 4 – Cross-Section 100 Feet North of Clackamette Drive Overpass, Looking North

- At south leg of Dunes Drive, begin southbound left-turn lane for I-205 southbound on-ramp. Create width for this by dropping outside northbound travel lane north of southbound I-205 ramp.
- Extend Dunes Drive east through the shopping center and concrete plant to intersect Main Street Extension.
- Install raised landscaped median starting north of Dunes Drive and extending north through Main Street Extension. Eliminate unsignalized southbound McLoughlin left turn into northern shopping center driveway.

Cross-Section Width Criteria

As shown in the Preferred Plan drawings, travel lanes are narrower south of 14th Street and wider to the north. In addition to specific lane widths shown on the plans, the following width criteria apply to McLoughlin:

- For left-turn lanes provide a striped median width of 14 feet, including a 12-foot left-turn lane and a two-foot separator.
- South of 14th, raised islands should have one foot of shy-distance on either side, resulting in a raised island that is two feet narrower than the surrounding striped median.
- North of 14th, raised islands should have two feet of shy distance on either side, resulting in a raised island that is four feet narrower than the surrounding striped median. This criterion will be reviewed if a Special Transportation Area (STA) is implemented north of Dunes Drive.
- South of 14th, provide one-foot shy-distance where travel lanes are adjacent to a raised curb.
- North of 14th, provide two-foot shy-distance where travel lanes are adjacent to a raised curb. This criterion will be reviewed if a Special Transportation Area (STA) is implemented north of Dunes Drive.

Implementation of the Preferred Plan

The first phase of construction under the McLoughlin Boulevard Enhancement Plan extends from Tenth Street north to 15th Street and includes the entire improved width of the street. The Phase One boundary extends further north up the east side to include the closure of the northbound McLoughlin approach to the northbound I-205 on-ramp and construction of new curb and sidewalk from 15th Street north to the remaining northbound on-ramp. Phase One also includes the Railroad Avenue intersection improvements described in Segment 1.

If ODOT's proposed replacement of the viaduct and bridge from Eighth Street to Tenth Street occurs as planned, concurrently with Phase One of the McLoughlin Boulevard Enhancement Plan, then the Phase One boundary can be extended south to Eighth Street. This will allow construction of southbound left-turn lanes; median refuges and pedestrian crossings at Eighth and Ninth streets; and wider sidewalks. However, the new viaduct and bridge must be approximately 20 feet wider than existing to accommodate these improvements. ODOT has stated its expectation that Oregon City will help pay for the additional width. Viewing the need for left-turn lanes as a capacity and safety issue, Oregon City considers the extra width for left-turn lanes as an ODOT cost. ODOT and Oregon City will need to reach an agreement on these and other issues related to the bridge / viaduct replacement.

Oregon City's Comprehensive Plan

Recommendations regarding McLoughlin Boulevard are contained in three documents that are elements of Oregon City's Comprehensive Plan: the *City of Oregon City Transportation System Plan*, adopted by Ordinance No. 01-1009, April 2001; *Oregon City Waterfront Master Plan*, adopted by Ordinance No. 01-1033, January 4, 2002; and the *Downtown Community Plan*. The McLoughlin Boulevard Enhancement Plan supports and refines these recommendations and in the case of the Transportation System Plan, makes several changes as described below.

Pages 5-8, 5-9, Preferred Land Use Plan

On page 5-8, add the following italicized text to the first paragraph under *Preferred Land Use Plan*:

The Oregon City Transportation System Plan has been developed to support and integrate with implementation of the other key elements of the Comprehensive Plan. Three recent transportation and land use planning efforts undertaken by the City were included in the TSP planning process, as described below. *A fourth planning effort, the McLoughlin Boulevard Enhancement Plan, supports and refines recommendations about McLoughlin Boulevard that were made in the Oregon City Transportation System Plan, Oregon City Waterfront Master Plan and Downtown Community Plan. The McLoughlin Boulevard Enhancement Plan also modifies several recommendations in Table 5-5 and Table 5-11 of the Transportation System Plan.*

On page 5-9, at the end of *Preferred Land Use Plan*, add the following paragraph:

Implementation of the McLoughlin Boulevard Enhancement Plan will support the development of the Oregon City Regional Center as envisioned in Metro's 2040 Framework Plan as well as the Regional Boulevard envisioned in Metro's 2000 Regional Transportation Plan.

Table 5-5, Roadway System Improvements

Change the description of Project R-103 by deleting “strike-through” text and adding italicized text:

Project R-103, McLoughlin Boulevard / 99E, ~~Clackamas River Bridge to railroad tunnel~~
Eighth Street to I-205 Northbound Ramp: Boulevard improvements from Downtown
~~Community Plan~~ *McLoughlin Boulevard Enhancement Plan. \$3,700,000 \$5,531,600, Priority A.*

Project R-103A, McLoughlin Boulevard / 99E, Clackamas River Bridge to I-205 Northbound Ramp
and Eighth Street to railroad tunnel: Boulevard Improvements from McLoughlin Boulevard
Enhancement Plan, \$5,746,000, Priority B.

Delete the following projects from Table 5-5; refer to related discussions under *Related Issues* in the following section of this report.

- Project R-49, Highway 99E / I-205 Northbound Ramps: Provision of dual southbound left-turn lanes, dual westbound left-turn lanes and an exclusive northbound right-turn lane.
- Project R-50, Highway 99E / Main Street: Provision of exclusive left-turn lanes on all intersection approaches.

Change the description of Project R-48 by deleting “strike-through” text and adding italicized text:

- Project R-48, Highway 99E / I-205 Southbound Ramps: ~~Provision of dual southbound left-turn lanes~~ *Monitor traffic operations, update analysis and review need for dual southbound left-turn lanes.*

Table 5-11, Bicycle System Improvements

Change the description of Project B-8 by deleting “strike-through” text and adding italicized text:

Project B-8, Highway 99E: ~~I-205 to South UGB~~ *14th Street to Dunes Drive: Restripe outside northbound lanes to accommodate bicyclists.*

Related Issues

Left-Turn Access at McLoughlin and Main

Although the preferred plan does not include dedicated left-turn lanes at the intersection of McLoughlin and Main, left turns will be allowed through gaps in traffic. ODOT and the City may need to re-evaluate left-turn configurations at this intersection if safety or level-of-service issues arise in the future.

If demand increases for the northbound McLoughlin left turn to southbound Main into the Blue Heron site, it may be possible to accommodate a left-turn lane by acquiring a narrow strip of

right-of-way along the north side of McLoughlin between Railroad Avenue and Main Street. This parcel currently is occupied by a small one-story commercial building.

I-205 On-Ramps and Future Left-Turn Capacity at Dunes Drive

In the Preferred Plan McLoughlin Boulevard is designed so the southbound McLoughlin left-turn lane to I-205 southbound could be extended north through the Dunes Drive intersection if additional left-turn storage capacity were needed in the future. Alternatively, this additional width could be used to add a second southbound left-turn lane at Dunes Drive.

Oregon City would not be in favor of extending the southbound left to southbound I-205 north through Dunes Drive, preferring instead to add a second southbound left-turn lane if additional capacity were needed in the future. While widening McLoughlin for this purpose would be feasible, the ability to widen the southbound on-ramp to add a second lane would be influenced by several factors, which were reviewed in concept during the preparation of this plan:

- Ramp alignment: Preliminary geometric review indicated that the tight ramp radius would preclude widening the inner side of the curve. Widening the outside of the curve might necessitate realigning the southbound ramps and acquiring additional right-of-way from the adjacent shopping center.
- Freeway alignment: ODOT concluded that the existing cross-section of I-205 would not accommodate a second southbound acceleration lane without widening the fill embankment as well as the nearby Willamette River bridge. Such improvements currently are not planned by ODOT.

Widening McLoughlin would also be necessary in order to add a second southbound left-turn to the northbound I-205 on-ramp. The ability to widen the northbound on-ramp is constrained by the alignment of Main Street Extension to the south and east. Oregon City and ODOT have discussed the following points with respect to future dual left-turns at the I-205 northbound and southbound on-ramps and the corresponding need to widen the ramps themselves:

- Oregon City would like ODOT to keep the dual left-turn lanes in mind when any improvements to adjacent segments of either McLoughlin Boulevard or I-205 are considered.
- Oregon City would like to ensure that the ability to implement these improvements not be foreclosed by other projects without a specific decision by Oregon City and ODOT.
- ODOT cannot commit now to a feasibility analysis for dual left-turn lanes because a need for them has not yet been documented.

Lane Widths

The Preferred Plan dated July 31, 2003, shows 11-foot travel lanes south of 14th Street and 12-foot travel lanes to the north. 11-foot travel lanes are narrower than typically required on a facility, such as McLoughlin Boulevard, that is classified as a District Highway in the Oregon Highway Plan (OHP). However, in a Special Transportation Area (STA), ODOT sometimes allows narrower lane widths. On January 14, 2004, the Oregon Transportation Commission adopted a Special Transportation Area (STA) designation for McLoughlin Boulevard from the railroad underpass north to 14th Street. Based on this designation, ODOT has indicated that 11-

foot travel lanes and seven-foot parking lanes will be acceptable south of 14th Street. As part of implementing the STA, Oregon City will need to prepare a management plan; requirements are listed in the Oregon Highway Plan.

ODOT and Oregon City have agreed not to pursue STA designation for the I-205 interchange influence area because of high traffic volumes and because the development of adjacent pedestrian-oriented land uses is not feasible in this segment. Therefore, the requirement for a minimum 12-foot lane width will remain in this segment.

ODOT may consider an STA designation for a segment of McLoughlin that begins north of the interchange influence area, near Dunes Drive, and extends north to the Clackamas River Bridge. ODOT support for an STA designation in this segment would be contingent on Oregon City's compliance with local street connectivity requirements per the Regional Transportation Plan. The City would verify that lane widths and other design criteria in the Preferred Plan and Final Report for the McLoughlin Boulevard Enhancement Plan were consistent with STA criteria.

Regional Center Development and Parisian Boulevard Design Concept North of I-205

Oregon City's Downtown Community Plan envisions the area north of I-205 redeveloping according to Metro's 2030 land use concepts for a Regional Center. While the McLoughlin Boulevard Enhancement Plan provides streetscape design information for this segment it is not as detailed as southern segments because the Downtown Community Plan does not provide specific information on how properties adjacent to McLoughlin would redevelop or how local access would be provided.

The proximity of the I-205 interchange and very high traffic volumes limit the ability of this segment of McLoughlin to accommodate local access, on-street parking, pedestrian-oriented streetscape or other amenities associated with the mixed-use redevelopment envisioned in the Downtown Community Plan. A Parisian boulevard design could accommodate these conflicting operational requirements by adding local access streets parallel to the existing through-lanes. Currently ODOT is reviewing a Parisian boulevard concept the consultants sketched for McLoughlin north of I-205. However, development of this concept is not within the scope of the McLoughlin Boulevard Enhancement Plan.

At a minimum Oregon City would like to define the Parisian boulevard concept enough to guide the redevelopment of adjacent properties in a manner that supports the objectives of the Downtown Community Plan and Waterfront Master Plan. As envisioned by the consultants the Parisian boulevard design concept would include the following elements:

- A parallel access street similar to a frontage road on the east side of McLoughlin, west of the commercial buildings that house Shari's Restaurant, Starbucks and other businesses that comprise the existing and future frontage of the Oregon City Shopping Center property. The parallel access street would include sidewalks, streetscape improvements and on-street parking on the east side and would connect to the existing parallel access street that connects to Main Street Extension northwest of the Firestone store. This street would intersect with the future eastern extension of

Dunes Drive (which will connect to Main Street Extension) as well as future east-west streets that will be part of an urban grid.

- Improvement of Clackamette Drive so it will serve as a parallel access street west of McLoughlin, with sidewalks, streetscape amenities and on-street parking.
- Design elements that would support the development of street-level pedestrian oriented uses along the west side of McLoughlin. An example of this would be street-level commercial development with below-grade parking accessed from Clackamette Drive.

Bicycle Access in the McLoughlin Corridor

Oregon City and Metro have expressed interest in a dedicated bike lane along the east side of McLoughlin from downtown north to Dunes Drive, a feature that was not included in the Preferred Plan. At Dunes a new east-side bike lane would connect to the existing bike lane that extends to the Clackamas River Bridge. A new east-side bike lane would supplement the west-side multi-use pathway called for in the Preferred Plan that extends from Dunes Drive south to Tenth Street. A new east-side facility would provide a more direct between downtown and Oregon City Shopping Center, both of which are located on the east side of McLoughlin.

In response, the consultants presented a memorandum on December 2, 2003. It concluded that either an on-street bike lane or a multi-use pathway immediately east of McLoughlin would be feasible, suggesting additional consultation with the Technical Advisory Committee and ODOT's bicycle program before making a final decision. The memo noted that from Tenth to 14th an east-side bike lane would conflict with on-street parking proposed in the Preferred Plan for that segment and suggested that an east-side bike lane be considered only from 14th Street north, where on-street parking is not proposed. Additionally the memo noted potential turning conflicts in the freeway interchange area between northbound bicyclists and motor vehicles entering and exiting the northbound and southbound freeway ramps.

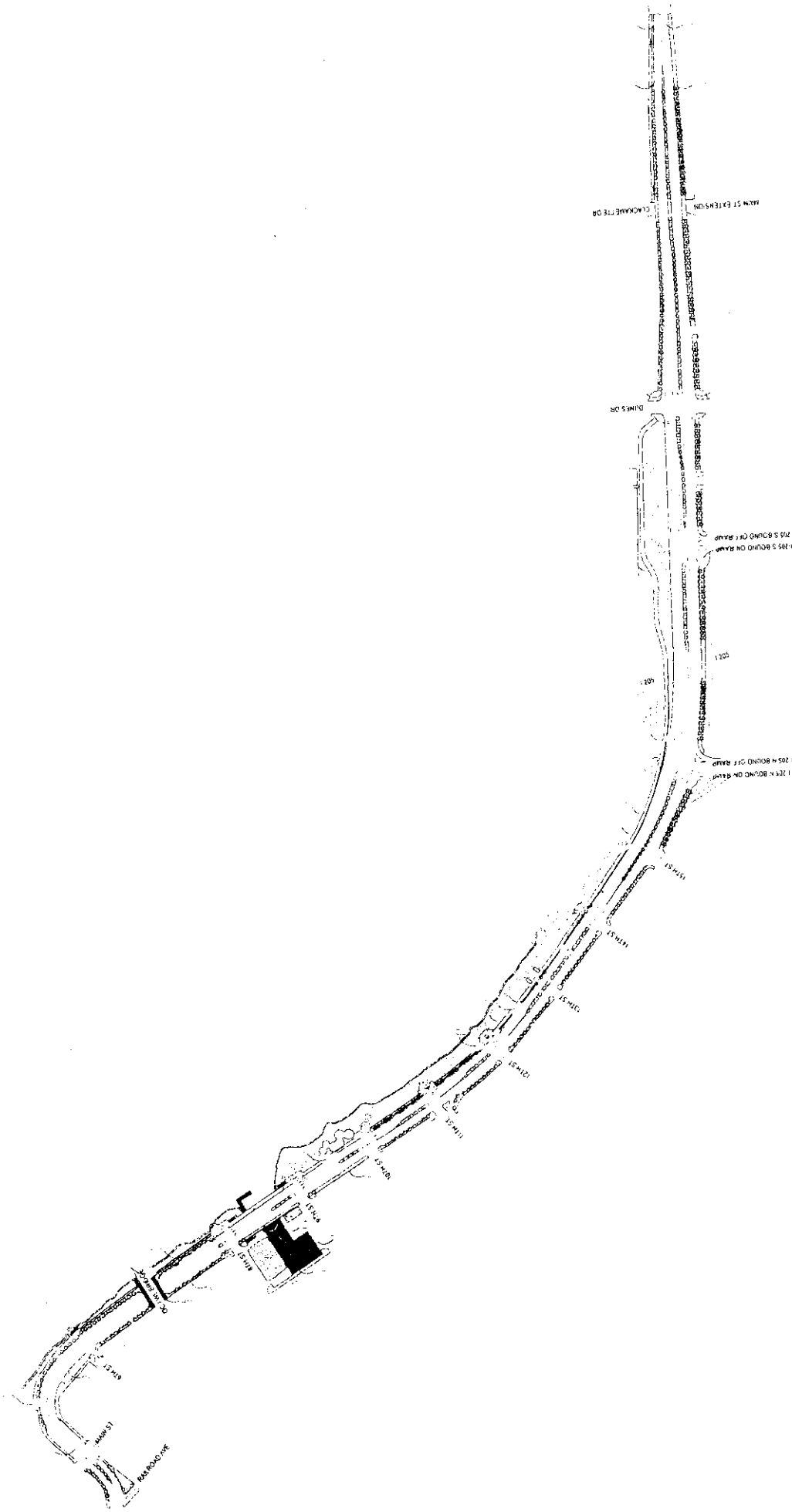
Subsequently ODOT concluded that an east-side multi-use pathway would be problematic because available width would be barely adequate for two-way bike/ped traffic and could generate two two-way bike traffic where drivers do not expect it, increasing the potential for bike/car crashes at interchange ramp intersections with McLoughlin Boulevard.


After a final round of comments from the TAC, including Oregon City, ODOT and Metro, this report recommends the following actions:

1. During preliminary engineering, add an east-side bicycle lane to the Preferred Plan, extending from 14th Street north to Dunes Drive.
2. During preliminary engineering consider an alternative design for an east-side bike connection that starts at 15th Street with a 15-foot-wide off-street multi-use pathway. The multi-use pathway would extend north through the intersection of the southbound off-ramp with McLoughlin, with an on-street bike lane extending north to Dunes Drive.

Factors to consider in preliminary engineering include:

- Turning conflicts at the northbound and southbound freeway ramps that are inherent with either an on-street bike lane or an off-street multi-use pathway.
- Constraints associated with right-of-way and existing improved width for a six-foot on-street bike lane or a 15-foot-wide multi-use pathway.
- Consistency with the southbound bicycle connection on the west side of this segment of McLoughlin, which is a 15-foot-wide off-street multi-use pathway extending south from Dunes to Tenth Street, with signalized crossings at 14th, 12th and Tenth and an unsignalized crossing at 13th.




 McCoughlin Boulevard Enhancement Plan
 FIGURE 5



MEMORANDUM

TO: Nancy Kraushaar

FROM: Jerry Mitchell

RE: **Bicycle Access in the McLoughlin Corridor**

DATE: December 2, 2003
Revised October 19, 2004

COPY: Ross Kevlin, Oregon Department of Transportation

This memo supplements the July 31, 2003, final report for the McLoughlin Boulevard Enhancement Plan by providing an overview of bicycle access along, across and parallel to McLoughlin, from the Clackamas River south to the Southern Pacific Railroad underpass.

Existing Conditions

Parallel Bicycle Route

Railroad Avenue, Main Street and Main Street Extension form a designated bike route parallel to and east of McLoughlin through downtown Oregon City. This route is designated in Oregon City's Transportation System Plan but is not signed or marked. It extends from the south end to the north end of the McLoughlin Boulevard Enhancement Plan area.

The existing designated bike route on Railroad and Main provides a direct north-south connection through downtown parallel to and one or two blocks east of McLoughlin. North of downtown, the bike route follows Main Street Extension to the east of Oregon City Shopping Center and the Glacier Northwest concrete plant and then runs along the north side of the concrete plant and shopping center sites before reaching McLoughlin. At this point Main Street Extension continues under McLoughlin as Clackamette Drive.

From the Clackamette Drive underpass, cyclists wishing to reach the shopping center can head south on a ramp that parallels McLoughlin, referred to informally as "Firestone Drive" after the adjacent tire shop. Cyclists wishing to continue north on McLoughlin may also use Firestone Drive or they can continue west and then south on Clackamette to Dunes and then east on Dunes to McLoughlin.

This route provides a useful bypass around the I-205 interchange for cyclists with regional destinations who are passing through rather than traveling within the Oregon City regional center.

However, it does not provide a direct connection between downtown and the south side of the shopping center, which is the nearest to downtown.

Multi-use Pathway

A multi-use bicycle / pedestrian path, separated from the travel lanes by a concrete barrier, extends along the west side of McLoughlin from Tenth Street north to a point opposite the northbound freeway ramps. From that point, cyclists and pedestrians wishing to reach the shopping center or continue north on McLoughlin must find their way to Clackamette Drive and head north to Dunes Drive and then east on Dunes to McLoughlin. Bicycles also can continue north on Clackamette to reach the bike route that runs east of McLoughlin on Main Street Extension.

The multi-use path follows a more direct north-south alignment than the Main Street bike route and avoids conflicts at the I-205 on-ramps. However, it provides no intermediate connections between Tenth Street and Clackamette Drive. Its location on the west side of McLoughlin compromises its ability to provide regional center access, since downtown and the shopping center are located on the east side of McLoughlin. This means that bicycles traveling between downtown and the shopping center via the multi-use pathway must cross McLoughlin two times.

Dedicated Bicycle Lanes

Dedicated bike lanes are located along both sides of McLoughlin between Dunes Drive and the Clackamas River Bridge, connecting circuitously to Clackamette Drive and the Main Street bike route. Currently there are no dedicated bike lanes along McLoughlin Boulevard in Oregon City south of Dunes Drive.

Planning and Design Context

Metro's Regional Boulevard design classification has been applied to McLoughlin Boulevard in Oregon City. Typically a Regional Boulevard includes dedicated bike lanes, along with on-street parking and ten-foot sidewalks.

Oregon City's Transportation System Plan (TSP) calls for geometric improvements to "enhance bicycle activity" on McLoughlin from the southbound freeway ramps south through the study area to the city limit near Cemetery Road – *where is this – not likely public?*. The TSP designates Railroad Avenue, Main Street, Main Street Extension, Clackamette Drive and Dunes Drive as an on-street bicycle route that parallels McLoughlin. This route runs east of McLoughlin through downtown, crosses under McLoughlin at Clackamette Park and runs west of McLoughlin a short distance before following Dunes east to intersect McLoughlin.

TSP Table 5-11 identifies the following bicycle access projects related to the McLoughlin corridor:

- B-8, I-205 to ?? UGB: Restripe outside lanes to accommodate bicyclists. Build ramps to provide access to the sidewalk facilities on the Clackamas River Bridge. High priority.
- B-17, Main Street Extension: Resurface and widen to accommodate 4-foot to 6-foot bike lanes in both directions. Medium priority.
- B-20, 12th Street: 99E to Taylor Street: Striped bike lanes. Low Priority.

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- B-25, Clackamette Drive, Main Street Extension to Highway 99E: Striped bike lanes. Low priority.
- B-32, Main Street: Main Street Extension to Singer Hill: Sign as bike route. Low priority.
- B-34, Railroad Avenue, Main Street to Highway 99E: Sign as a bike route. Low priority.

Available Width

South of Tenth, both the right-of-way and the improved width of McLoughlin are tightly constrained, especially from Eighth to Tenth, where McLoughlin is located on a viaduct. Adding bike lanes to this segment of McLoughlin would require some combination of removing on-street parking, expanding the improved width or reducing the width of travel lanes or sidewalks. Since none of these alternatives was viewed as appropriate, given the cost of viaduct construction and the community's desire to maximize on-street parking opportunities, bike lanes were not proposed for McLoughlin south of Tenth Street.

Even if the viaduct were widened, the right-of-way south of it is too narrow to accommodate bike lanes as well as on-street parking. Acquiring additional right-of-way south of the viaduct was not deemed practical by the project team.

North of Tenth Street the existing improved width of McLoughlin could accommodate bike lanes. Originally, the project team concluded that if bike lanes were not provided south of Tenth there would not be sufficient demand to justify them north of Tenth. Several additional factors were noted in support of this position, including:

- The high volume and speed of traffic north of 15th.
- Turning conflicts at the intersections of the I-205 on- and off-ramps along the east side of McLoughlin.
- Operational conflicts with the express lane located along the west side from Tenth to Dunes.

Regional Bicycle Connections

Bicycle access south of downtown Oregon City along Highway 99E is effectively blocked at the railroad underpass. Metro's 2000 Regional Transportation Plan shows a southbound on-street bike route that parallels McLoughlin. Designated as a "regional corridor" this route intersects McLoughlin at Tenth and follows Singer Hill Road and Center Street south. This route is constrained by the steep, narrow alignment of Singer Hill Road, which is designated on the TSP map as needing "geometric improvements." This constraint could be mitigated by incorporating the Municipal Elevator into southbound and eastbound bicycle connections from downtown Oregon City. However, the Municipal Elevator currently is not designated as part of the bicycle system and it does not operate 24 hours a day.

A regional bicycle connection is available at the north end of the McLoughlin corridor via the existing bike lanes connecting Dunes Drive to the Clackamas River Bridge. A future northbound regional bicycle connection is planned along the Clackamas riverfront from McLoughlin to the old 82nd Avenue bridge. From the bridge a bicycle route will lead north to the Springwater Trail. A specific connection between that system and McLoughlin has not been identified in other plans.

Bicycle Access in the Preferred Plan

The July 31, 2003, preferred plan includes the following bicycle access facilities:

- A proposed multi-use bicycle / pedestrian path west of McLoughlin from Tenth Street to Dunes Drive. East-west connections will be provided at Tenth, 11th, 12, 13th, 14th and Dunes. The proposed path will provide a more direct connection between downtown and the shopping center than the existing path, which does not extend all the way to Dunes Drive and allows no crossings of McLoughlin north of Tenth.
- Existing dedicated bike lanes along the east and west sides of McLoughlin from Dunes Drive north to the Clackamas River Bridge.
- A proposed connection down into Clackamette Park on the west side of McLoughlin at the south end of the Clackamas River Bridge. This will provide a more direct southbound bicycle connection to the Clackamas riverfront and to the parallel bike route on Clackamette Drive and Main Street Extension. This parallel route will supplement the bicycle facilities proposed for McLoughlin.

Opportunities for Improving Bicycle Access in the Preferred Plan

There are several opportunities for improving bicycle access along the McLoughlin corridor beyond what is proposed in the preferred plan.

- The City has noted that signage at key connections between McLoughlin and the parallel bike route on Main Street (e.g., Tenth Street) would ensure that cyclists on McLoughlin were aware of this alternative route.
- Metro suggested that a bike lane be added to the east side of McLoughlin from Tenth north to Dunes Drive, connecting to the existing bike lane that extends from Dunes north to the Clackamas River Bridge.
- As an alternative to the east-side bike lane, Herrera has noted that a multi-use bicycle / pedestrian pathway could be provided east of McLoughlin from 15th north to Dunes, similar to that proposed west of McLoughlin.
- A bicycle / pedestrian connection could be provided from the east side of McLoughlin at the south end of the Clackamas River Bridge down to Main Street Extension. This would provide a more direct northbound route from the Clackamas riverfront and the Clackamette Drive / Main Street Extension bike route.

Related bicycle access improvements beyond the scope of the McLoughlin Boulevard Enhancement Plan could include:

- Marking and signing bike lanes along the existing Main Street Extension / Clackamette Drive bike route and signing the Railroad Avenue segment of this route, as proposed in Oregon City's Transportation System Plan.
- Identification and development of an eastbound bike route from McLoughlin via Tenth Street and Singer Hill Road or via Seventh Street and the Municipal Elevator.

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- Development of a bike path along the south shore of the Clackamas River from McLoughlin east to the old 82nd Avenue bridge.
- Multi-use bicycle / pedestrian facilities along the Willamette riverfront, especially north of I-205.

Analysis and Recommendations

Parallel Bicycle Route

Providing signs along the parallel bike route on Railroad, Main and Clackamette Drive and at connections between it and McLoughlin would be easy and would ensure that potential bike riders as well as motorists were aware of this route. Oregon City's Transportation System Plan indicates that, while Clackamette Drive would accommodate dedicated northbound and southbound bike lanes, Main Street Extension would have to be widened. Herrera's cursory observation is that in some segments, the existing gravel shoulder could simply be paved. Main Street and Railroad Avenue appear too narrow to accommodate dedicated bike lanes without major changes such as removal of on-street parking.

Bike Lane on East Side of McLoughlin

Metro has suggested that additional consideration be given to a bike lane along the east side of McLoughlin from Tenth to Dunes Drive to complement the multi-use path proposed for the west side of the same segment. By eliminating multiple crossings of McLoughlin between downtown and the shopping center, this would provide a more direct connection than either the multi-use path or the parallel route on Main Street Extension. An east-side bike lane also would result in continuous bike facilities along both sides of McLoughlin from the Clackamas River south to Tenth. Regional connections could then be established to the east and south from Tenth as discussed elsewhere in this memo.

The existing right-of-way and improved width of McLoughlin appear adequate to accommodate the east-side bike lane. Minor widening might be necessary to accommodate both a bike lane and on-street parking from Tenth to 14th.

As noted earlier, the project team has identified high traffic speeds and volumes north of Tenth and turning conflicts at the I-205 ramps as constraints to an east-side bike lane. The preferred plan lessens the constraint of high vehicle speeds by proposing narrower travel lanes north of Tenth; it lessens turning conflicts at I-205 by closing the south leg of the northbound on-ramp and by tightening up the intersection of McLoughlin and 15th. However, the preferred plan does not eliminate these constraints and bicycles in the east-side bike lane still would be moving in close proximity to fast vehicle traffic.

Multi-Use Bicycle / Pedestrian Pathway on East Side of McLoughlin

As an alternative to an east-side bike lane, a multi-use path could be provided along the east side of McLoughlin from Tenth or 15th north to Dunes, separating bicycles from motor vehicles. Although the west-side multi-use path in the preferred plan is 15-foot wide it is intended as a two-way facility. While the right-of-way appears wide enough to accommodate a 15-foot width on the east side, a narrower one-way facility might be adequate. Bicycles on a separated east-side path would cross

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the I-205 ramps during the pedestrian phase of the signal cycle, rather than with motor vehicles. This would lessen turning-conflicts between motor vehicles and bicycles.

This alternative would be significantly more expensive than adding an on-street bike lane. However, part of the cost of an east-side multi-use pathway would be offset by deleting the new east-side sidewalk that currently is included in the preferred plan for this segment of McLoughlin.

Recommendations

Based on these considerations, Herrera recommends that the following elements be included in the preferred plan for McLoughlin Boulevard:

- Signage designating the bicycle route along Railroad Avenue, Main Street, Main Street Extension and Clackamette Drive.
- Marked bicycle lanes along both sides of Clackamette Drive and Main Street Extension. Oregon City's Transportation System Plan indicates that the existing improved width of Clackamette will accommodate bike lanes but Main Street Extension will have to be widened.
- Directional signage identifying key connections between McLoughlin and the parallel route, including the intersections of McLoughlin with Railroad Avenue, Tenth Street and Dunes Drive, as well as the connection immediately south of the Clackamas River Bridge.
- Signage designating the bike / pedestrian route along the west side of McLoughlin from Tenth to Dunes.
- Marked bicycle lane along the east side of McLoughlin from 14th to Dunes.

Holcomb Boulevard Pedestrian Enhancement Concept Plan

Please note that the following concepts are not finalized, nor have been approved by the City of Oregon City or Clackamas County. They are simply ideas on how to treat the roadway when it is modernized.

Introduction

In early summer 2004, Alta Planning + Design was retained by the City of Oregon City and Clackamas County to study the existing roadway conditions on Holcomb Boulevard and develop a streetscape concept that would achieve the goals and objectives of the neighborhood residents, City, and County. The goals and objectives were derived from comments at the first public workshop on June 30, 2004 at the Oregon City Baptist Church.

GOAL 1: SAFETY

Provide pedestrian facilities that will enable all neighborhood residents to safely walk along and cross Holcomb Boulevard.

Objectives:

- Provide a firm walking surface for pedestrians on at least one side of the roadway.
- Keep pathway consistent to minimize the number of forced crossings of Holcomb.
- Provide separation between roadway and pedestrian pathway.
- Slow motor vehicle speeds on Holcomb by utilizing traffic calming or stopping devices.
- Designate and improve pedestrian crossings on Holcomb Blvd.

GOAL 2: PRESERVE NEIGHBORHOOD CHARACTER

Design pedestrian facilities to preserve and enhance the character of the neighborhood as the area continues to develop and grow.

Objectives:

- Preserve "rural" character of the roadway.
- Make a concerted effort to preserve mature vegetation in the public right-of-way, particularly older trees and shrubs.
- Keep right-of-way width to a minimum to lessen impact on houses facing Holcomb, particularly from Swan to Apperson.
- Consider the use of "green" street treatments that reduce impact on the environment.

GOAL 3: CONSISTENCY WITHOUT UNIFORMITY

Provide pedestrian facilities that are consistent but not redundant and pre-manufactured.

Objectives:

- Use a variety of trees and shrubs in the right-of-way.
- Design treatments so they respond to specific site conditions.
- Install street lighting that has historic character and does not contribute to light pollution.
- Limit the use of center medians.

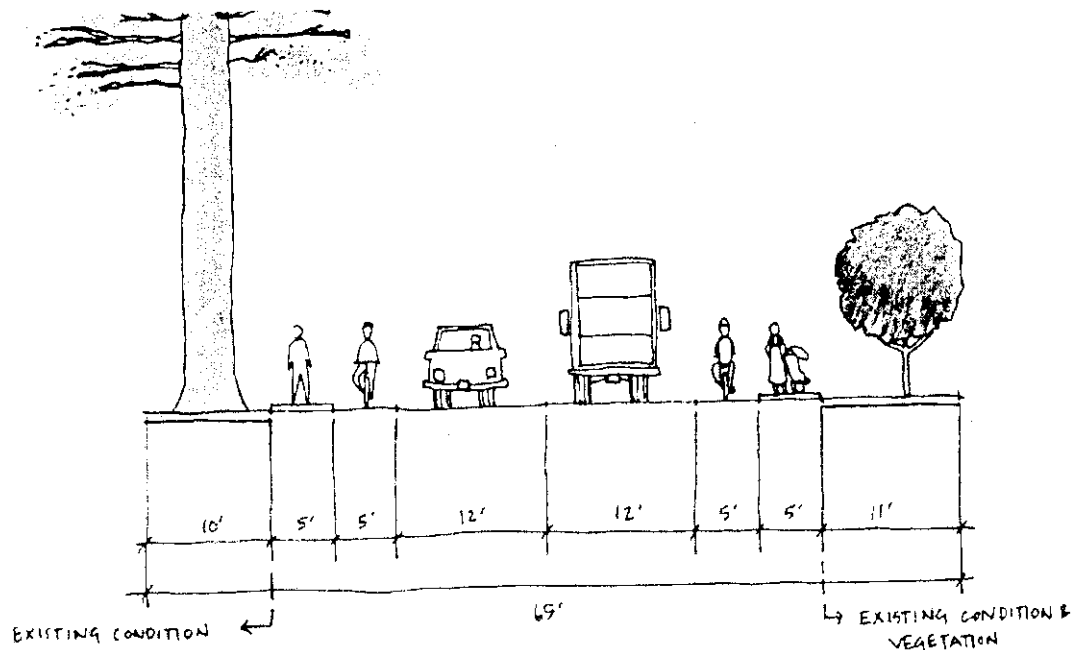
Overall Concept: Edge Conditions

The design concepts used along Holcomb Boulevard are very site specific, meaning they change from one treatment to another depending on the conditions of the immediate location. Design concepts respond to specific conditions like topographical constraints (steep slopes), a desire for on-street parking, better street tree/vegetation treatments and future land uses. The roadway itself never changes. Instead, the sides of the roadway, or "edge conditions" will vary. Edge conditions can include a combination of 6' sidewalks, 5' – 10' planter strips, 10' – 12' bioswales, 9' on-street parking bays, pedestrian scale lighting, and traffic calming treatments. We have developed six typical "edge conditions" that will apply to areas along Holcomb Boulevard. They are discussed and shown in the Section Review below.

Section 1: Highway 213 to Steve's Marketplace

South side

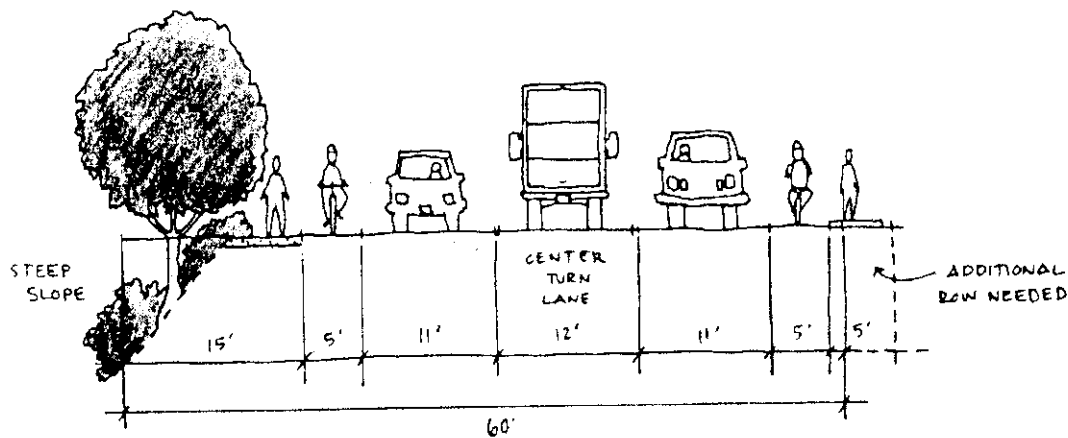
A sidewalk will connect from Apperson to the existing sidewalks on the bridge over Highway 213. The sidewalk will transition to a gravel path at Apperson in order to save mature vegetation in the public right-of-way and contribute minimal impact to the riparian area across from Steve's Market.



Edge Condition 1: Section 1 – looking towards Highway 213 at Apperson

North side

A sidewalk will connect to existing sidewalks on the bridge over Highway 213 and travel the length of the section. A center turn lane will be installed in front of the parcels that are zoned "neighborhood commercial" to accommodate future turning movements from Holcomb into the commercial area.

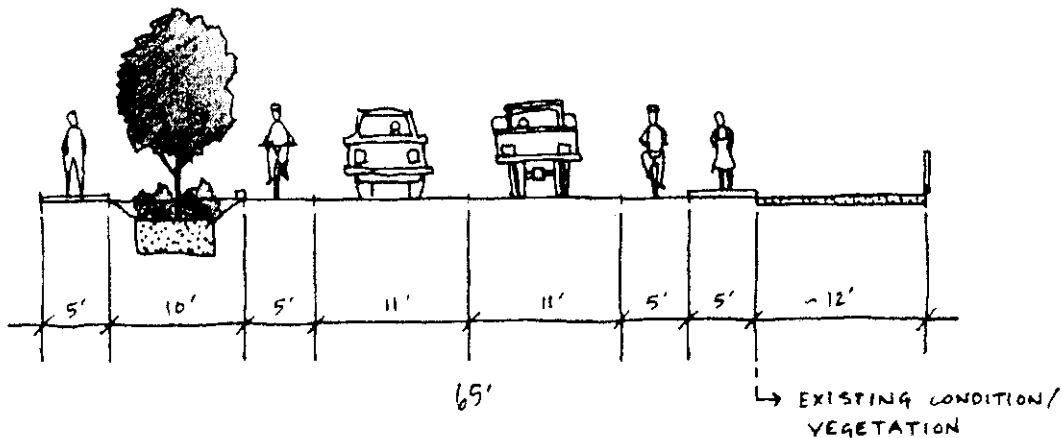


Edge Condition 2: Section 1 – looking towards Highway 213 in front of Steve's Marketplace

Section 2: Steve's Marketplace to east of Frederick

South side

A sidewalk will pick up in front of the house and connect to Beemer. A swale and sidewalk will continue to approximately Frederick and then transition to on-street parking with intermittent planters. Marked crosswalks at Front Street.



Edge Condition 3: Section 2 – swale section looking towards Highway 213

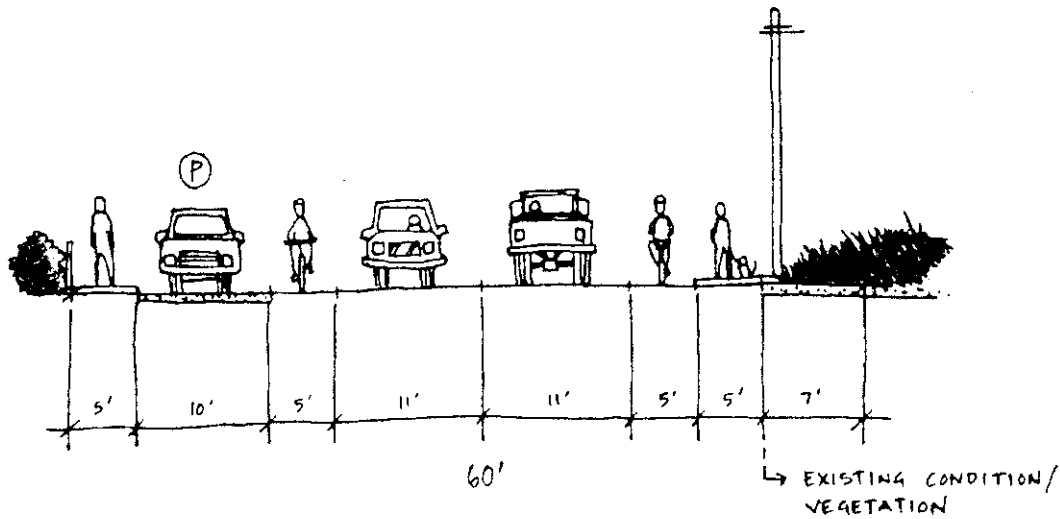
North side

A curb-tight sidewalk will travel the length of the section. Any public right-of-way not impacted will keep existing encroached vegetation.

Section 3: East of Frederick to Oregon City Baptist Church

South side

A sidewalk continues from Section 3 with a combination of planter strips, on-street parking bays, and a swale. Access will be available to bus stops.



Edge Condition 4: Section 3 – on-street parking section looking towards Highway 213

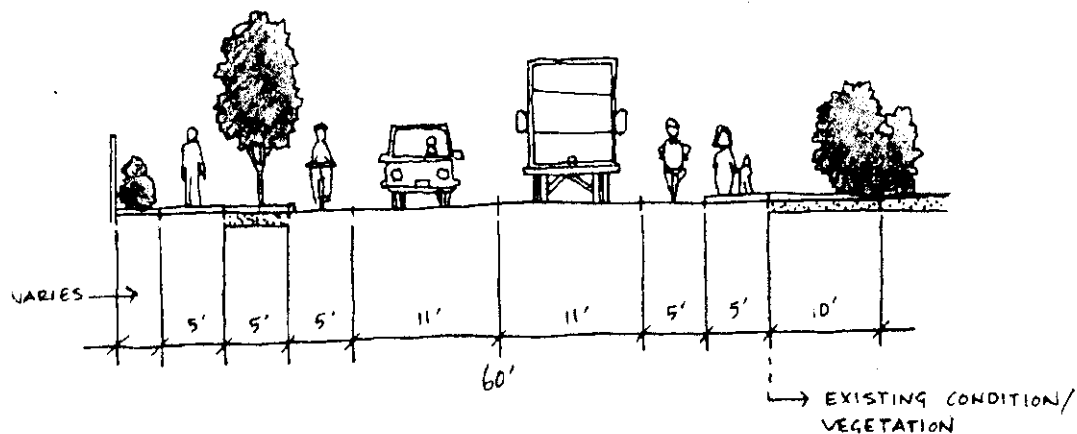
North side

A curb-tight sidewalk will travel the length of the section. Any public right-of-way not impacted will keep existing encroached vegetation.

Section 4: Oregon City Baptist Church to Holcomb Ridge sidewalk

South side

A sidewalk continues from Section 3 with a combination of planter strips and on-street parking bays.



Edge Condition 5: Section 4 – planter strip section looking towards Highway 213

North side

A curb-tight sidewalk will travel the length of the section. Any public right-of-way not impacted will keep existing encroached vegetation. Marked crosswalk and traffic calming/stopping device at Swan. Small retaining walls may be necessary at the end of the section.

Section 5: Holcomb Ridge sidewalk to Holcomb Elementary

South side

A curb-tight sidewalk continues from the existing sidewalk from Holcomb Ridge to Holcomb Elementary intersection (Change – see note). Marked crosswalks at the intersection. Considering a traffic signal, a pedestrian demand signal, stop signs, or other traffic calming/stopping treatments. Also considering a petition to make the area a school zone, signed 20 mph when children are present.

New Change – Different from Drawings!

South sidewalk will end from Holcomb Elementary to east of Oaktree Terrace. This change has yet to be redrawn and takes topographical constraints in the next section into account. A wider sidewalk will be provided on the north side of the roadway to accommodate children and parents walking to and from school.

North side

A curb-tight sidewalk will travel the length of the section until the Holcomb Elementary intersection where it will skirt a large existing Oak tree and tie into existing sidewalks. Small retaining walls may be necessary at the edge of the Clackamas County Housing Authority property. Sidewalks will be enhanced on the north side from Holcomb Elementary east to make up for no sidewalks on the south side of the roadway.

Section 6: Holcomb Elementary to Trailview

South side

A curb-tight sidewalk starts at Oak Tree Terrace and continues east to the existing sidewalk at the new subdivision next to Trailview Estates. (Change – see note)

New Change – Different from Drawings!

A crosswalk, intersection lighting, and other safety features will be installed at Oak Tree Terrace.

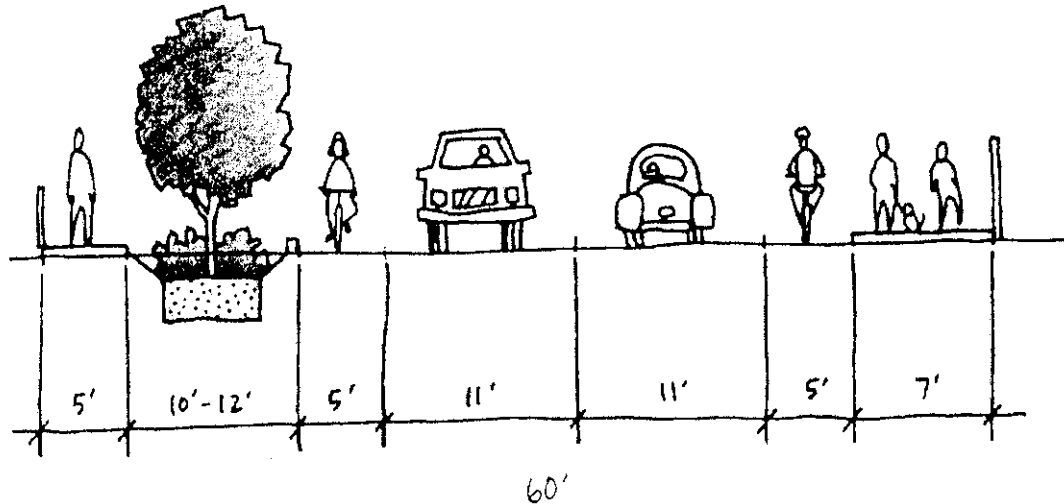
North side

A curb-tight sidewalk will travel the length of the section. Small to moderate retaining walls may be necessary throughout the section. Sidewalks will be enhanced on the north side from Holcomb Elementary east to make up for no sidewalks on the south side of the roadway. On-street parking bays are planned in front of parcels that may develop in the future.

Section 7: Trailview to Barlow

South side

A swale and sidewalk replaces the existing planter strip along Trailview Estates. This process involves grinding out the concrete between the planter, removing 5' of roadway asphalt, and adding a 10' swale. Existing sidewalks will be retained.



Edge Condition 6: Section 7 – swale and existing sidewalk section looking towards Highway 213

North side

Existing sidewalks are retained.

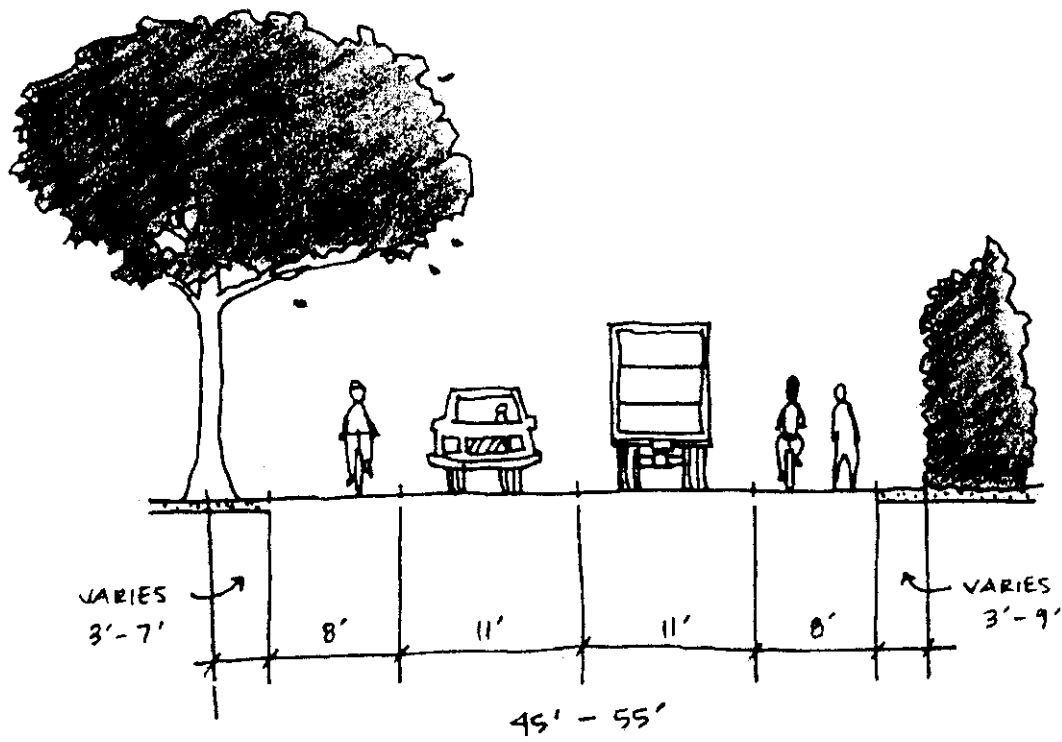
Section 8: Barlow to Urban Growth Boundary

South side

Swale and sidewalk transitions to an 8' shared bikeway/pathway as the area transitions to the rural area.

North side

Existing sidewalk transitions to an 8' shared bikeway/pathway as the area transitions to the rural area.

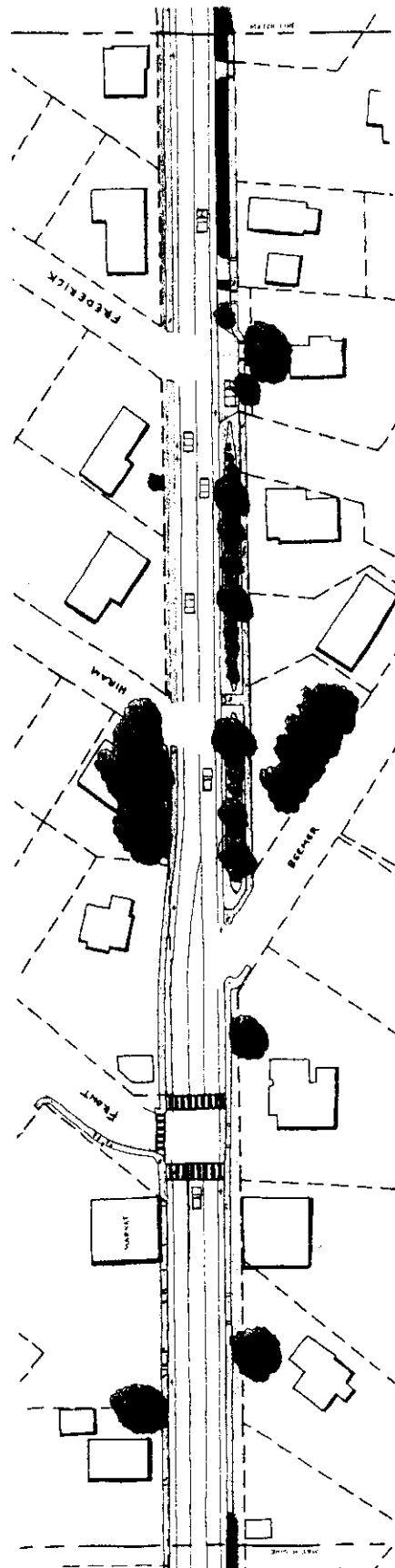
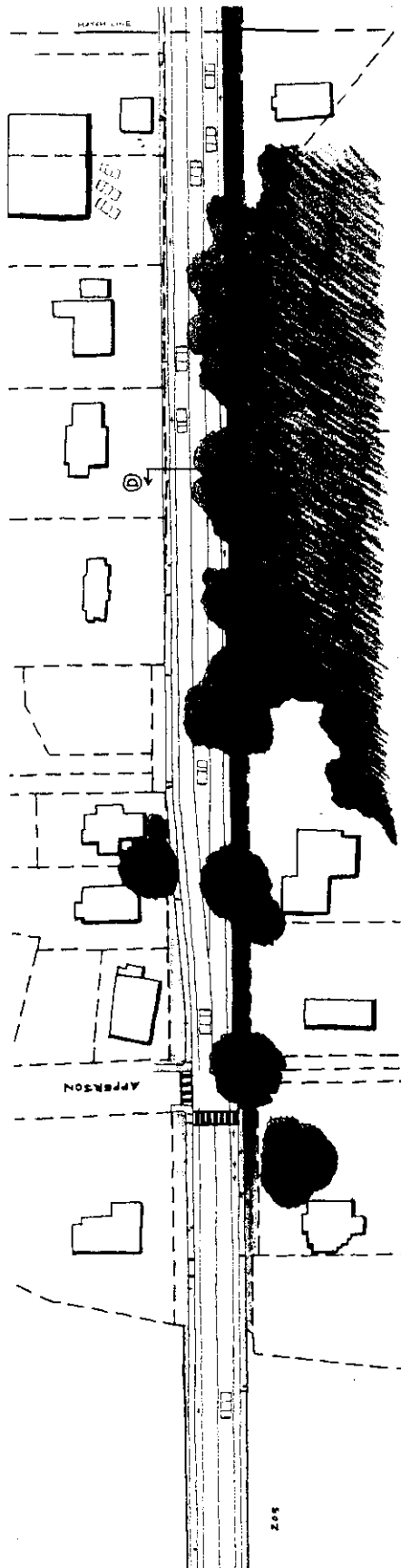


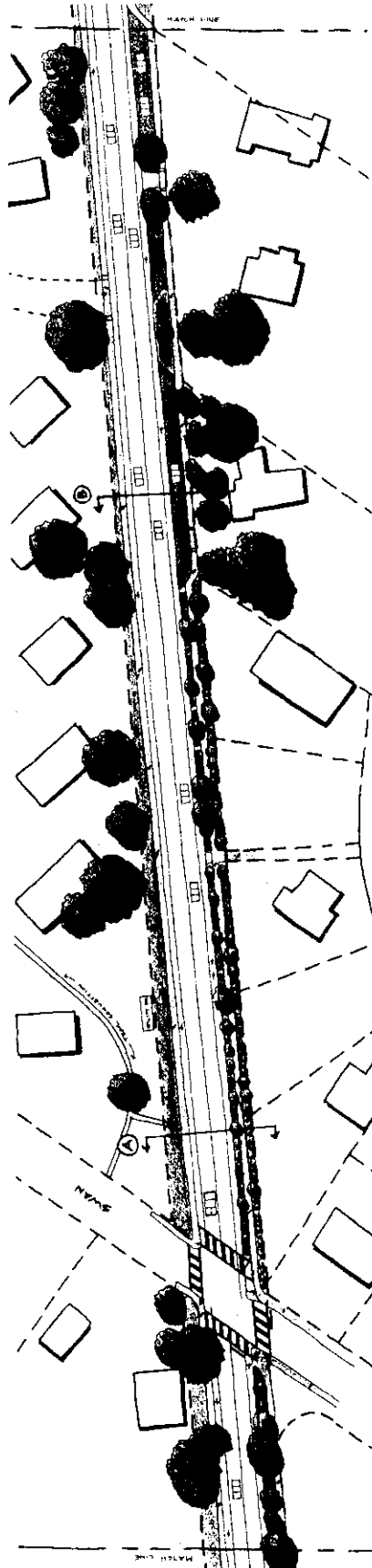
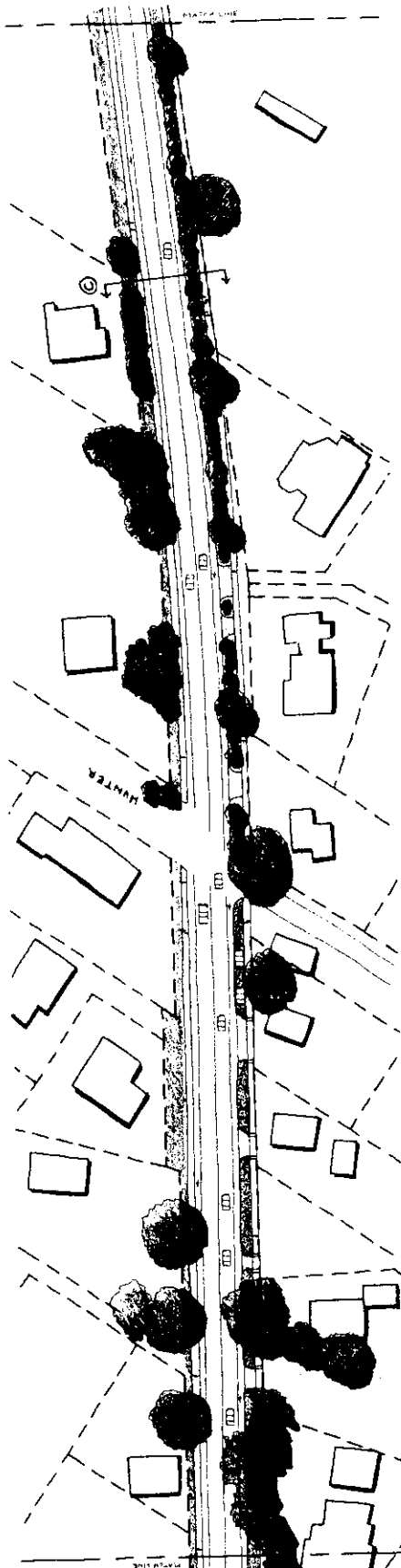
Edge Condition 7: Section 8 – shoulder bikeway section looking towards Highway 213

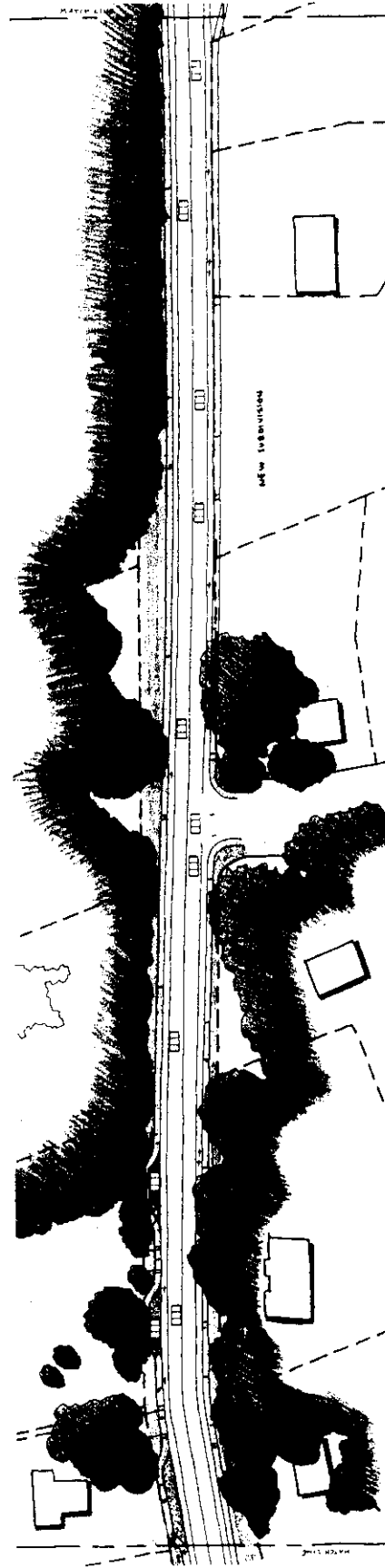
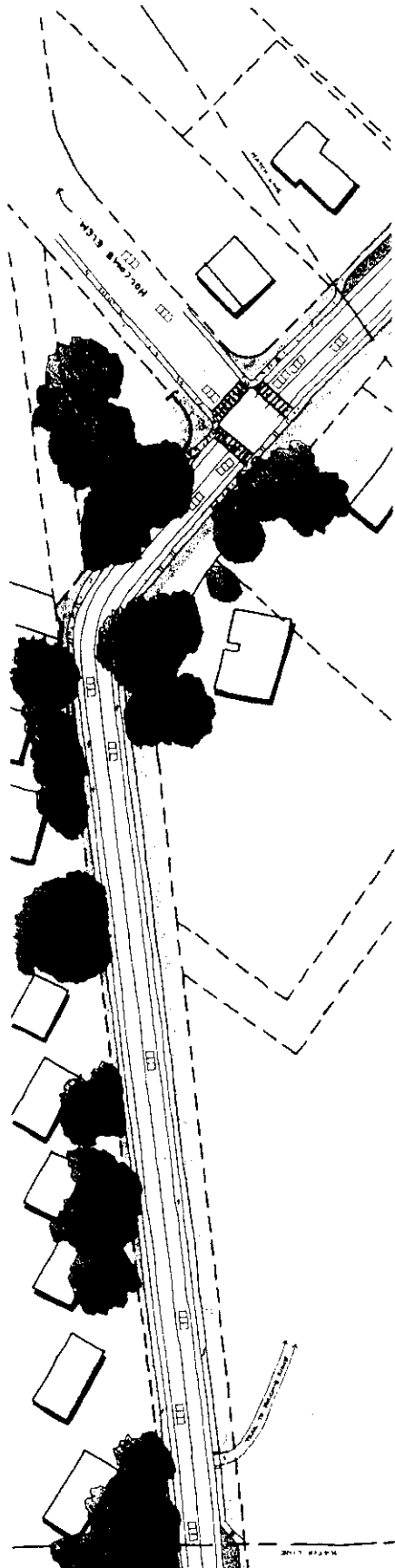
Plant List for Holcomb Boulevard

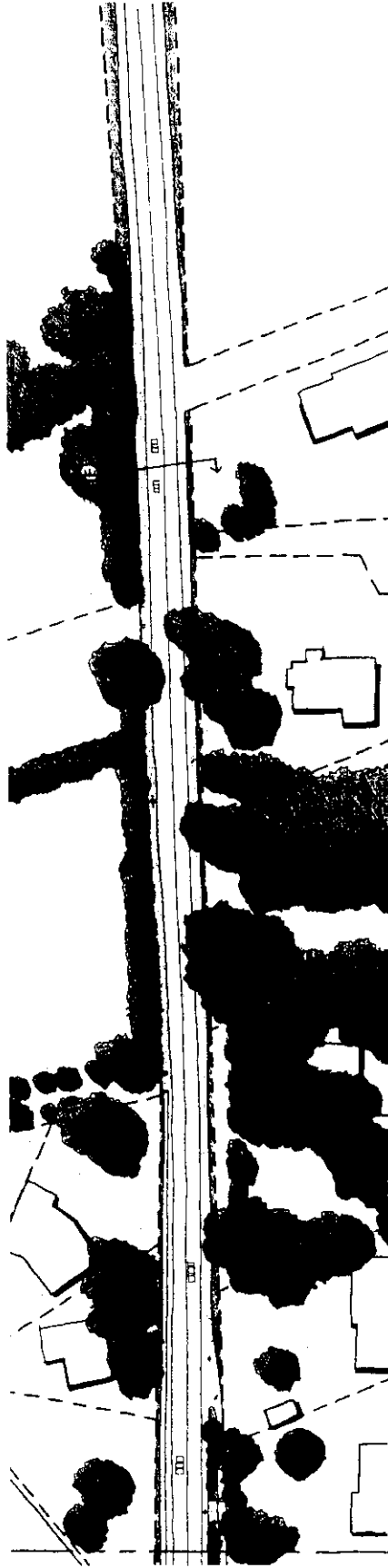
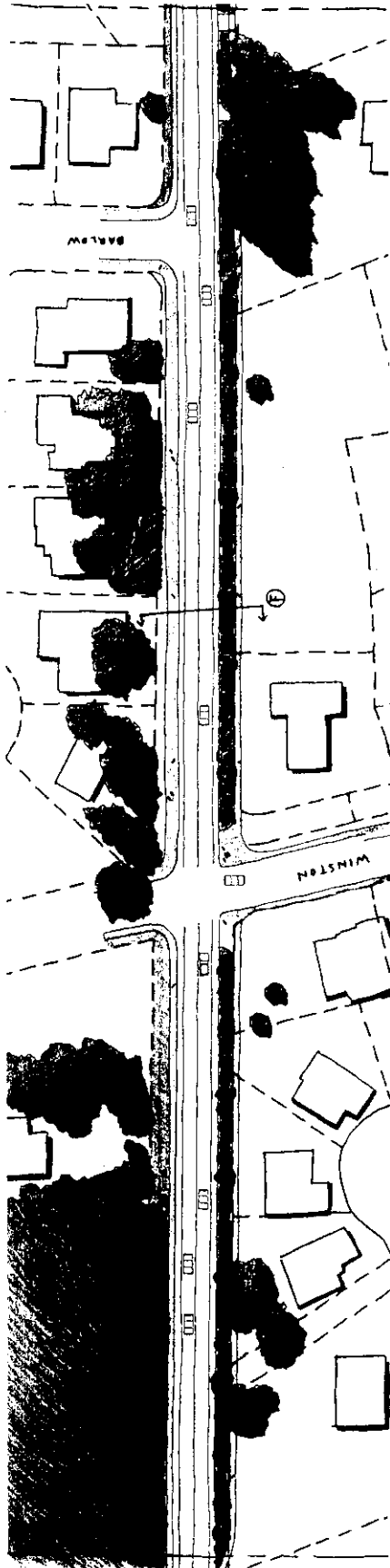
Woodland Upland Areas		
Trees:	Douglas fir (<i>Pseudotsuga menziesii</i>) Western hemlock (<i>Tsuga heterophylla</i>) Grand fir (<i>Abies grandis</i>) Oak (<i>Quercus</i>)	Western red cedar (<i>Thuja plicata</i>) Big leaf maple (<i>Acer macrophyllum</i>) Red alder (<i>Alnus rubra</i>)
Small Trees and Shrubs:	Vine maple (<i>Acer circinatum</i>) Cascara (<i>Rhamnus purshiana</i>) Serviceberry (<i>Amelanchier alnifolia</i>) Pacific yew (<i>Taxus brevifolia</i>) Chinkapin (<i>Castanopsis chrysophylla</i>) California hazel (<i>Corylus cornuta</i>) Pacific dogwood (<i>Cornus nurrallii</i>) Oceanspray (<i>Holodiscus discolor</i>) Western rhododendron (<i>Rhododendron macrophyllum</i>) Indian plum (<i>Osmaronia cerasiformis</i>) Red elderberry (<i>Sambucus racemosa</i>) Blue elderberry (<i>Sambucus cerulea</i>) Western mock-orange (<i>Philadelphica lewisii</i>)	Common chokecherry (<i>Prunus virginiana</i>) Bitter cherry (<i>Prunus emarginata</i>) Tall Oregon grape (<i>Mahonia aquifolium</i>) Dull Oregon grape (<i>Mahonia nervosa</i>) Red huckleberry (<i>Vaccinium parvifolium</i>) Evergreen huckleberry (<i>Vaccinium ovatum</i>) Salal (<i>Gaultheria shallon</i>) Red flowering currant (<i>Ribes sanguineum</i>) Thimbleberry (<i>Rubus parviflorus</i>) Snowberry (<i>Symphoricarpos albus</i>) Woods rose (<i>Rosa woodsii</i>) Nootka rose (<i>Rosa nutkana</i>) Oval-leaf viburnum (<i>Viburnum ellipticum</i>)
Herbaceous plants and wildflowers:	Vanilla leaf (<i>Achylis triphylla</i>) Wild ginger (<i>Asarum caudatum</i>) Ladyfern (<i>Athyrium filix-femina</i>) Deerfern (<i>Blechnum spicant</i>) Swordfern (<i>Polystichum munitum</i>) Bunchberry dogwood (<i>Cornus stolonifera</i>) Twinflower (<i>Linnaea borealis</i>) Miners lettuce (<i>Montia siberica</i>) Oxalis (<i>Oxalis oregana</i>) False solomonseal (<i>Smilacena racemosa</i>) Starry solomonseal (<i>Smilacena stellata</i>)	Foamflower (<i>Tiarella trifoliata</i>) Starflower (<i>Trientalis latifolia</i>) Piggyback plant (<i>Tolmiea menziesii</i>) Inside-out flower (<i>Vancouveria hexandra</i>) Trillium (<i>Trillium ovatum</i>) Wood violet (<i>Viola glabella</i>) Snow queen (<i>Synthesis reniformis</i>) Red columbine (<i>Aquilegia formosa</i>) Western buttercup (<i>Ranunculus occidentalis</i>) Pacific bleedingheart (<i>Dicentra formosa</i>) Camas (<i>Camassia quamash</i>)
Prairie/Grasslands		
Grasses and Herbaceous Plants:	California brome-grass (<i>Bromus carinatus</i>) Blue wildrye (<i>Elymus glaucus</i>) California fescue (<i>Festuca californica</i>) Idaho fescue (<i>Festuca idahoensis romeri</i>) Lemmon's needlegrass (<i>Stipa lemmoni</i>) White yarrow (<i>Achillea millefolium</i>) Western columbine (<i>Aquilegia formosa</i>) Menzies' larkspur (<i>Delphinium menziesii</i>) Leichtlin's camas (<i>Camassia leichtlinii</i>) Globe gillia (<i>Gillia capitata</i>) Shooting star (<i>Dodecatheon hendersonii</i>) Broadleaf strawberry (<i>Fragaria virginiana platypetala</i>) Oregon iris (<i>Iris tenax</i>) Smallflower prairie star (<i>Lithophragma parviflora</i>)	Barestem lomatium (<i>Lomatium nudicaule</i>) Nine-leaf lomatium (<i>Lomatium triternatum</i>) Common lomatium (<i>Lomatium utriculatum</i>) Sickle-keel lupine (<i>Lupinus albicaulis</i>) Slender cinquefoil (<i>Potentilla gracilis</i>) Heal-all (<i>Prunella vulgaris</i>) Rose checker-mallow (<i>Sidalcea virgata</i>) Canadian goldenrod (<i>Solidago canadensis</i>) Yellow violet (<i>Viola nuttallii</i>) Mule's ears (<i>Wyethia angustifolia</i>) Northern saitis (<i>Brodiaea congesta</i>) Harvest brodiaea (<i>Brodiaea coronaria</i>) Spanish clover (<i>Lotus purshianus</i>)
Riparian/Wetland Areas		
Trees:	Oregon ash (<i>Fraxinus oregana</i>) Western red cedar (<i>Thuja plicata</i>) Cascara (<i>Rhamnus purshiana</i>) Columbia willow (<i>Salix fluviatilis</i>) Pacific willow (<i>Salix lasiandra</i>)	Piper's willow (<i>Salix piperi</i>) Rigid willow (<i>Salix rigida</i>) Scouler willow (<i>Salix scouleriana</i>) Soft-leaved willow (<i>Salix sessiliflora</i>) Sitka willow (<i>Salix sitchensis</i>)

Shrubs:	Red-osier dogwood (<i>Cornus stolonifera</i>)	Salmonberry (<i>Rubus spectabilis</i>)
	Black twinberry (<i>Lonicera involucrata</i>)	Blue elderberry (<i>Sambucus cerulea</i>)
	Indian plum (<i>Oemleria cerasiformis</i>)	Red elderberry (<i>Sambucus racemosa</i>)
	Pacific ninebark (<i>Physocarpis capitatus</i>)	Douglas spirea (<i>Spirea douglasii</i>)
	Swamp rose (<i>Rosa pisocarpa</i>)	Nootka rose (<i>Rosa nootkana</i>)
Herbaceous plants and wildflowers:	Maidenhair fern (<i>Adiantum pedatum</i>)	Yellow monkey-flower (<i>Mimulus guttatus</i>)
	Douglas aster (<i>Aster Douglasii</i>)	Streambank springbeauty (<i>Montia parviflora</i>)
	Lady fern (<i>Athyrium filix-femina</i>)	Candyflower (<i>Montia siberica</i>)
	Big-leaf sedge (<i>Carex amplifolia</i>)	Forget-me-not (<i>Myosotis laxa</i>)
	Columbia sedge (<i>Carex aperta</i>)	Water parsley (<i>Oenanthe sarmentosa</i>)
	Dewey's sedge (<i>Carex deweyana</i>)	Sweet coltsfoot (<i>Petasites frigidus</i>)
	Henderson's wood sedge (<i>Carex hendersonii</i>)	False solomon-seal (<i>Smilacena racemosa</i>)
	Western corydalis (<i>Corydalis scouleri</i>)	Laceflower (<i>Tiarella trifoliata</i>)
	Elegant rein-orchid (<i>Habenaria elegans</i>)	Piggyback (<i>Tolmiea menziesii</i>)
	Soft rush (<i>Juncus effusus</i>)	Stream violet (<i>Viola glabella</i>)
	Skunk cabbage (<i>Lysichiton americanum</i>)	









**OregonLive.com**

Everything Oregon

Makeshift shelters in yards solve and create problems

As tents become popular as outbuildings throughout the metro area, ill feelings surface between neighbors

Monday, October 25, 2004

STEVE MAYES

OREGON CITY -- When Peggy West looks out her living room window, she sees Paul Witkowski's portable garages. And she doesn't like the view.

West complained to the city but quickly learned what homeowners from here to Gresham to Portland to Hillsboro have discovered: Temporary storage shelters -- whether homemade or store-bought -- are mostly legal and largely unregulated.

"He's not in violation of anything," West said. "That's the problem."

Here's why: Portable garages "don't require a building permit, so we can't apply any rules," said Dan Drentlaw, who directs Oregon City's Planning Department.

"It's like putting a wading pool in your front yard."

Witkowski has a two-car garage. It's filled from his home business in model airplanes. Two temporary shelters stand in front of the garage: a tentlike structure covering his 1971 Chevy Chevelle, a long-standing restoration project; and a canopy that provides extra work space. Two vans and a car fill the rest of the driveway.

West particularly dislikes the tent, which started out white.

"Now it's gray and has duct tape on it," she said. "It looks like a homeless shelter."

West contends that the clutter in Witkowski's driveway is ugly and lowers the value of her home.

But Witkowski says he doesn't "see anything wrong with a temporary tent. It's my property." The little garages are legal and in fact reduce clutter, he said. "That's why they sell them."

The makeshift shelters have mushroomed in recent years. In Oregon City, it's nearly impossible to travel more than a couple of blocks without seeing one, tucked beside a house or even protruding onto the sidewalk.

A change in Oregon's building code, the guidepost cities and counties must follow, contributed to their popularity. The code used to require building permits for fabric-covered structures larger than 200 square feet. However, in 2003 the exemption was raised to 500 square feet, as long as the structure is at least 3 feet from the property line and no taller than one story.

Technically, that means there is no height limit. Some portable garages for recreational vehicles are taller than the houses they stand next to.

"People have objections to them because they're unsightly," said Wink Brooks, Hillsboro

planning director, adding that the city might deal with the garages when it updates its zoning code. "We don't want them proliferating."

Portland also fields complaints. But compliance services supervisor Paul Scarlett said that as long as zoning and building codes are followed, there's nothing the city can do.

"We get lots of calls on them," said Steve Marshall, a Clackamas County code enforcement officer. "But we ask the key question: 'How big is it?'"

Then, even if there is a violation, the county treats the offense as a low priority, he said.

"It's easy to look at these (structures) and laugh at them," but they fill a need, said Larry Patterson, Oregon City's city manager.

The portable shelters provide quick, inexpensive storage for cars, firewood and overflow from an overcrowded garage. The units commonly sell for \$300 to \$1,000 and are available at home improvement stores, big-box retailers and over the Internet.

Still, Patterson said, "it's not a very sightly way to develop a city."

Patterson said restricting mini-garages to back yards could ease the tension between neighbors such as West and Witkowski.

Milwaukie officials also see problems ahead. "They're going to become the next significant issue," said City Manager Mike Swanson. "People are going to come in and demand regulation of them."

A few cities already restrict portable garages.

Beaverton requires building permits for any structure larger than 200 square feet, and its rules about where temporary garages can be located are stricter than the state regulations. Consequently, the city gets few complaints, said Mayor Rob Drake.

Vancouver is even more restrictive. The garages are allowed temporarily, for emergencies or special events. "As we get complaints . . . we make them take them down," said Richard Landis, code enforcement supervisor.

Nancy Busch, Oregon City's top code enforcement officer, doesn't have that kind of clout, except in exceptional cases.

"We had someone open a store in one of them. They had an A-frame sign in front of it that said 'Dollar Store,'" Busch said. "We had to take them to court to get them to close it."

Steve Mayes: 503-294-5916; stevemayes@news.oregonian.com

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Lake Oswego prohibits annexation of stripped property

By Aimee Curl

Lake Oswego City Manager Douglas Schmitz has enacted an administrative policy that prohibits the future annexation of property that has been stripped of its natural resources.

The action, which occurred earlier this month, was prompted by clear cutting on three adjoining parcels located near the city of Lake Oswego on Clackamas County land.

"The administrative action was a matter of timing," said Josh Thomas, the city's citizen information coordinator. "The clear cut came as a surprise and it was significant. It wasn't a small operation. It was a logging operation."

The land, owned by Steve Kaer, is located at the intersection of Madrona Road and Boones Ferry Road and totals about 33,191 square feet.

Although Kaer has not applied to have his property brought into the city limits, Thomas said the city regularly receives requests for annexation involving land where many or all of the trees have been cut.

"The story typically is that there will be a piece of property with natural resources such as a creek or grove of trees. Rather than annex it into the city first, the developer will develop the property as (he or she) sees fit, then annex it into the city," Thomas said. "Removing the trees prior to annexation allows the property owner to avoid protections set forth in the city's tree code."

Thomas said there was a recent case involving a parcel on Upper Cherry Lane where several trees were removed and the house was near completion before the owner applied to have the property annexed.

"The city manager is essentially saying that if you want a property annexed into the city, don't level it and expect to beat the system," he said.

Regulations for property development in Clackamas County are not as restrictive as they are in Lake Oswego.

"The less stringent rules allow for incompatible development to occur," Thomas said.

The administrative policy is in effect temporarily until the City Council has an opportunity to consider it, he said.

The city attorney is preparing a report in advance of the council's May 4 meeting.

"Its about balance, trying to balance development interests and the preservation of natural resources in the community," Thomas said.

Aimee L. Curl covers commercial real estate and development for the Daily Journal of Commerce. She can be reached by e-mail at aimee.curl@djc-or.com or by phone at 503-221-3314.

**ADMINISTRATIVE POLICY REGARDING ANNEXATIONS AND PRIOR
DESTRUCTION OF NATURAL RESOURCES, INCLUDING FORESTED SITES:**

Effective Date: 5 April 2004

Duration of Policy: Until the City Council adopts its own policy/ordinance or instructs the City Manager that the policy should be rescinded.

BACKGROUND:

The City, on occasion, receives applications for the annexation of property for which the owner and/or developer have destroyed natural resources while the land is still under county jurisdiction. The owner and/or developer, after the damage to the natural resources is completed, then petitions for annexation to the City in order to receive municipal services to the site such as sewer and water. The destruction of these natural resources prior to annexation has been a concern to the City due to its strong environmental policies and ordinances which call for the protection of the functions and values of natural features.

The City staff is hereby directed that effective immediately and until further notice, no application for annexation to the City shall be processed for a property which has destroyed the natural resources on a property proposed for annexation.

Douglas J. Schmitz

RESOLUTION 04-28

A RESOLUTION OF THE LAKE OSWEGO CITY COUNCIL ADOPTING POLICIES DISCOURAGING DESTRUCTION OF NATURAL RESOURCES PRIOR TO ANNEXATION

WHEREAS The City of Lake Oswego has adopted regulations protecting environmentally sensitive natural resources and significant trees within the City; and

WHEREAS on occasion property owners have removed or degraded natural resources prior to filing a petition to annex property to the City in order to maximize development opportunities; and

WHEREAS the Urban Services Boundary defines Lake Oswego's ultimate growth area, within which the City will be the eventual provider of the full range of urban services; and

WHEREAS the City Council finds that it is in the public interest to discourage the practice of removing significant trees and degrading sensitive natural areas on properties within the unincorporated portions of the Urban Services Boundary

BE IT RESOLVED by the Lake Oswego City Council that:

Section 1. The City Council hereby adopts the "Policies Discouraging Destruction of Natural Resources and Significant Trees Prior to Annexation" attached to this Resolution as Exhibit A and incorporated by this reference;

Section 2. This Resolution shall be effective upon passage.

Considered and enacted at the meeting of the City Council of the City of Lake Oswego on the 18th day of May, 2004.

AYES:

NOES:

EXCUSED:

ABSTAIN:

Judie Hammerstad, Mayor

ATTEST:

Robyn Christie, City Recorder

APPROVED AS TO FORM:

David Powell

David Powell
City Attorney

POLICIES DISCOURAGING DESTRUCTION OF NATURAL RESOURCES AND SIGNIFICANT TREES PRIOR TO ANNEXATION

Purpose: To encourage property owners interested in petitioning the City for annexation to preserve and protect natural resources and significant trees prior to annexation.

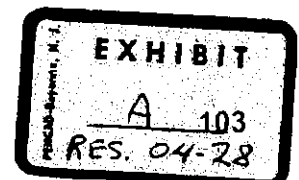
Background: The City of Lake Oswego has inventoried, evaluated, mapped and developed a protection program for hundreds of acres of stream corridors, wetlands and tree groves within its planning area (LOC Article 50.16). This planning area includes lands outside the City limits but within the City's Urban Services Boundary. In this unincorporated area, the City and other jurisdictions have agreed that the City is the most logical future provider of urban services and, according to state law, should plan for land use and transportation needs in those areas. It is anticipated that, at some point in the future, properties within the City's Urban Services Boundary will eventually seek annexation, typically for future development purposes or to receive City services.

On several occasions, the City has received petitions to annex properties within the unincorporated areas of the Urban Service Boundary on which trees have been cut, vegetation removed and streams degraded. Although these actions may not have been regulated by the County, in some cases they would violate City natural resource protection requirements.

Removal of natural resources contributes to erosion and water quality issues resulting in degradation of wildlife habitat and siltation buildup in waterways. When such properties are subsequently annexed, the City may become obligated to develop programs and expend funds to mitigate the negative effects of natural resource removal.

These types of actions gain additional importance in light of the listing of salmonid species under the Endangered Species Act in the Tualatin and Willamette Rivers and their tributaries, which receive storm water runoff and other drainage from within the City. In addition, several creeks within the northerly portion of the unincorporated Urban Services Boundary are tributaries of Tryon Creek, which is a fish-bearing stream. The County, the City and private citizens should work together to ensure that their programs and activities are "salmon safe."

Removal of significant trees, whether or not within a protected tree grove, can have a negative effect upon aesthetics and natural processes, and should be discouraged in areas subject to annexation unless the criteria for tree removal under the City Code have been met.



I. Policy for parcels from which trees of a certain size and species have been removed:

The City Council declares that it will decline a petition for annexation of a parcel pursuant to ORS 222.125 or 222.170 if a tree of a size and species listed in the procedures below has been removed from the property following the date of this policy under circumstances that, in the determination of the City Manager, would not have warranted issuance of a permit for the removal of the tree under the criteria of the Lake Oswego Tree Code, unless the property owner:

- Mitigates for the removal of the tree to the satisfaction of the City Manager by planting a tree of the same or similar species, 15 to 20 feet tall and with a trunk size of 5 to 12 inch caliper dbh, on the same property in approximately the same location as the removed tree;
- Successfully maintains the replacement tree for at least three years prior to annexation, and commits to maintain the mitigation for at least two years following annexation; and
- Pays a restoration fee into the City of Lake Oswego Tree Fund in the amount of the value of the removed tree.

Compliance with this policy shall not be deemed to assure that the City Council will approve the annexation petition. This policy shall not be construed as preventing the Council from exercising its full discretionary authority in granting or denying petitions for annexation as otherwise permitted by Oregon law.

This policy applies to annexations that are initiated or requested by the owners of the property to be annexed and that require the consent of owners electors under ORS Chapter 222. It does not apply to annexations by election under ORS Chapters 222 or 195 or to non-consensual "island" annexations.

This policy applies notwithstanding the election requirements of Section 57 of the Lake Oswego Charter, which requires a City-wide vote prior to annexation of parcels within certain portions of the Stafford Area. If the owners of a parcel in that area initiate or request annexation contrary to this policy, the City Council will decline to refer the proposed annexation for a vote under Section 57.

Procedure:

1. Upon receipt of an annexation petition, the City Manager will determine whether a tree of a species and size greater than or equal to that listed below has been removed from the site following the date of this policy:

<u>Species</u>	<u>Common Name</u>	<u>Size (dbh)</u>
Quercus garryana	Oregon white oak	08"
Pseudotsuga menziesii	Douglas-fir	18"
Thuja plicata	Western red cedar	12"
Pinus Ponderosa	Ponderosa pine	12"
Other Deciduous and horticultural tree species		20"
Other evergreen and conifer trees		18"
Western Yew	Taxus Brevifolius	05"

2. If the City Manager determines that such a tree has been removed, the City Manager shall then allow the property owner an opportunity to establish, to the satisfaction of the City Manager, that the circumstances of the removal would have warranted issuance of a tree removal permit under the criteria of the Lake Oswego Tree Code.
3. If the City Manager determines that the property owner has established that the circumstances of the removal would have warranted issuance of a tree removal permit, the City Manager shall inform the Council that the property owner has complied with this policy.
4. If the City Manager determines that the property owner has failed to establish that the criteria for a tree removal permit would have been met, annexation shall be declined unless the property owner:
 - a. Plants a replacement tree of the same or a similar species (as determined by the City Manager), 15 to 20 feet tall and with a trunk size of 5 to 12 inch caliper dbh, in approximately the same location on the property as the removed tree. The height and trunk size within the above ranges shall be determined by the City Manager, considering the type of tree, its growth rate, availability of replacement trees at various sizes, and the size of the removed tree. The tree shall be planted according to the specifications in the City Tree Planting and Maintenance Guidelines as approved by the City Council;
 - b. Successfully maintains the replacement tree for at least three years prior to annexation (Successful maintenance includes, without limitation, immediate replacement of any

replacement tree that dies or otherwise declines during the maintenance period); and

- c. Pays a restoration fee into the City of Lake Oswego Tree Fund in the amount of the value of the removed tree as determined to the satisfaction of the City Manager in accordance with the methods set forth in the "Guide for Plant Appraisal" published by the International Society of Arboriculture, or such other method as may be deemed appropriate by the City Manager.

In addition to the pre-annexation requirements of Sections 4 a, 4 b and 4 c, above, annexation of the property shall be conditioned upon the following:

- d. The property owner shall execute an agreement with the City requiring the property owner to maintain the required mitigation (tree replacement), at his or her expense, in a manner consistent with this policy and to the satisfaction of the City Manager for a period of at least two years following the effective date of the annexation. The agreement shall also provide that, if the property owner fails to meet this obligation, the City may enter the property to restore and maintain the mitigation at the property owner's expense;
- e. The property owner shall record a restrictive covenant against the property, in a form approved by the City Attorney, requiring the mitigation to be maintained for at least two years following the effective date of the annexation in a manner consistent with this policy and to the satisfaction of the City Manager, granting the City the right to enforce the restrictive covenant, and allowing recovery of attorney fees and other enforcement expense by the City;
- f. The property owner shall grant and record an easement, in the form approved by the City Attorney, allowing the City access to and use of the property for the purposes of restoring and maintaining the required mitigation during the two-year period; and
- g. The property owner provide the City with a bond, cash deposit or other security acceptable to the City Manager, in a sum deemed by the City Manager to be sufficient to cover

the costs of restoration and maintenance of the required mitigation during the two-year period.

5. Any person who owns property within the unincorporated portion of the City's Urban Services Boundary and who proposes to remove a tree may apply for certification by City staff that the proposed removal would qualify for a Lake Oswego Tree Removal Permit if the property were within the City's boundaries. Upon a subsequent annexation petition, the certification shall satisfy the property owner's burden under paragraph 2 of this policy with relation to the removal of the tree. An applicant for a certification under this paragraph shall pay the same fee as established for the corresponding tree removal permit.
6. The City Council will not approve annexation of property where the requirements of this policy have not been met, unless the City Council elects, in its discretion, to exempt the property from this policy.

II. Policy for parcels with resources that are inventoried or for which a determination is pending:

The City Council declares that it will decline a petition for annexation of a parcel pursuant to ORS 222.125 or 222.170 when:

(1) the parcel has previously been inventoried pursuant to the ESEE analysis performed by the City pursuant to the requirements of Statewide Planning Goal 5 and determined to have natural resources that would have been protected if located within the City, or the parcel is designated on the Lake Oswego Natural Resource Inventory Update Map as having natural resources for which there is a pending determination as to whether the criteria for such protection are met, and

(2) the natural resources on the parcel have been removed or otherwise degraded beyond that which would have been clearly permitted under the City natural resource regulations,

unless the property owner mitigates the effects of the natural resource removal by restoring the site to the condition which would exist if the site had complied with the City's natural resource regulations from the date of the inventory, or from the date of designation on the Lake Oswego Natural Resource Inventory Update Map, to the date of annexation, and unless the mitigation is successfully maintained by the property owner for a period of at least three years prior to annexation, and the property owner commits to

maintaining the mitigation for at least two years following annexation. If the property owner or other applicant for annexation cannot substantiate to the satisfaction of the City Manager the quality and quantity of natural resources that were on the site prior to the removal or degradation, the property owner must establish or enhance natural resources within the mapped natural resources area to a minimum quality and quantity determined by the City Manager, taking into consideration the data and analysis that resulted in the designation of the mapped natural resources area on the site.

In the case of annexation petitions for parcels with natural resources designated on the Lake Oswego Natural Resource Inventory Update Map, an analysis of the resources under the criteria of LOC 50.15.020 shall be completed by City staff at the applicant's expense prior to the City Council's consideration of the petition. If, in the determination of the City Manager, the resources meet the criteria for protection under the City's natural resources regulations, annexation will be declined pursuant to this policy unless mitigation occurs as provided above. If the City Manager determines that the resources do not meet the criteria for protection, this policy shall not apply.

Compliance with this policy shall not be deemed to assure that the City Council will approve the annexation petition. This policy shall not be construed as preventing the Council from exercising its full discretionary authority in granting or denying petitions for annexation as otherwise permitted by Oregon law.

This policy applies to annexations that are initiated or requested by the owners of the property to be annexed and that require the consent of owners electors under ORS Chapter 222. It does not apply to annexations by election under ORS Chapters 222 or 195 or to non-consensual "island" annexations.

This policy applies notwithstanding the election requirements of Section 57 of the Lake Oswego Charter, which requires a City-wide vote prior to annexation of parcels within certain portions of the Stafford Area.) If the owners of a parcel in that area initiate or request annexation contrary to this policy, the City Council will decline to refer the proposed annexation for a vote under Section 57.

Procedure: To identify annexing parcels on which natural resources have been degraded and for which the City has conducted natural resources inventory and mapping, the following procedures shall apply:

1. Upon receipt of an annexation petition, City staff will determine whether the site contains inventoried natural resources or contains

resources designated on the Lake Oswego Natural Resource Inventory Update (NRIU) Map. If so, staff will visit the parcel(s) proposed for annexation and compare existing site conditions to the City's site inventory of natural resources, or to the NRIU Map.

2. If it appears that the functions and values of the natural resources on the site have been compromised since the parcel was inventoried or designated on the NRIU Map beyond that which would be clearly permitted under the City's natural resource regulations:
 - a. For inventoried resources, and for resources designated on the NRIU Map that have been determined to meet the criteria for protection under paragraph 2(b), staff will instruct the property owner to develop a mitigation and restoration plan that restores and protects the functions and values of the resource on-site to the same degree as if the site had been protected under the City's natural resource programs from the date of inventory to the date of annexation. The plan shall be prepared by a certified professional (restoration ecologist, biologist, ecologist, etc.) approved by the City Manager. If the property owner or other applicant for annexation cannot substantiate to the satisfaction of the City Manager the quality and quantity of natural resources that were on the site prior to the removal or degradation, the mitigation plan must provide for the establishment or enhancement of natural resources within the mapped natural resources area to a minimum quality and quantity determined by the City Manager, taking into consideration the data and analysis that resulted in the designation of the mapped natural resources area on the site. (A property owner who wishes to establish a natural resource "baseline" following inventory and prior to any development activities which could degrade the natural resources is encouraged to contact the City's Natural Resource Coordinator to obtain an inventory of the quality and quantity of the natural resources existing on the site.) The mitigation plan shall be reviewed and either approved by the City Manager or the City Manager shall make recommendations for improvement to the mitigation plan.
 - b. In the case of parcels with natural resources designated on the NRIU Map, an analysis of the resources under the criteria of LOC 50.15.020 shall be completed by City staff at the applicant's expense. Following the analysis, the City Manager shall determine whether the resources meet the criteria for protection. If so, mitigation under paragraph 2(a) shall be required to the same extent as though the resources had been inventoried prior to the filing of the annexation petition.

3. If the property owner complies with the mitigation plan as approved by the City Manager prior to annexation, and maintains the mitigation for at least three years prior to annexation, the property owner shall be deemed to have restored the natural resources on the parcel sufficient to be eligible for annexation under this policy. Annexation of the property shall be conditioned upon the following:
 - a. The property owner shall execute an agreement with the City requiring the property owner to maintain the required mitigation, at his or her expense, in a manner consistent with this policy and to the satisfaction of the City Manager for a period of at least two years following the effective date of the annexation. The agreement shall also provide that, if the property owner fails to meet this obligation, the City may enter the property to restore and maintain the mitigation at the property owner's expense;
 - b. The property owner shall record a restrictive covenant against the property, in a form approved by the City Attorney, requiring the mitigation to be maintained for at least two years following the effective date of the annexation in a manner consistent with this policy and to the satisfaction of the City Manager, granting the City the right to enforce the restrictive covenant, and allowing recovery of attorney fees and other enforcement expense by the City;
 - c. The property owner shall grant and record an easement, in the form approved by the City Attorney, allowing the City access to and use of the property for the purposes of restoring and maintaining the required mitigation during the two-year period; and
 - d. The property owner provide the City with a bond, cash deposit or other security acceptable to the City Manager, in a sum deemed by the City Manager to be sufficient to cover the costs of restoration and maintenance of the required mitigation during the two-year period.
4. The City Council will not approve annexation of property where the requirements of this policy have not been met, unless the City Council elects, in its discretion, to exempt the property from this policy.

III. Policy for parcels where water resources have been degraded in violation of state or federal law.

The City Council declares that it will decline a petition for annexation of a parcel pursuant to ORS 222.125 or 222.170 if, following the date of this policy, a water resource on the parcel has been filled, or has had material removed, or has otherwise been degraded, in violation of any state or federal law or regulation, unless the property owner:

- Pays in full all fines, civil penalties and other assessments imposed or otherwise required by any state or federal agency;
- Pays in full any damages awarded pursuant to the provisions of ORS Chapter 196 or pursuant to any similar or related statutes or regulations;
- Fully complies with any order of any state or federal agency related to the degradation of the water resource; and
- Complies with all mitigation or restoration requirements imposed or ordered by a state or federal agency, and successfully maintains the mitigation or restoration for at least three years prior to annexation and commits to maintain the mitigation for at least two years following annexation.

For the purposes of this policy, “water resource” shall mean any natural waterway including any bay, stream, lake, wetland or other body of water, whether navigable or non-navigable.

Compliance with this policy shall not be deemed to assure that the City Council will approve the annexation petition. This policy shall not be construed as preventing the Council from exercising its full discretionary authority in granting or denying petitions for annexation as otherwise permitted by Oregon law.

This policy applies to annexations that are initiated or requested by the owners of the property to be annexed and that require the consent of owners electors under ORS Chapter 222. It does not apply to annexations by election under ORS Chapters 222 or 195 or to non-consensual “island” annexations.

This policy applies notwithstanding the election requirements of Section 57 of the Lake Oswego Charter, which requires a City-wide vote prior to annexation of parcels within certain portions of the Stafford Area. If the owners of a parcel in that area initiate or request annexation contrary to this policy, the City Council will decline to refer the proposed annexation for a vote under Section 57.

Procedure:

1. Upon receipt of an annexation petition, City staff will determine whether the site contained a water resource prior to the date of this policy, and will visit the site to determine the current condition of the resource.

2. If it appears that, following the date of this policy, removal or fill has occurred, or that the functions and values of the water resource have otherwise been compromised, in violation of any state or federal law or regulation, and if the violation has not previously been reported to the appropriate state or federal agency, the violation shall be reported to the appropriate agency by City staff.
3. If it appears to staff that no violation has occurred and no report has been made, or if a report is made but the appropriate state or federal agency determines that no violation has occurred, the City Manager shall inform the City Council that the proposed annexation does not violate this policy.
4. If a report has been made, and the appropriate state or federal agency determines that a violation has occurred, the annexation petition shall be denied unless the property owner:
 - a. Pays in full all fines, civil penalties and other assessments imposed or otherwise required by any state or federal agency;
 - b. Pays in full any damages awarded pursuant to the provisions of ORS Chapter 196, or awarded pursuant to any similar or related statutes or regulations;
 - c. Fully complies, in the determination of the City Manager, with any order of any state or federal agency related to the degradation of the water resource; and
 - d. Fully complies, in the determination of the City Manager, with all mitigation or restoration requirements imposed or ordered by the state or federal agency, and successfully maintains the mitigation or restoration for at least five years prior to annexation.

In addition to the pre-annexation requirements of Sections 4 (a), 4 (b), 4 (c) and 4 (d), above, annexation of the property shall be conditioned upon the following:

- e. The property owner shall execute an agreement with the City requiring the property owner to maintain the required mitigation, at his or her expense, in a manner consistent with this policy and to the satisfaction of the City Manager for a period of at least two years following the effective date of the annexation. The agreement shall also provide that, if the property owner fails to meet this obligation, the City may enter the property to restore and maintain the mitigation at the property owner's expense;

- f. The property owner shall record a restrictive covenant against the property, in a form approved by the City Attorney, requiring the mitigation to be maintained for at least two years following the effective date of the annexation in a manner consistent with this policy and to the satisfaction of the City Manager, granting the City the right to enforce the restrictive covenant, and allowing recovery of attorney fees and other enforcement expense by the City;
 - g. The property owner shall grant and record an easement, in the form approved by the City Attorney, allowing the City access to and use of the property for the purposes of restoring and maintaining the required mitigation during the two-year period; and
 - h. The property owner provide the City with a bond, cash deposit or other security acceptable to the City Manager, in a sum deemed by the City Manager to be sufficient to cover the costs of restoration and maintenance of the required mitigation during the two-year period.
5. The City Council will not approve annexation of property that does not comply with the preceding requirements, unless the Council elects, in its discretion, to exempt the property from this policy.

IV. Obligations Run with the Land.

Any obligation of the "property owner" under these policies shall "run with the land" and shall be an obligation of the owner of the property at the time required for performance of the obligation, regardless of any prior transfers of title.

V. Public Notice.

The City Manager shall publicize the adoption of these policies by providing notice to the news media, local realtors, local arborists and foresters, the Home Builders Association of Metropolitan Portland, the Clackamas County Planning Department, and to those Neighborhood Associations and County Planning Organizations whose boundaries include unincorporated areas within the City's Urban Services Boundary. The City Manager shall encourage the Neighborhood Associations and County Planning Organizations to provide notice of these policies to their membership, and to any realtor that posts signage advertising a property for sale within the unincorporated area. The City Manager shall also provide written notice of these policies to the owners (as listed in the property tax assessment roll) of property within the unincorporated area that have inventoried natural resources, or that have resources designated on the Lake Oswego Natural Resource Inventory Update Map.

VI. Replacement of previous annexation policy.

These policies replace the Interim Policy on Annexation adopted by the City Manager on April 5, 2004.



PC Mailing List

Meeting Date: 11.22.04


Sent On: 11.16.04

Number	Recipients	Sent
10	Copies for Front Table	F
1	PC Binder	F
1	Front Counter	F
1	Dan Drentlaw	F
1	Tony Konkol	A
1	Christina Robertson-Gardiner	A
1	Sean Cook	A
1	Larry Patterson	F
1	Bob Cullison	A
1	Nancy K - FULL	F
1	City Recorder	A
1	Fire Department	A
1	Public Works	A
1	Police Department	A
1	Library	AF
1	Carnegie Center	F
1	Pioneer Center	F
5	City Commission	A

*In addition to the names on the following page

Total: FULL Park Place CIC AGENDA Tam Seasholtz 14450 Holcomb

Sackie Hammond-Williams
14422 Holcomb Blvd

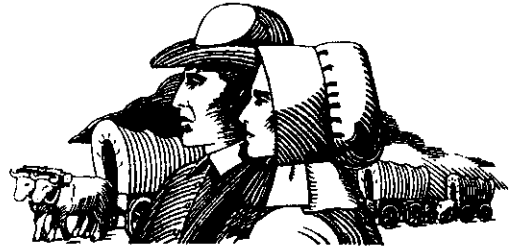
Agenda + Memo  Peggy West
11800 Longstanding Ct
Mary Palmer

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
November 22nd, 2004 at 7:00 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

PLANNING COMMISSION WORK SESSION

Work Session Topics:

1. McLoughlin Boulevard Enhancement Plan
2. Holcomb Boulevard Pedestrian Enhancement Concept Plan
3. Placement of Membrane Structures
4. Preservation of natural resources on properties within the UGB and outside the city limits
5. Farm uses

AM TECH

YOUR ATTENDANCE IS NOT NEEDED

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.

CICC Chairman/Hillendale Nbrhd
Julie Hollister
13204 Clairmont Way
Clairmont City, OR 97045

Barclay Hills Nbrhd Assoc.
Elizabeth Klein, Land Use
13569 Jason Lee Drive
Oregon City, OR 97045

Canemah Nbrhd Assoc.
Howard Post, Chairman
302 Blanchard Street
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Cathi VanDamm
15092 S. Persimmon Way
Oregon City, OR 97045

Caufield Nbrhd Assoc.
Mike Mermelstein, Land Use
20114 Kimberly Rose Drive
Oregon City, OR 97045

Gaffney Lane Nbrhd Assoc.
Joan Schultze
19413 Stillmeadow Drive
Oregon City, OR 97045

Hazel Grove / Westling Farm N/A
Kathy Hogan, Chairman
19721 S. Central Point Road
Oregon City, Oregon 97045

Hillendale Nbrhd. Assoc.
Debbie Watkins, Co-Chairman
13290 Clairmont Way
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Denyse McGriff, Land Use
815 Washington Street
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.
Dean Walch, Co-Chairman
516 Madison Street
Oregon City, OR 97045

Park Place Nbrhd. Assoc.
Julie Puderbaugh
15022 South Highland Road
Oregon City, Oregon 97045

Park Place Nbrhd. Assoc.
Don Slack
16163 Widman Court
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Diane McKnight, Chairman
161 Barclay Avenue
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.
Patti Brown, Land Use
P.O. Box 1222
Oregon City, OR 97045

South End Nbrhd. Assoc.
Karen Montoya, Chairman
137 Deerbrook Drive
Oregon City, OR 97045

South End Nbrhd. Assoc.
Kathy Robertson, Land Use
210 Elmer Drive
Oregon City, OR 97045

Canemah Neighborhood Assoc.
Alan Shull
713 5th Place
Oregon City, Oregon 97045

Garvey Schubert Barer
Bill Kabeiseman
121 SW Morrison Street, 11th Floor
Portland, Oregon 97204

Planning Commission
Linda Carter
1145 Molalla Avenue
Oregon City, Or 97045

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Lynda Orzen
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Oregon City, Or 97045

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Dan Lajoie
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Renate Mengelberg
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Oregon City, Or 97045

Patricia DuVal
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Milwaukie, Oregon 97222

DJC
Kurt Shirley
PO Box 10127
Portland, OR 97296

Oregonian Metro South-News
365 Warner-Milne Road, Ste. 110
Oregon City, Oregon 97045
Attn: Steve Mayes

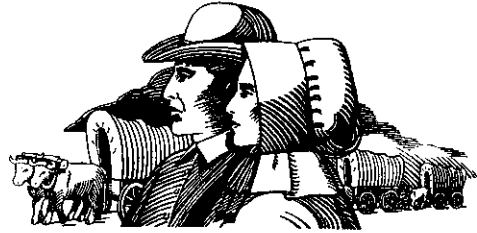
Rene Hinneberg
AV Tech
2580 Cambridge Street
West Linn, OR 97068

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



AGENDA

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Note: The Planning Commission Hearing on December 27, 2004 and Work Sessions on December 6, 2004 and December 20, 2004 are CANCELLED.

**City Commission Chambers - City Hall
December 13th, 2004 from 6:00 P.M.**

PLANNING COMMISSIONER TRAINING SESSION

1. TRAINING SESSION:

The training session will take place from 6:00 – 9:00 pm.

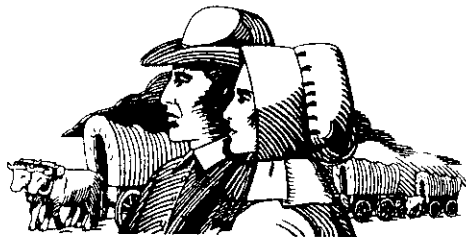
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Ralph Kiefer
15119 Oyer Drive
Oregon City, OR 97045



PC Mailing List

Meeting Date: 12.13.04

Sent On: 12.7.04

Number	Recipients	Sent
10	Copies for Front Table	✓
1	PC Binder	✓
1	Front Counter	✓
1	Dan Drentlaw	✓
1	Tony Konkol	✓
1	Christina Robertson-Gardiner	✓
1	Sean Cook	✓
1	Larry Patterson	✓
1	Bob Cullison	✓
1	Nancy K	✓
1	City Recorder	✓
1	Fire Department	✓
1	Public Works	✓
1	Police Department	✓
1	Library	✓
1	Carnegie Center	✓
1	Pioneer Center	✓
5	City Commission	✓

*In addition to the names on the following page

Total: