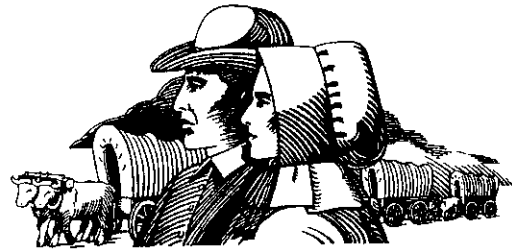


# CITY OF OREGON CITY

## PLANNING COMMISSION

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## AGENDA

City Commission Chambers - City Hall  
May 10, 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](http://www.orcity.org)) under PLANNING.

\*\*Please note, the May 5<sup>th</sup> work session is cancelled\*\*

### PLANNING COMMISSION MEETING

1. **CALL TO ORDER**

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

3. **APPROVAL OF MINUTES:** *April 12, 2004*

4. **HEARINGS:**

**VR 04-01 (Quasi-Judicial Hearing)**, Applicants: Carol Loss and the City of Oregon City, Request for the approval of a Variance to the Oregon City Municipal Code Section 12.100: Maximum cul-de-sac length and Section 16.12.200: Maximum block length. The subject sites are located at 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501 and 19866 Leland Road and identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900.

**WR 04-06 (Quasi-Judicial Hearing)**, Applicant: Clackamas Community College, Request for a Water Resource determination and mitigation plan approval for sidewalk improvements along the Clackamas Community College Beaver Creek Road street frontage.

**CU 04-01 (Quasi-Judicial Hearing)**, Applicant: Faith Community Fellowship Church, Request for a Conditional Use Permit to build a 1,904 square foot addition to the existing church. The subject site is located at 19691 Meyers Road, identified as Clackamas County Map 3S-2E-8CA, Tax Lot 1000.

5. **DISCUSSION ITEM:**

*Review and discuss Planning Commission Goals and Objectives*

6. **ADJOURN**

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  
April 12, 2004**

**COMMISSIONERS PRESENT**

Chairperson Linda Carter  
Commissioner Renate Mengelberg  
Commissioner Lynda Orzen  
Commissioner Tim Powell

**STAFF PRESENT**

Dee Craig, Director of Parks and Recreation  
Dan Drentlaw, Planning Director  
William Kabeiseman, City Attorney  
Tony Konkol, Associate Planner  
Pat Johnson, Recording Secretary

**COMMISSIONERS ABSENT**

Commissioner Dan Lajoie

**1. CALL TO ORDER**

The meeting was called to order at 7:05 p.m., with **Chair Carter** noting that **Lajoie** was on vacation and would not be in attendance.

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

None.

**3. APPROVAL OF MINUTES: March 8, 2004**

**Mengelberg** said she thought that the phrase "conditions of appeal" should say "conditions of approval" on page 2, paragraph 7.

**Mengelberg** moved to approve the minutes of March 8, 2004 as amended. **Powell** seconded the motion, and it passed unanimously.

**4. HEARINGS:**

**VR 04-01 (Quasi-Judicial Hearing), applicants: Carol Loss and the City of Oregon City, Request for the approval of a Variance to the Oregon City Municipal Code Section 16.12.100: Maximum cul-de-sac length and Section 16.12.200: Maximum block length. The subject site are located at 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501 and 19866 Leland Road and identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900.**

**Chair Carter** noted that the job of the PC is to hear the evidence and deliberate based on the evidence presented, then make a decision. She gave the parameters and procedures for the quasi-judicial hearings on this evening's agenda and asked if any members wished to declare a conflict of interest, bias, or ex parte contacts.

**Orzen** said she had visited the site and had noticed at the time that there were no land use notices in Jessie Court, Joys Drive, or Frontier Parkway.

**Konkol** said he had an affidavit signed by the applicant saying those notices had been properly posted, and he suggested that perhaps the applicant could address that question in their testimony.

(Note: Full copies of all staff reports, applications, and related documents for items on this evening's agenda are available for review through the Planning Department.)

**Konkol** said staff was requesting a continuance of the variance to a date certain of May 10, 2004 in order to further discuss the proposed subdivision layout with the applicant.

**Chair Carter** noted that this request is for a variance to the maximum cul-de-sac length and the internal block length in excess of 600 feet.

**Powell** moved to continue VR 04-01 to a date certain of May 10, 2004. **Orzen** seconded the motion, and it passed unanimously.

**ZC 04-01 (Quasi-Judicial Hearing), applicants: Carol Loss and the City of Oregon City, Request for the approval of a Zone Change from R-10 Single Family Dwelling District (10,000 square foot minimum lot size) to R-6 Single Family Dwelling District (6,000 square foot minimum lot size). The subject site are located at 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501 and 19866 Leland Road and identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900.**

**Konkol** said this is a request by Carol Loss of 229 Ogden Drive and the City of Oregon City (represented by Parks Director Dee Craig) from R-10 Single-family to R-6 Single-family, both of which are allowed zones underneath the Low-density Residential Comprehensive Plan designation.

The first property, 19866 Leland Road, is owned by Loss and the property at 12901 Frontier Parkway is owned by the City.

Using an overhead, **Konkol** identified the Oregon City piece that is proposed to be Wesley Lynn Park, then identified Loss's property, which has access on Leland Road to the south. He then identified the locations of the Silverfox subdivision (an R-6 PUD to the north), Leland Run I, and Leland Run II. He said the City of Oregon City owns this tax lot, which is zoned R-10 Single-family, and he said there is one other tax lot between the city and Leland Road which is zoned R-10 Single-family. He said what is shown in gray is under Clackamas County's jurisdiction but it is inside the city's Urban Growth Boundary (UGB). He also pointed out two nearby subdivisions that are roughly one-half acre in size.

**Konkol** said the applicant has also submitted application for a 35-lot subdivision identified as Planning file TP 04-01 and a water resource exemption from their site (WR 04-01), which was just continued. The subdivision and the water resource exemption are Type II land use decisions performed by staff.

As stated earlier, the Comprehensive Plan designation for both of these parcels is Low-Density Residential. The R-6 and R-10 are allowed zoning designations under that designation, and both R-10 and R-6 allow the development of single-family homes as well as publicly owned parks.

Regarding public comment, **Konkol** said notice was sent out on March 1<sup>st</sup>, it was advertised in the *Clackamas County Review* on March 10<sup>th</sup>, and staff received an affidavit from the applicant indicating that the property was posted by March 3, 2004.

Comments were received from the Parks Manager, David Evans & Association (the City's traffic consultant), Oregon City Engineering Department, and Oregon City Public Works Department, all of which have been incorporated into the staff report.

Comments were also received from Mr. and Mrs. Wallwork of 12945 Noblewood Avenue concerning the Arrow Acres airstrip, which is located on Leland Road near the proposed subdivision. It is a private airstrip and Clackamas County has a Private Use and Safety overlay zone (included as Exhibit 4 of the staff report) which acts as an easement, so no development would be allowed within that overlay zone.

There is also a Bonneville Power easement along the same southeastern property line, which precludes development inside that easement as well.

Comments from also received from Miss Ryner who indicated that the proposed lot sizes within the R-6 are inconsistent with the existing neighborhood and that the development will increase traffic along Leland Road near a dangerous intersection.

Regarding available public facilities, **Konkol** said there are existing water and sewer in Frontier Parkway and Joys Drive with stubs directly to both subject properties. Storm drainage would be taken care of if this property were developed with a subdivision through onsite detention and released from there.

The transportation resulting from a change from R-10 to R-6 is an increase of 2.9 units per acres, which equates to approximately 85 additional trips per day. Staff found that there were no significant impacts on the traffic generated by the development and that the study area in this section would operate at acceptable levels of service upon completion of the project.

The full buildout of tax lot 1900 has the need for improvements in Oregon City's Transportation System Plan (TSP), including capacity improvements at the intersection of Hwy. 213 and Meyers Road as well as signalization of the intersection at Leland and Meyers. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements, of which the proposed development of the site would proportionally contribute.

No comments were received from Oregon City School District nor from Fire or Police concerning the proposed zone change.

The housing in the area is predominantly R-8 and R-10. There are three PUD's which do allow lot sizes as low as 5,000 square feet. A majority of the lot sizes in this area are in the 8-10,000 square foot range. The R-6, as stated earlier, is allowed in the Low-Density Residential designation.

**Konkol** noted that this parcel would be located adjacent to the new Wesley Lynn Park, which would be able to serve the recreational needs of the community. He said again that facilities are available at the property line and this is an opportunity for a large park which could serve higher density as well as utilizing available land within the City for higher-density development.

Smaller lot sizes also provide a variety of housing prices, and these would be a little bit different than what is predominant in that area, mainly the R-8 and R-10 size lots.

Also, he said, existing County subdivisions surround this property which are currently on septic. When (and probably if) those facilities do fail, they will most likely be required to hook up to the City's sewer.

He said that becomes significant on the piece that is outside the UGB and he didn't know how DEQ would handle that. Their lot sizes are probably too small to put in a new septic field, which would mean they would probably have to hook up to our services for sewer. In effect, even though it would not be inside the UGB, there would be the potential for urban-level development outside the UGB separating this piece from the UGB or, at the least, there would be city services outside and past this development. He raised this issue because it is at the edge of the UGB and prior discussions have been about trying to maintain larger lot sizes at the edge, so he was pointing out that this is a unique situation in which we do have a large park, close proximity to a potential transit street (Meyers Road) which would then connect to Clackamas Community College (within one-third of a mile), and the potential in the future for the lots outside of this property to, for all intents and purposes, have urban

services. He said it is not a typical situation where there are large, undeveloped rural pieces adjacent to the UGB. In this case, there is already higher density development existing.

Regarding natural resources, there is a stream on the south side of Leland Road. The subject site is approximately 175 feet away from this water resource, which is not an anadromous stream, indicating that the buffer would most likely be 50 feet—maybe even 15 feet—which is why the applicant is requesting an from the Water Resource Overlay District.

Also, this parcel has a high groundwater table, which would be addressed at the time of a subdivision application.

There are no other natural features on the site which would be impacted by a zone change from R-10 to R-6.

**Konkol** used a visual to show the larger picture of the area, identifying the location of the subject site and explaining again that Meyers Road would be located within one-third of a mile and connecting over to Hwy. 213 and the college. He said the site would offer the potential to walk to a future transit street as well as to the recreational opportunities of this site.

To recap, he said transportation would not be negatively impacted by the time development would occur; community facilities are adequate for the proposed development at the higher density; energy conservation is addressed through the ability to walk to parks and to future transit; a housing variety is included which offers more lot sizes and more options within a single subdivision land within the neighborhood as a whole; and there are recreational opportunities.

Based on these findings, staff recommended that the Planning Commission recommend approval to the City Commission for a zone change from R-10 to R-6 Single-family.

**Powell** asked **Konkol** to identify on the map where the airstrip is, which he did, noting that it is the last tax lot on the corner.

**Powell** said he thought upon reading the application that the aircraft would be coming up and over the subject site, but in looking at the map it appears that it would be coming in over the park. **Konkol** clarified the locations of the subdivision, the park, and the airstrip, saying it would actually be coming right along the UGB and the southeast property line of tax lot 1900, which is not Wesley Lynn Park.

**Chair Carter** said it looks like the development would be on the northwest two-thirds of the property and that the buffer zone is part of the existing property. **Konkol** showed the location of the overlay, in particular noting the easement for the Bonneville Power Administration (BPA) power line easement as well as the overlay for the flight, which consists of two easements along the southeast property line. He noted that two lots on the map which the Chair was questioning are actually part of Noblewood and are existing lots outside the UGB.

**Mengelberg** asked if there are basically houses already existing in the runway protection zone. **Konkol** said he didn't know the exact location of the house in the county that are in question within the overlay, but it appears to be fairly close.

**Mengelberg** said, according to the map, it appears that the back portion of these lots would be in the runway overlay, but probably not the houses. **Konkol** said that is correct—the houses would be prohibited from being built in the easement or the overlay zone but it is permissible to have a back yard in an easement.

**Mengelberg** asked if this area is under consideration at all for UGB expansion, or if it has ever been, and **Konkol** said no.

**Orzen** asked if the houses that would be in that runway overlay zone would be limited to one story. **Konkol** said no.

She then asked if there was any concern about having houses that were too tall in that area, and **Konkol** reiterated that they would be outside of the easement and an overlay has been provided by Clackamas County for the safety of planes approaching runways.

**Chair Carter** said it very difficult to visualize how this will fit with approaching planes because it seems like there can't possibly be enough clearance, yet staff is saying they are basing their information on the fact that the County has studied and researched it sufficiently and has established an appropriate overlay. **Konkol** said that is correct.

**Powell** asked if this is a visual VFR—good weather only—airport. **Konkol** saying he didn't know but would guess that to be true since it is a small private airstrip.

**Chair Carter** then said there was a little confusion about why this application is being submitted in conjunction with the City and the park as opposed to whatever is planned for the park and whatever this applicant wants to do. **Konkol** said this is an opportunity for a public/private partnership in that the City is applying for Site Plan and Design Review at the same time to develop Wesley Lynn Park. There is an opportunity for the developer to potentially get one extra lot off Wesley Lynn Park in exchange for building all of Frontier Parkway at the time of their development...

**Dee Craig**, Director of Parks and Recreation, said that was not quite right and asked to explain it, so **Chair Carter** moved into applicant testimony.

**Craig** said the City is required to put in a road in order to develop our piece of park property. When the road is developed (whether we do it or Centex does it), in order to line up with Jessie Avenue at one end and existing Frontier Avenue at the other, it must come through and jog up in order to meet Jessie. It cuts approximately one building lot off the park, which we no longer need as park property and, in fact, do not want because it will be on the other side of the street and it would just be a maintenance problem for the city. So when this applicant and the City started talking about the possibility of building the street together or perhaps letting him build the street in return a credit for his park SDC's, the discussion turned to whether he might be interested in purchasing that lot from us. She said the City has had that lot appraised, we now know what it is worth, and we are willing to sell it to the applicant as part of the process.

**Dave Cady** of Centex Homes, 16520 SW Upper Boones Ferry Road, Suite 200, Portland, Oregon 97224, introduced Rick Givens (planner), Tom Sisul (engineer), Dana Krawczuk (attorney), Matt Hughart (traffic engineer), and John Wyland from Centex Homes, all of whom were available to answer questions or give additional information.

**Cady** said **Konkol** had done a good job in summarizing the site, so he would try to explain how they looked at the site and what led them to this zone change request.

He said the site does have some initial constraints, the first of which is that Leland is slated to be a collector road in the future so no direct connection for vehicle traffic would be allowed due to some of the concerns as raised by one of the neighbors and also to facilitate traffic through there. However, the proposal includes emergency vehicle access and a pedestrian-way.

He noted that they were talking about a zone change, not a subdivision application, but a lot of it crosses over so he thought it might help in understanding the reason for the R-6 zoning.

Noting some specific issues, he then explained that in the northwesterly quadrant, there is one tax lot with potentially three lots that would need to be served by hook right away. In addition, the fly zone and the BPA easement (which has no lines in it today) are both to be considered as well. (He said the PGE easement going through the park is very obvious, but the BPA easement is not so visible because they have taken the lines down, but the easement still exists so they also have the right to put the lines back in.)

He said they also have the constraints of making the connections to Joys Drive, Frontier Parkway, and Jessie Avenue as well as coordinating with the Parks Department about how to facilitate the traffic flow with parks and the subdivision (which, in fact, they having been working together on for between six and eight months), and how to complete that, hopefully, at the time both projects are complete.

He said they paid attention to the surrounding uses, which, as was already mentioned, include the R-6 PUD adjacent to this and the County R-10 which surrounds it. He said most of the zoning surrounding the area is R-8, and the average lot size proposed for this project would be about 8,500 square feet.

He said they are locating the higher density area to adjoin the R-6 and adjacent to the parks, which starts to build a nice transition point. Then, partially due to the easements and by shifting Joys Drive somewhat northerly, they pulled those lots forward, giving them a nice depth and a nice rear yard buffer to those R-10 zones in Clackamas County, also blending in with the slightly larger lots along Leland Road. Then, by configuring the R-10 lots on Jessie Avenue, this provides two large lots that abut those.

In other words, they tried their best to marry this to the existing uses and come up with something that has a diversity of lot sizes and would supply a good diversity of market for the Oregon City market.

Regarding the fly zone, **Cady** said Exhibit 4 explains it and yes, in fact, from their research of the County records, the fly zone does go over the neighboring subdivision in Clackamas County and there is a sliver that occurs over the back portions of those deep lots on the south side of Joys Drive. He noted that the fly zone restriction has both horizontal and vertical elements, explaining that there is a 20:1 lift on the plane so as it goes away from the edge of the runway and gets to the detention facility and the proposed lots 14, 13, and the adjoining lot 7 of the existing neighborhood, it is substantially high into the air.

**Chair Carter** then noted that it appears that the existing houses to the left of the center line would actually be an additional buffer to the houses currently being proposed.

**Mengelberg** asked how many planes a day use this airstrip, and **Cady** deferred that question to some citizens who would testify later and could better answer that question.

**Givens** said he didn't have much to add but, regarding the question of why they are requesting the change from R-10 to R-6, he said this project abuts along the northeast boundary of the property to some lot sizes that are R-6 development. Beyond that, though, it was felt that, with the neighborhood park being where it is, it really argued for the central portion of this site to be the same density as its neighboring lots to make maximum use of that facility, yet they were sensitive of the fact that they wanted to transition from this more dense development pattern as it moves more towards the UGB. He noted that some lots are more than 11,000 square feet and others are just under 10,000 square feet, so this provides a good transition within the development between higher density and good urban recreational opportunities and the lower density to the south.

**Chair Carter** said the BPA easement would be running directly through the middle of those backyards but she wasn't sure they could actually go into the easement, which is not easily visible because there are no lines there. **Givens** said they actually can, and he explained that the easement simply reserves the right for BPA to put lines in again at some time in the future if they so choose. Furthermore, he noted that those lots to that easement are almost as deep as the R-6 lots.

**Chair Carter** clarified that the property ownership would go all the way to the bottom of the line so the easement would actually be in their backyards and she said this is definitely a red flag issue because the buyers might think they are buying one thing but then find themselves in a different situation by perhaps not realizing that BPA might decide to put their power lines in again.

**Cady** said the easements would be depicted on the plat, which is shown along with the title report at the time of purchase, and they would also be disclosed when buyers are looking at the properties.

**Givens** noted that the same conditions exist in the Silverfox development next door and the BPA easements have existed without power lines for years and it is unknown when or if they will ever be used again, but buyers will be made aware of what they are buying.

**Mengelberg** asked if the cul-de-sac to the north is proposed to be a shared driveway for those six houses. **Givens** said the proposal is for each lot to actually own to the cul-de-sac with its own frontage, but yes, this is proposed to be a shared driveway within the subdivision that will provide a nicer landscape environment for those areas.

Regarding the question about posting, **Cady** said they did post the neighborhood meeting signs in early March and he knows they were up for more than a week but he was not sure what might have happened since then.

There was no public testimony in favor but speaking neutrally, **David Pfleigl**, 20000 S. Leland Road, said he simply wanted to say that what will close the strip quicker than anything else will be neighbors. He said several of the neighbors in Noblewood have told him if they couldn't walk their dogs [in the open space along the strip], they wouldn't have moved there and, he said, they have been good neighbors. Suddenly it appears that there will be a lot of homes nearby and he is concerned about the planes being too close to those homes, even with a 20:1 fly scope.

He said the current residents have to take longer to go to work because there is no good access to the main roads and he doesn't care how many homes they build, but the density and the roads to the proposed development are really bad.

He said he thinks Centex actually used the concept of getting the city roads that the City could not afford into the park, which is why the City brought it into the city anyway, noting that the City needs revenues but generally houses don't bring much revenue.

Again, he said he doesn't really care what they do with it, but Centex said they would put a covenant on noise and proximity of aircraft, which he thinks should be written into every contract for that row of houses along the BPA easement because it has a 100-year easement but we are only 30 or 40 years into it.

His reiterated that all it would take would be for one neighbor to file a lawsuit that the members of the private airstrip could not afford to fight to close the airstrip, and the result would be that they would lose their airstrip. Therefore, he asked that they be required to include a covenant in the purchase contracts.



**Mengelberg** asked about how many planes come in a day. **Pfleger** said they had a picnic the previous Sunday and he thought ten planes might have come in, and there was only one today. He reiterated that it is a private airstrip, mainly for safety reasons, and that there are only six planes on the strip, and they don't fly every day. On a good day, he said, they might have some visitors, or there might be perhaps 10-15 planes on a nice weekend.

**Mengelberg** asked if these are small planes, and he said yes, noting that the biggest plane on the field now has about 200 horsepower and a 470 cubic inch engine

**Georgina Warren**, 19851 S. Leland Road, said she lives two doors down and was speaking neither for nor against. She noted that there is currently a roadway and three or four houses next to the airfield on her side (which she pointed out on the map), most of whom own planes, and she pointed out a ravine and some protected area. She said she can watch the planes as they come in and that although sometimes they seem low, they always miss the utility lines and apparently have enough room to land and take off. Furthermore, she concurred that they are small planes so they are not too loud and, in fact, she said, oftentimes she doesn't even hear them. In summary, she said she was providing her testimony in response to some concerns that had been expressed, saying in particular that she doesn't think there is a problem with the clearance.

Speaking in opposition, **Nancy Wallwork**, 12945 S. Noblewood Avenue, said, regarding notices to property owners within 300 feet of the site, the applicant mailed out an invitation to neighbors to attend an informational meeting regarding the new subdivision on Wednesday, April 5, 2004 at Gaffney Lane Elementary School. She said April 5<sup>th</sup> fell on Monday night, not Wednesday. She said that though Centex Homes set up a meeting, potentially concerned citizens were unaware of a Monday night meeting and were not presented the proposed subdivision information due to the incorrectly posted day.

Second, she said the subject site was posted on March 3, 2004 with notice of Proposed Land Use Action Sign. She said the sign posted along Leland Road fell off the stake into the ditch where it lay until representatives of Centex Homes were informed at the April 5<sup>th</sup> meeting. At this meeting it was noted that two other signs posting the land use action had also fallen off and were not visible. The sign along Leland Road was put back up for notice the next day (on April 6<sup>th</sup>), and she questioned that the postings may not have met the time criteria for notice of proposed land use action.

Third, she said the rezoning to R-6 is not a necessary transition. The northwest parcel of the subject site is zoned R-10 Single-family. The southwest and southeast subdivisions are located on approximately one-half acre lots. Though one subdivision, a single parcel of one acre and the airstrip are noted to be outside the city limits but within the UGB.

All owners are contributors to the economy of Oregon City and the development of a subdivision zoned R-6 would greatly affect the homeowners' market value. She said the southeast County subdivision outside the current city limits and outside the UGB will also be affected. For example, her home (on Noblewood) is currently being taxed on a valued base at \$279,000. She said a real estate agent recently told them that with the consideration of the development site going in behind them, they would only be able to ask \$240,000 if they were to sell now. So, she said, the proposed development has already affected the real market value of her home.

Fourth, regarding the airstrip, as mentioned in a letter mailed to the Planning Commission dated March 8, 2004, she is concerned for the safety of the citizens of Oregon City, both in and out of the city limits. The Centex representatives pointed out at the April 5<sup>th</sup> meeting that the center line of the fly zone is actually over the homes located on the west side of Noblewood. However, the users of the airstrip have used the vacant land at 19866 Leland Road to take off and approach the airstrip since 1977 when the Noblewood subdivision was built. The

two-story homes proposed to be built will force the users of the airstrip to fly over the Noblewood homes since they are located at a slightly lower elevation and the majority of the homes along this road are one-story. Therefore, she asked if the safety of these citizens should be any less considered just because they are located outside the city limits and outside the UGB.

She proposed that an obstructed emergency landing area be planned for the users of the airstrip. If homes are allowed to be built in this area, fencing may be erected, encouraging recreational use in the area for both adults and children. She said at present the users of the airstrip can and have landed in the Leland property without obstruction. If houses are allowed to be built as in the proposed plan by Centex Homes, the houses should at least be restricted to single-story residences and spaced at a distance so a minimum number of residences would be put at risk. A sufficient distance between the current property owners on Noblewood Avenue and the new houses should be designated as a safety zone and remain unobstructed. This will allow emergency landings without causing major loss of life or destruction of property.

She also proposed that this property become the property of Oregon City as a natural open space.

She said her intent is not to stop the development nor to shut down an airstrip. Rather, she is asking the Planning Commission to take time to work with the developers to create an upscale neighborhood that will retain the property values of the surrounding homes to accommodate the users of the airstrip with unobstructed approach/takeoff and to keep the safety of Oregon City residents in mind.

**Glenn Sjodin**, 12965 S. Noblewood, said Ms. Wallwork had hit most of his concerns so he would not repeat those. However, he said when this property was annexed into the city a year ago they asked if it would be changed from R-10 to R-6 because he, too, thinks it will lower the values of the existing properties in Noblewood. He said he is not anti-development but he does think there needs to be concern for the existing neighborhood. Therefore, he would propose that the Commission review the platting and at least require the 10,000 square foot zoning.

In rebuttal, **Cady** said he would start and then ask Ms. Krawczuk to finish.

First, he said they did commit to the owners of the airport that, if allowed by the County Surveyor, they would have the fly zone depicted on the plat and that they would also be happy to add it to the CC&R's, including the height restrictions required to support safe travel by planes, and that they would acquiesce to a condition in the subdivision application itself, when it comes through, to include the fly zone in the CC&R's. In addition, they would also show it on the sales contract, so it would actually show three times. The only caveat they would make is that they can't guarantee that the County Surveyor would allow it because it is an existing condition that needs to be restricted on the plat.

Although it is his understanding that value for neighboring properties is not a criteria and based on his experience with Centex homes for the last six years, **Cady** said there might be a short-term thought that values could drop but historically the result has always shown an increase in values or at least that they remain substantially the same once the new homes are built, especially if those houses adjoin some of the larger lots.

**Dana Krawczuk**, land use counsel for Centex Homes, 101 SW Main Street, Suite 1100, Portland, Or 97204, said she agreed with Mr. Cady said about the real market value but she, too, reminded everyone that this hearing was about a zone change, not the subdivision application.

Regarding the notice issue, she said Konkol had explained that the zone change was mailed, noticed, and published in the newspaper. She said the applicant feels badly that the posted notice had fallen over, but they had complied with the notice provisions under Code.

Also, she said the question relating to a procedural error is to determine if there was some harm caused by it, but it appears to only be a perceived problem since there were citizens at this hearing to testify. She said it was unfortunate that there was some miscommunication on the neighborhood noticed meeting, but no one's interest was prejudiced by this mishap.

**Cady** asked if staff has a requirement for neighborhood meetings, and **Konkol** said not currently. **Cady** then said it is their policy to do neighborhood meetings wherever they go, and if there was a miscommunication, they will try to rectify that in the future.

**Orzen** asked if this was an agenda item at a regularly scheduled neighborhood association meeting or one they had called. **Givens** said they originally tried to set up the meeting for a Wednesday night but the only time available was on a Monday so they had to change it. However, a number of people, mostly from the Silverfox neighborhood, came and apparently must have felt their questions were addressed since they were not here tonight.

**Craig** had no rebuttal comments on behalf of the city, and the public hearing was closed at 8:08 p.m.

In deliberations, **Powell** said we didn't talk about traffic much and he had another question for the applicant. He had forgotten that the public hearing was closed but with general consensus, **Chair Carter** reopened the public hearing at 8:10 p.m. for a question to the traffic engineer.

**Powell** said he was concerned about the citizen comment about the traffic flow and he asked if Mr. Hughart could explain about the study they had done.

**Matt Hughart** of Kittleson & Associates, 610 SW Alder, Suite 700, Portland, OR 97205, said they did the rezone analysis for the transportation study addressing the comparative impacts under a reasonable buildout under the R-10 zone and compared that to the incremental difference that would occur under an R-6 zone. The study indicated that there would be about 35 additional single-family homes in an R-6 compared to about 27 in an R-10. The incremental trip generation between the two sets of numbers is about eight trips during the p.m. peak period.

He said when they started the transportation impact analysis, they contacted David Evans & Associates, the consultant for the City that oversees the technical review of that study, and they agreed upon a set of study intersections for this site which ranged from several of the nearby intersections, including Jessie Court at Leland Avenue, Frontier Parkway at Meyers, Leland at Meyers, and Meyers at 213, where they took weekday a.m. and p.m. peak hour traffic counts and did a before and after analysis both under the R-10 and the R-6. The results indicated that at each of those intersections, we would meet the city's level-of-service standards under both sets of assumptions under the zoning designations, which were projected out 20 years under the TSP rule for the State of Oregon.

**Powell** asked if the new park potential was taken into account, and **Hughart** said yes. He said they try to account for all of the approved developments in the area that would likely contribute to the traffic volumes in addition to what the actual site would contribute, so they did a trip generation estimate for the actual park and a reasonable worst-case estimate after consulting with the Parks Department and with David Evans & Associates, and came up with what they felt was an overly conservative estimate, even assuming that there might be several events occurring at the park (including organized sports activities on all the ball fields and playground equipment).

**Powell** said traffic is one of his biggest concerns because in fact, although that is what they are to be used for, they are really being taken advantage of by the sporting teams and the organizations. Fortunately or unfortunately, he said, we are bringing people in from all over the county, so he wanted to make sure we are reviewing those in the traffic studies, particularly because in this case this is designed as a large park for sporting events, not simply a small neighborhood park. Therefore, he was glad to hear it was included.

The public hearing was closed again at 8:14 p.m.

In deliberations, **Mengelberg** said she could support approval of this application, stating that it looks like the applicant has been sensitive to the input of the neighborhood and has tried to buffer the size of the lots so they would be the best neighbor possible to Noblewood IV, which are 10,000 square foot lots, and also those to the east that are adjacent to 6,000 square foot lots. She also appreciated the citizen testimony that the plane traffic is not excessive and not much of a problem, and she liked the idea of partnership between the applicant and the Parks District. She liked the cooperation, the flexibility, and the additional outreach the applicant did that was not required. She said she can understand the concerns of Noblewood, but the property owner does have a right to develop the property to this zoning standard and there are adjacent properties with similar sizes. Finally, the applicant has indicated they are willing to go the extra mile to add language so buyers will be made well aware of the restrictions about the airport.

**Orzen** said she was a little more convinced to support this application than when she first started reading it because it was very confusing, especially because it included the park piece. She said she was still somewhat concerned about the partnership with the airport, which has been there for many years. She said the buyers need to know that planes will fly over their homes and, knowing that moving in, they should not then start complaining. She said she knows they come in low from personal experience because she lives near small airport and knows how it is, although she enjoys it.

She said traffic is still an issue, but it will be issue out that direction no matter what.

After looking at the layout and knowing the applicant is not concentrating on just 6,000 square foot lots but has also included some larger lots for a good mixture, she said she would also be in support.

**Powell** said he had two concerns, the first of which is that he thinks the property values would be more affected by airplanes flying over the homes than by the size of the lots. He said when he saw the drawing of the proposal for the homes, he felt more comfortable with the homes being closer on Joys Drive than further away—not in the middle of the lots—because he was concerned about emergency landing and the other normal issues, but in looking at it further he realized that the seven existing houses have been under the runway for quite awhile and they seem to be managing. However, he, too, would like to make sure the fly zone is legally captured in the plat and the CC&R's as this development progresses.

Second, he said he was very concerned about the traffic. He said he travels that area quite often and sees the backup in the rush hours, but even adding this many new homes and a large park can't help but have some effect. He said this is a continuous problem but obviously we can't expect this applicant to fix it all.

**Powell** said he can't say this is a bad application nor that he wouldn't support it because his comfort level was, in fact, higher than when we started the evening. He still had some questions about the easement on the airstrip, which he would look into further on his own to satisfy his curiosity, but he would support the application.

**Chair Carter** said she would describe this as a "win/win" cooperation between Oregon City and the applicant to the benefit of both, saying she thinks they have done an excellent job of designing a neighborhood that has a variety of lot sizes and the sensitivity to try and make those lot sizes blend with the abutting properties. She said

that she has never heard of any property values going down in Oregon City because the housing market is so hot here that everything sells and sells for top dollar in this city, and she could not imagine that a project like this would bring down values.

She agreed that it would make sense to add a Condition of Approval to ensure that the applicant would fully address the airport issue and the BPA easement with potential buyers so that they understand the situation clearly and cannot complain about noise or flight patterns that exist.

Finally, she noted that this seems to be acceptable to the existing houses on Noblewood so we can assume that with these houses being even further away from the center fly zone, this project should be in good shape.

**Mengelberg** moved to approve recommendation of ZC 04-01 to the City Commission for approval of a zone change from R-10 to R-6. **Powell** seconded the motion but asked if this was the appropriate time to add a Condition of Approval regarding making sure the fly zone and the BPA Conditions are depicted on the plat and CC&R's.

**Kabeiseman** said the Code does allow for zone changes and the place this would end up showing would be in the subdivision approval for putting it into the plat and the CC&R's. He said he has not seen such on a plat before and he is not sure it can be done, but a request could certainly be made.

**Chair Carter** said if it can be done, we would like it done and if it can't, there should be some other mechanism, to which **Kabeiseman** said it can definitely be included in the CC&R's.

**Powell** said he would like to make an attempt to get it on the plat and, in fact, if we can't get it on the plat, he would be less likely to vote in favor.

After a little more discussion, **Chair Carter** called for a brief recess to allow staff to craft some language for this Condition of Approval.

The meeting reconvened at 8:32 p.m., at which time **Kabeiseman** read the following wording:

"The runway protection zone shall be depicted or noted on any final plat as permitted by the County Surveyor. The runway protection zone shall also be addressed in the CC&R's. The BPA easement shall be shown on the final plat for any subdivision and addressed in the CC&R's."

**Powell** asked if the County Surveyor were to say no, could they still require a plat note? **Kabeiseman** said we can have a plat note but the question is how explicit it can be. At the very least, there will be a specific note that says there are restrictions in the CC&R's to draw attention to them. He said the County Surveyor has, in recent years for a variety of reasons, become much more interested in what goes on the plats and much less willing to add things, so he simply couldn't say how much he might allow.

**Mengelberg** asked if we could require them to include the map, and **Kabeiseman** said we could require them to put it into the CC&R's but, again, he doesn't know if the County Surveyor would allow it to be recorded.

With general consensus by the Committee to add the proposed language as an additional Condition of Approval, the motion passed unanimously.

## 5. DISCUSSION ITEMS/ANNOUNCEMENTS:

- **Orzen** made the following public announcements: The 17<sup>th</sup> Annual Oregon City Clean-up will be held on at April 24<sup>th</sup> at Clackamette Park starting at 8:30 a.m. She said there are 13 sites again this year that will be cleaned up and enhanced throughout the city, and she encouraged one and all to participate.

She said one major change this year is that, due to financial constraints through Metro, there will be no vouchers issued by Metro, as has occurred in the past. For more information on that, she said citizens can call Metro directly at 503-797-1599.

She did note, though, that B & B Leasing will be continuing their pickups for seniors and disabled persons, and citizens can call them at 503-656-8403 to make arrangements for those qualified citizens. She reiterated that this is only for seniors and disabled persons, and this is for that one day only.

- **Drentlaw** gave a brief update on the Comp Plan, saying that the City Commission would hold its second public hearing on Wednesday, April 21<sup>st</sup> at the Pioneer Community Center beginning at 7:00 p.m. (He noted that the Commission would also be having a work session on the topic of the Comp Plan just before that at the same location.)

- **Wal-Mart Site Plan and Design Review Application.**

**Chair Carter** said this topic was on the agenda to discuss whether or not the Planning Commission was going to take a position on this application.

In giving a brief summary of the background, **Drentlaw** said the initial application was a Type IV because it involved a rezone and Comp Plan change, which invoked a public hearing with the Planning Commission and the City Commission. Now Wal-Mart is submitting an application with the same site but less acreage, which does not require the Comp Plan and rezone changes since it is a Type II application, which means that the Planning Department makes the decision. So in this case, the Planning Commission will have no formal recommendation. If the decision of the Planning staff is appealed, it will go directly to the City Commission.

This, therefore, is an opportunity for the individuals of the Planning Commission as involved members of the community to express some of their concerns about the application. He said staff is not necessarily looking for a consensus among the Commission, but this is an opportunity for them to state their concerns.

He said the public record is open and will remain open until Friday, April 16<sup>th</sup>, after which staff will review all the public comments, prepare a staff report, and hopefully make a decision sometime in May.

**Chair Carter** said she and **Powell** both wrote letters of opinion to *The Oregonian* before they ever knew there was a Wal-Mart application, for which they received severe criticism from the public, so she asked the City Attorney, If this particular application were to be denied and they [Wal-Mart] were to come back with another application at some future point in time, would any of the Planning Commissioners be again accused of some bias if they issued an opinion?

**City Attorney Kabeiseman** said it is hard to control accusations so he can't say it won't happen. However, this particular application will not come before the Planning Commission. It is a Site Plan review that goes before the staff and any appeal would go directly to the City Commission. If it is approved, it won't matter because another application would not come in, and if it is denied and another application were submitted, he believes they would not be prevented from hearing it unless comments made now demonstrates bias against the entity that is proposing it. For example, if one of the Commissioners were to say, "I can't stand Wal-Mart—they never carry the toothpaste I like. I could never approve a Wal-Mart in the City of Oregon

City," then there would probably be a good case of bias against that person. However, if the comments were more like, "Given what I see in this application, it does not satisfy this criteria because of x,y,z", that would probably not be considered bias insomuch as the comments are considering the criteria.

So, he said, there is a continuum between making a strong personal statement of feeling against the store itself and making comments that refer to meeting the necessary criteria.

**Chair Carter** asked if they would be better to make comments on the record here this evening or to make comments written individually.

**Kabeiseman** said it is really up to the Commission. He said if they were to comment this evening they would have the benefit of some interaction, but it is probably easier for the decision makers to have written comments in front of them to read and consider.

**Chair Carter** said there had been some discussion among the Commissioners about wanting to make some comments, so she asked whether they wanted to make those comments this evening or submit comments individually in written form, or a combination of the above.

To start the process, she said she this was somewhat hard, having been a Planning Commissioner and having gone through all the criteria review that staff provides, to feel that she could do an adequate job of addressing the issues.

Personally, she said when the traffic study talks about over 6,000 new trips into Oregon City per day, it is very difficult to understand how this city could handle that kind of influx of traffic flow. She said there has been some discussion about other people's driveways being blocked to the extent that their businesses would be detrimentally affected because the traffic would not be able to flow. She said she is not a traffic engineer and she doesn't understand traffic engineering, but from a logical point of view it is very difficult to understand that we could absorb that much additional traffic coming into Oregon City from all directions, so, on the grounds of traffic, she would say she is opposed to this application.

She said she is also opposed to it from the standpoint of the environmental issues. She said she understands very well from the little bit of asphalt she has on her own business the amount of trash that gets left on the lots and the amount of trash that could blow into Newell Creek Canyon just from normal usage of people getting in and out of their cars, packing their goods in and out of their cars, their paper receipts, etc. She said there is the potential for a huge amount of debris to actually float by the wind, be carried into Newell Creek Canyon, and cause severe damage to it.

**Orzen** said she would echo Chair Carter's concerns regarding the traffic issue. She said she simply cannot fathom that many more cars, especially knowing that the County will be moving to the hilltop in a few months which will, in and of itself, bring another huge amount of traffic into the area. She said she can't imagine bringing that much more traffic up South End Road, 7<sup>th</sup> Street, Beaver Creek Road, etc., as would be generated by this project.

**Chair Carter** added that every intersection in the city would be affected by traffic and the citizens are already concerned about the effects of traffic from a 35-house housing development (as was just expressed earlier this evening), and a project this large goes way beyond that.

**Powell** said he has heard comments that we are fixing the 213/Beaver Creek area so in a few months that will be great. However, he said people need to understand that that will only fix the problems we've been

suffering through for the past few years but we will still have a lot of traffic in that location. He said a large percentage of the people would use that access, and that is a big concern for him.

He said he is very concerned that this looks like the same exact application land-wise. It is just missing a few parking spaces and one-half of one of the outbuildings. He said he didn't see the original design, but he thinks this is pretty much the same footprint. He said the design is different, but there are still the same traffic implications and the same issues with the ecology. He reads that the water flowing into Newell Creek will be better than it was, but he finds it hard to believe that that many square feet of parking lot can put anything good into Newell Creek. He said it is a bad situation now because that property probably has some chemicals in it that we don't want to talk about or deal with, but he thinks this still looks like the same type of application and in his mind there is still a question of whether there is a need.

**Mengelberg** said, regarding the traffic issue, staff is recommending approval so she can only assume that they have reviewed the information the applicant has submitted and that it meets their criteria, but she asked if she was misunderstanding that.

**Drentlaw** said staff hasn't made any recommendation yet, and **Kabeiseman** said there was a recommendation on the previous application, but one of the questions still outstanding is how similar this application is to the prior one. He said there are a lot of similarities but there are some differences, and there are questions about how much both the City and the applicant want to rely on what went before.

**Mengelberg** said she wanted to compliment Wal-Mart and the City for coming up with what she thinks is a much more attractive design. It looks more like a small town feeling, saying it is even more elaborate than what Home Depot did, and she thinks they are really trying to make it blend in with the new zoning idea, which is multi-use, small town, etc. They have brought the development right up to the street and there are pedestrian and bicycle amenities, so she personally likes the change in the design.

Regarding stormwater, she said she thinks the catchment basins are an improvement over what is probably a contaminated ground-filled site, so this is probably a better situation for Newell Creek Canyon because it forestalls the purging and the erosion that comes with that. She said that although it may not be the perfect solution, it is a better situation than exists now.

**Orzen** asked if the Natural Resources Committee (NRC) had had a chance to review this document yet and give comment because she knew they had reservations regarding the containment because, even though it is contaminated soil, the water does percolate down into the soil instead of being rushed into the canyon.

**Drentlaw** said no, they haven't reviewed and commented yet.

**Mengelberg** said she thought the idea of having a catch basin is that the rainwater gets held and then gradually flows out into the canyon in a more regulated way, in contrast to the current situation where if there is a rain event, it goes running down and negatively impacts the canyon.

**Orzen** said she would like the NRC to review it and give comment, noting that there are also other environmental considerations, such as steep slopes, unstable soils, etc.

**Chair Carter** agreed that it isn't just about the water runoff because she thinks the catch basin helps to clean the water and percolate it through as it regulates the flow, but, again, she said, she is really concerned about the huge amount of debris that will blow into the canyon and end up in the creek.



**Mengelberg** said it also appears that the internal circulation in this application seems to be a little better. She recalled testimony at the last hearing expressing concern about cut-through traffic through Fox Lane, which is not shown in this design.

**Powell** said since we won't have the opportunity to hear all of the specialists and people that staff will hear, he wants to make sure staff is really conscious of the unstable slopes, which has been a topic of discussion and concern for a long time, as well as the water issues.

**Chair Carter** said she knows this is a very difficult decision for Oregon City to make and she wished staff well.

**Powell** asked if the Planning Commission would be making comment as a group or just as each chooses to do so as individual citizens. He said he, too, was somewhat concerned about making comment after the criticism he and Chair Carter received before, and he doesn't want anything he might say as an individual to impact the Planning Commission.

**Chair Carter** concurred and said, in an effort to be really clear, that the Planning Commission is trying to address the issues we see to the best of our ability. It is not Wal-Mart specifically, it is not that they are a retail store—it is simply the impacts that that particular project would have on our city.

**Mengelberg** said she personally would feel uncomfortable about a joint Planning Commission comment on this issue since Lajoie was not present to weigh in and the time is short to submit comments since the deadline is this coming Friday, so at this point individual comments would probably be the most appropriate.

**Chair Carter** agreed, noting that it appeared that everyone was in agreement.

**Denise McGriff**, 815 Washington Street, said the McLoughlin Neighborhood Association had sent in a letter to **Drentlaw** several months ago (which was hand delivered) but had received no response, so she asked if he had received it. He replied that he had received a lot of correspondence but he thought he recalled having received such, and, in fact, **Powell** recalled having seen that letter in the packets. She said the McLoughlin Neighborhood would appreciate a response in the future, even if he didn't have time to write a full response but could simply acknowledge that he had received their correspondence.

**Drentlaw** said it is improbable to think that staff could respond to every piece of correspondence, particularly at this time, but **McGriff** said even a brief response would be appreciated.

**Chair Carter** said she could understand both sides of the issue, but she noted that she is always supportive of the staff because they are so short-staffed and the burden of their workload is huge.

- **Mengelberg** said she and Lajoie are starting to work on the Oregon City Design Review and Awards Program, saying she has gotten an example from the North Clackamas Chamber, who had a similar awards program, and he is doing research in San Diego on the topic, so they will bring something to the Commission in the relatively near future for consideration.
- **Konkol** said it was with much regret that he must announce that this was Pat Johnson's last night. He thanked her for her good work for the City, specifically for the way she has done the minutes for the Planning Commission. **Chair Carter** added her thanks and wished her well in her future endeavors, saying she would be missed.

CITY OF OREGON CITY PLANNING COMMISSION

Minutes of April 12, 2004

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**Johnson** replied that it has been a pleasure to work with this Commission and the staff, and thanked them for their kind words and thoughts, as well as for a plant and card they gave to her.

**6. ADJOURN**

With no further business at hand, the meeting was adjourned at 9:00 p.m.

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Linda Carter, Planning Commission  
Chairperson

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Tony Konkol, Associate Planner



# 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, Associate Planner  
**DATE:** May 3, 2004  
**SUBJECT:** File # VR 04-01

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Staff requests that the Planning Commission continue the hearing for the above referenced file to June 14, 2004. The applicant has requested that the City continue the variance application until a final decision on the subdivision application (TP 04-01) is rendered (Attachment 1). If the subdivision request is approved without the need for a variance, the applicant will withdraw the application. This continuance will not have a negative impact on the city's ability to meet the 120-day decision requirement for the processing of this application.

Staff recommends a continuance of the public hearing for Planning File VR 04-01 to the date certain of June 14, 2004.

# BALL JANIK LLP

A T T O R N E Y S

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DANA L. KRAWCZUK

dkrawczuk@bjllp.com

April 29, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Tony Konkol  
City of Oregon City Planning Division  
Community Development Department  
320 Warner-Milne Road  
Oregon City, OR 97045

Re: Request to Put Variance Application VR 04-01 For the Newberry  
Subdivision (WR 04-01 and TP 04-01) on Hold

Dear Tony:

Centex currently has a subdivision application (WR 04-01 and TP 04-01) and a related variance application (VR 04-01) pending as separate applications before Oregon City for the Newberry development. The variance application requests increased block and cul-de-sac lengths. Centex recently submitted a modification to the design of the pending Newberry subdivision application that would eliminate the need for the requested variance.

We request that the City continue to process the subdivision application independently, and to put the variance application on hold until a final decision on the subdivision application is rendered. Assuming that the subdivision is approved as modified and the need for the variance is moot, we will withdraw the variance application. In the alternative, if the subdivision is approved with a configuration that would require a variance to one of the development standards, we would revive variance application VR 04-01. While the variance application is on hold pending the subdivision approval, we agree to toll the 120-day clock pursuant to ORS 227.178. Thank you for your assistance in this matter.

Sincerely,



Dana L. Krawczuk

DLK:jaw

cc: Dave Cady and John Wyland

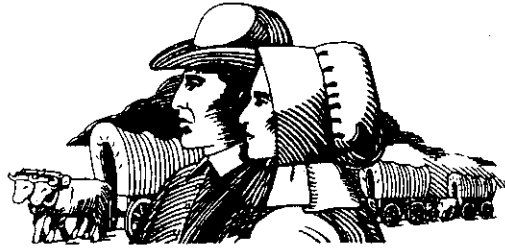
Attachment 1

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL (503) 657-0891

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



**FILE NO.:**

WR 04-06

Complete: March 30, 2004  
120-Day: July 28, 2004

**APPLICATION TYPE:** Quasi-Judicial/Type III

**HEARING DATE:** May 10, 2004 at 7:00 p.m. in the City Hall Commission Chambers  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT/OWNER:** Clackamas Community College  
Al Erdman  
19600 Molalla Avenue  
Oregon City, Oregon 97045

**REPRESENTATIVES:** Opsi Architecture  
Mark Stoller  
1202 NW 17<sup>th</sup> Avenue  
Portland, Oregon 97209

Fishman Environmental Services, LLC  
434 NW 6<sup>th</sup> Avenue, Suite 304  
Portland, Oregon 97209-3652

**REQUEST:** The applicant is requesting a Water Resource determination and mitigation plan approval for sidewalk improvements along the Clackamas Community College Beavercreek Road street frontage.

**LOCATION:** The subject site is located at Clackamas Community College - 19600 Molalla Avenue and identified as Clackamas County Map 3S-2E-9C, Tax Lot 800 (Exhibit 1).

**DECISION CRITERIA:** *Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT*  
*Chapter 17.50 ADMINISTRATION AND PROCEDURES*

**REVIEWER:** Tony Konkol, Associate Planner

**RECOMMENDATION:** Approval with conditions.

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

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

## **I. BACKGROUND**

The applicant, Clackamas Community College (CCC), received a Conditional Use Permit approval for Planning File CU 01-09 on June 28, 2002 to expand the existing campus through the construction of six new buildings, adding an addition to one building, and renovating four existing buildings. CCC last expanded its main campus and completed facility additions in 1994. Since this last addition, the number of students enrolled and taking classes has increased by forty-one percent, nearly doubling the students and filling the classrooms to capacity and beyond.

Per condition of approval 15 of the Conditional Use Permit, the applicant is required to build an approximately 2,200 linear foot sidewalk along the college's frontage with Beavercreek Road. Newell Creek is culverted under Beavercreek Road and there are two backwater wetland swales in the northernmost portion of the project area. The creek, wetlands and vegetated corridor will be crossed as part of the construction of the Beavercreek Road sidewalk (Exhibit 2, Figure 4. Wetland Map and Sample Plot Locations).

Newell Creek crosses under Beavercreek Road at a concrete headwall with a 40-inch concrete pipe adjacent to the road. The applicant has proposed a 36-foot long bridge to avoid impacting the headwall, stream and wetlands within the vegetated corridor.

## **II. FACTS**

1. **Location.** The subject site is located at Clackamas Community College- 19600 Molalla Avenue and identified as Clackamas County Map 3S-2E-9C, Tax Lot 800 (Exhibit 1).
2. **Overlay District Zoning.** The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District covering the site.
3. **Surrounding Zoning and Land Uses.** Surrounding land uses of the campus include RA-2 Multi-Family and C General Commercial to the north; county land, CI Campus Industrial, and R6-MH Single Family Manufactured Home to the east; county land, M1 Light Industrial, and CI Campus Industrial to the south; and R-8 Single Family, R-10 Single Family, C General Commercial, M1 Light Industrial, and LO Limited Office to the west.
4. **Project Description.** The applicant is requesting the approval of a Water Resource Determination and Mitigation Plan for the construction of a sidewalk within the Oregon City Water Resource Overlay District along the western side of Beavercreek Road. The proposed sidewalk will utilize a 36-foot long bridge to avoid impacting the stream and associated wetlands.
5. **Public Notice.** Notice of this proposal was sent to various City department and other agencies on March 30, 2004 and property owners within three hundred feet of the subject property on March 31, 2004. The subject site was posted on April 6, 2004 and the Planning Commission Hearing was advertised in the Clackamas Review on April 7, 2004 requesting comments.

Comments have been received from the Building Official indicating that the proposed development does not conflict with their interests (Exhibit 3a) and the Public Works Operation Manager, indicating that the nuisance plants should be removed and replaced with native materials (Exhibit 3b). The comments were incorporated into the analysis and findings sections below.

## **III. DECISION-MAKING CRITERIA**

\*\*\*\*The City's Water Quality and Water Management Map shows the Water Quality Resource Area Overlay District over the entirety of Tax Lot 301\*\*\*\*

## **CONSISTENCY CRITERIA**

### **Oregon City Comprehensive Plan**

Natural Resources and Hazards Goals 1, 2, and 3, and Policies 3, 4, 5, and 6 (as amended by Ordinance No. 93-1007)

### **Municipal Code**

Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT

Chapter 17.50 ADMINISTRATION AND PROCEDURES

### **Oregon City Comprehensive Plan**

The City's Comprehensive Plan identifies the following goals and policies related to the proposed subject site:

#### *Natural Resources and Hazards Goals and Policies*

*Goal: Preserve and manage our scarce natural resources while building a livable urban environment.*

*Water Resources Map – Site is Within Area of Potentially High Groundwater*

#### *Description of Water Resources, Rivers and Creeks*

##### *7. Newell Creek and tributaries.*

*Description:* Newell Creek flows through a large drainage basin area which is largely undeveloped. It would appear that based on several site visits to various parts of the canyon area, that the area was logged as recently as twenty-five years ago. The creek areas consist of forested maple-alder communities, including blackberries, swordfern and snowberry. A number of species were observed-roughskinned newt, woodpeckers and sign of a beaver. The stream corridor has a high diversity and excellent understory. The area also consists of several seeps and ponds as well as several intermittent creeks. The Newell Creek canyon area has been identified as a high quality primary resources I the metro area.

*Potential Impacts:* The potential for residential development to impact upon the creek and associated habitat is high. The area has been undeveloped for over 30 years that any human intrusion is bound to impact negatively – increases in the amount of pavement with increased water runoff, dumping and oil from cars can degrade the water quality; an increase in the numbers of people along the creek area will disperse the wildlife and disturb the understory and associated plant communities. The area should be maintained as an open forested area with quality habitat. Development should only occur if the standards of the proposed water resources ordinance can be met. Additional lands should be set aside for a natural/open space park area.

#### *Water Resource Goals:*

1. Assist in the protection of natural features, natural vegetation, and the banks of water sources;
2. Maintain water quality and wildlife habitat;
3. Preserve natural storm water retention beneficial to flood control.

#### *Policies:*

3. The City shall encourage the open space use of water resources and land use compatible with water resources preservation;
4. The City shall establish development review procedures which will preserve the natural function of water resource areas and protect them from deterioration by:
  - a. Incorporation of the natural water resource feature in site design;
  - b. Prevent clearing of natural vegetation in the water resource impact areas;
  - c. Preserve the natural retention storage capacity of the land, and
  - d. Prevent discharge of water pollutants into the ground.
5. Provide the opportunity to increase water resource areas by encouraging and requiring water resource restoration and creation.
6. Encourage educational opportunities for the study of water resources through the schools, community college, Metro, and other agencies.



**Finding:** The concerns include increased encroachment of the stream corridor and development within the canyon. The Comprehensive Plan indicates that development should only occur in accordance with the Water Resource Overlay District.

The applicant has proposed to protect the delineated water resource located on the property by complying with the criteria of the Oregon City Municipal Code, Chapter 17.49 – Water Resource Overlay District, which implements the goals and policies of the Comprehensive Plan. The applicant has proposed to construct a sidewalk along Beavercreek Road adjacent to the subject site, which will include the use of a bridge, the removal of existing pavement and nuisance plants and the planning of native species within the vegetated corridor.

**The applicant can satisfy this section by complying with the conditions of approval provided in this report.**

## **Chapter 17.49 WR WATER RESOURCES OVERLAY DISTRICT**

### ***17.49.030 Applicability.***

**Finding:** This site has been identified as having a water quality feature (stream) and two associated wetlands within the proposed construction location on the subject site. The applicant has proposed the construction of a sidewalk through the resource and a bridge over the stream and wetlands on the site and the enhancement of the existing resource. The standards of this section are applicable.

### ***17.49.040 Administration.***

**Finding:** The City's Water Quality and Water Management Map identify the northern section of the subject site within the Water Quality Resource Area Overlay District (Exhibit 4). This area drains into Newell Creek and then Abernethy Creek.

*1. The Oregon City local wetland inventory, as amended, shall be a reference for identifying areas subject to the water quality resource area overlay district.*

**Finding:** The Oregon City Local Wetland Inventory was used as a source to the City Water Quality Resource District Map, which identified the stream on the northern side of the subject site (Exhibit 5).

*2. Applicants are required to provide the city with a field-verified delineation of the water quality resource areas on the subject property as part of their application.*

**Finding:** The applicant provided a field-verified delineation and an addendum to the report of the water quality resource area. The Wetland Delineation was prepared by Fishman Environmental Services LLC and is dated February 2004, (Exhibit 2). An addendum to the report was prepared to address the mitigation plan for the site and is dated March 2004 (Exhibit 6). This standard is met.

*3. The standards for development contained in this chapter are applicable to areas located within a water quality resource area. Applications for development on a site located in the water quality resource area overlay district may request a determination that the subject site is not in a water quality resource area and this is not subject to the standards of Section 17.49.050.*

**Finding:** The applicant has not requested a determination that the site is not located within the Water Resource Overlay District. This standard is not applicable.

*4. Compliance with Federal and State Requirements.*

*a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the city engineer. The planning division shall coordinate city approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the city pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.*

b. The requirements of this chapter apply only to water quality resource areas within the water quality resource area overlay district. If, in the course of a development review, evidence suggests that a property outside the District may contain a Title 3 wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the city's comprehensive plan and this code. Additionally, the standards of Section 17.49.090 shall be applied to the resource and, if the standards of Section 17.49.090 are met, the district boundaries shall be amended

**Findings:** No direct impacts are proposed within the jurisdictional waters (Exhibit 6). The applicant shall provide any required U.S. Army Corps of Engineers or DSL permit to the City prior to the issuance of a grading permit on the site if they are applicable.

**This standard is not met. The applicant can satisfy this criterion by complying with Conditions of Approval 1 and 2.**

#### **17.49.050 Water quality resource area standards.**

**This section applies to water quality resource areas within the water quality resource area overlay district.**

- A. The purpose of this section is to protect and improve the beneficial water uses and functions and values of water quality resource areas.
- B. The water quality resource area is the vegetated corridor and the protected water feature. The width of the vegetated corridor is specified in Table 17.49-1. At least three slope measurements along the water feature, at no more than fifty-foot increments, shall be made for each property for which development is proposed. Depending on the slope measurements, the width of the vegetated corridor may vary.

**Table 17.49-1**

#### **WIDTH OF VEGETATED CORRIDOR**

<b>Protected Water Feature Type (see definitions)</b>	<b>Slope Adjacent to Protected Water Feature</b>	<b>Starting Point for Measurements from Water Feature</b>	<b>Width of Vegetated Corridor (see Note 1)</b>
Anadromous fish-bearing streams	Any slope	• Edge of bankfull flow	200 feet
Intermittent streams with slopes less than 25 percent and which drain less than 100 acres	< 25 percent	• Edge of bankfull flow	15 feet
All other protected water features	< 25 percent	• Edge of bankfull flow • Delineated edge of Title 3 wetland	50 feet
	≥ 25 percent for 150 feet or more (see Note 2)		200 feet
	≥ 25 percent for less than 150 feet (see Note 2)		Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.

#### **Notes:**

1. Required width (measured horizontally) of vegetated corridor unless reduced pursuant to the provisions of Section 17.49.050(I).
2. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
3. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

**Findings:** This standard is met. The applicant identified the resource as "All other protected water features with less than a 25% slope" and has proposed a 50-foot vegetated corridor around the stream and associated wetlands on the site (Exhibit 2, Figure 4).

*C. Uses Permitted Outright.*

**Findings:** The applicant has proposed the construction of a sidewalk and bridge within the Beavercreek Road Right-of-way, which is not identified as an outright permitted use.

*D. Uses Under Prescribed Conditions.*

1. Repair, replacement or improvement of utility facilities where the disturbed portion of the water quality resource area is restored and vegetation is replaced with vegetation from the Oregon City native plant list.
2. Additions, alterations, rehabilitation, or replacement of existing structures that do not increase existing structural footprint in and will have no greater material adverse impact on the water quality resource area where the disturbed portion of the water quality resource area is restored using native vegetative cover.
3. Public capital improvement projects that comply with the development standards of this chapter. The city engineer will determine compliance with water quality resource area standards.

**Findings:** The applicant has proposed the construction of a sidewalk and bridge within the Beavercreek Road Right-of-way, which is not identified as a use under prescribed conditions.

*E. Provisional Uses. The following uses are allowed in the water quality resource area subject to compliance with the application requirements and development standards of subsections G and H of this section:*

1. Any use allowed in the base zone, other than those listed in subsection C and D of this section;
2. Measures to remove or abate nuisances, or any other violation of state statute, administrative agency rule or city ordinance;
3. Roads to provide access to protected water features or necessary ingress and egress across water quality resource areas;
4. New public or private utility facility construction;
5. Walkways and bike paths (see subsection (H)(5) of this section);
6. New stormwater pre-treatment facilities (see subsection (H)(6));
7. Widening an existing road adjacent to or running parallel to a water quality resource area;
8. Additions, alterations, rehabilitation or replacement of existing structures, roadways, accessory uses and development that increase the structural footprint within the water quality resource area consistent with subsection (H)(7) of this section.

**Findings:** The applicant has proposed provisional use 7, the widening of an existing road adjacent to or running parallel to a water quality resource area.

*F. Prohibited Uses.*

1. Any new development, other than that listed in subsections C, D and E;
2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

**Findings:** No prohibited uses are proposed.

*G. Application Requirements. Applications for provisional uses in the water quality resource area must provide the following information in a water resources report in addition to the information required for the base zone.*

1. A topographic map of the site at contour intervals of five feet or less showing a delineation of the water quality resource area, which includes areas shown on the city water quality and flood management areas map.

**Findings:** This criterion has been met (Exhibit 2, Figure 4).

2. The location of all existing

**Findings:** This criterion has been met (Exhibit 6, Figure 1).

3. *Location of Title 3 wetlands* Where Title 3 wetlands are identified, the applicant shall follow the Division of State Lands recommended wetlands delineation process. The delineation shall be prepared by a professional wetlands specialist;

**Findings:** This criterion has been met (Exhibit 2, Figure 4).

4. An inventory and location of existing debris and nuisance plants;

**Findings:** This criterion has been met (Exhibit 6, Figure 2).

5. *An assessment of the existing condition of the water quality resource area in accordance with Table 17.49-2;*

**Findings:** This criterion has been met in the application (Exhibit 2).

6. *An inventory of vegetation, including percentage ground and canopy coverage;*

**Findings:** This criterion has been met in the application (Exhibit 2).

7. *An analysis of the impacts the proposed development may have on the water quality resource area. This discussion shall take into account relevant natural features and characteristics of the water quality resource area, including hydrology, soils, bank stability, slopes of lands abutting the water resources, hazards of flooding, large trees and wooded features. The discussion shall identify fish and wildlife resources that utilize or inhabit the impact area in the course of a year and the impact of the proposed development on water resource values;*

**Findings:** The applicant has indicated that the project has been designed to avoid impacts to Newell Creek and the associated wetlands. An approximately 36-foot long bridge will be utilized to span Newell Creek to avoid impacting the stream, wetlands and existing concrete headwall and culvert structure located on the west side of Beavercreek Road. The sidewalk will be located adjacent to the curb when located within the vegetated corridor. The proposed project will not alter the existing hydrology of Newell Creek nor the associated wetlands on the site.

The six-foot wide sidewalk will impact approximately 1,740 square feet of the vegetated corridor. One tree within the vegetated corridor will be removed as part of the project. Primarily the mowed grasses along the road shoulder and Himalayan blackberry at the upslope edge of the creek will be removed. Based on the existing conditions and small amount of disturbance proposed to the portion of the vegetated corridor dominated by non-native and invasive species, the proposed project will not negatively impact the condition of the water quality resource area. This criterion has been met (Exhibit 2).

8. *An analysis of the impacts the proposed development will have on the water quality of affected water resources, taking into account relevant natural features and characteristics of the water quality resource area;*

**Findings:** The project could potentially negatively impact the water quality of the water resources on the site through an increase in impervious area on the site and the resultant increase in runoff to Newell Creek. This criterion has been met (Exhibit 2).

9. *An analysis of measures which feasibly can be taken to reduce or mitigate the impact of the proposed development on the water quality resource area and their vegetated corridors, including proposed drainage and erosion control measures, and an analysis of the effectiveness of these measures;*

**Findings:** The applicant has indicated that the minor impacts will be minimized by clearly flagging the construction limits prior to the start of construction. No in-water work is proposed, minimizing the potential for downstream sedimentation into Newell Creek. Water quality will be protected by implementing standard best management erosion control practices, such as the placement of silt fences and bio-filter bags at down gradient locations adjacent to the disturbance area. The erosion control plan shall meet the requirements of the City of Oregon City Public Works Department. This criterion has been met (Exhibit 2).

10. The water resources report shall be prepared by one or more qualified professionals including a wetlands biologist or hydrologist whose credentials are presented in the report;

**Findings:** The report was prepared by Stacy N. Benjamin, Wetland Ecologist, and Elizabeth A. French, Environmental Scientist, from Fishman Environmental Services, LLC. This criterion is met.

11. Alternatives analysis demonstrating that:

- a. No practicable alternatives to the requested development exist that will not disturb the water quality resource area,
- b. Development in the water quality resource area has been limited to the area necessary to allow for the proposed use,
- c. The water quality resource area can be restored to an equal or better condition in accordance with Table 17.49-2,
- d. It will be consistent with a water quality resource area mitigation plan,
- e. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to resource areas will be avoided or minimized and mitigated,

**Findings:** Impacts to the water quality resource area on the site have been minimized, including the use of an approximately 36-foot long bridge to span Newell Creek. The standard sidewalk, which requires a 7-foot sidewalk and a 5-foot planter strip, has been narrowed to a 6-foot wide sidewalk adjacent to the curb through the vegetated corridor to minimize the encroachment of the facility into the resource.

Impacts to the vegetated corridor may be further minimized by utilizing retaining walls at the down slope edge of the sidewalk, minimizing grading and maximizing the area available for native plantings. The applicant has proposed to enhance the degraded vegetated corridor to a good condition per the OCMC. The enhancement will include the removal of asphalt and invasive species in the vegetated corridor and replacement with native species. This criterion is met.

12. A water quality resource area mitigation plan shall be prepared by a registered professional engineer, landscape architect, biologist, or other person trained or certified to determine that the vegetated corridor meets the requirements of Table 17.49-2 and shall contain the following information:

- a. A description of adverse impacts that will be caused as a result of development,
- b. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, Table 17.49-2,
- c. A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site,
- d. A map showing where the specific mitigation activities will occur,
- e. A maintenance program assuring plant survival for a minimum of three years,
- f. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in anadromous fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

**Findings:** The applicant provided a mitigation plan, schedule, and map showing the area (Exhibits 6). The applicant has proposed to remove an existing paved area located adjacent to the backwater wetland swale in the north portion of the vegetated corridor (Exhibit 6, Figure 3). Mitigation activities will include pavement removal, soil de-compaction and amendment, and seeding and plantings with native grasses, shrubs and trees.

Three of the four vegetated corridor communities were determined to be in a degraded condition. Communities 1, 2 and 3 have been identified as degraded and will be enhanced to a good condition, meeting the standards of the OCMC. The enhancement will include the removal of invasive species and the planting of native grasses, shrubs and trees in communities 1 and 3. Community 2, which is adjacent to Beaver Creek Road, will not be planted with shrubs and trees (Exhibit 2, Figure 4).

Community 4 was determined to be in good condition and will only include the removal of a small amount of invasive species.

This criterion is met as proposed.

*H. Development Standards. Applications for provisional uses in the water quality resource area shall satisfy the following standards:*

1. *The water quality resource area shall be restored and maintained in accordance with the mitigation plan and the specifications in Table 17.49-2.*

**Findings:** The project will include restoration and maintenance in accordance with the mitigation plan (item 12, above) and the specifications of Table 17.49-2 (see item 11.c and 11.d above).

2. *Existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the water quality resource area. Trees in the water quality resource area shall not be used as anchors for stabilizing construction equipment.*

**Findings:** This applicant has indicated that the work boundaries and clearing limits will be clearly flagged and trees will be protected and not used to anchor or stabilize the work equipment. This standard is met as proposed.

3. *Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated during the next planting season. Nuisance plants, as identified in the Oregon City nuisance plant list, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Removed nuisance plants shall be replaced with plants from Oregon City's native plant list by the next planting season.*

**Findings:** The project will include restoration and maintenance in accordance with the mitigation plan (item 12, above) and the specifications of Table 17.49-2 (see item 11.c and 11.d above). This standard is met as proposed.

4. *Prior to construction, the water quality resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed in subsection E of this section. Such markings shall be maintained until construction is complete.*

**Findings:** This applicant has indicated that the work boundaries and clearing limits will be clearly flagged and trees will be protected and not used to anchor or stabilize the work equipment. This standard is met as proposed.

5. *Walkways and bike paths:*

**Findings:** The applicant has proposed the construction of a sidewalk within the Beavercreek Road ROW. The sidewalk is part of the Beavercreek Road street design and is not considered a walkway or bike path. This standard is not applicable.

6. *Stormwater quantity control and quality control facilities.*

**Findings:** The applicant has not proposed a stormwater facility within the vegetated corridor. This standard is not applicable.

7. *Additions, Alterations, Rehabilitation and Replacement of lawful structures.*

**Findings:** The applicant has not proposed additions, alterations, rehabilitation, or replacement of lawful structures. This standard is not applicable.

8. *Off-Site Mitigation*

**Findings:** The applicant has proposed on site mitigation. This standard is not applicable.

- I. *Vegetated Corridor Width Reduction.* A reduction in the width of the vegetated corridor required by Table 17.49-1 may be allowed as part of a Type III proceeding

**Findings:** The applicant has not requested a vegetated corridor width reduction

**17.49.090 Map Administration.**

**Findings:** City staff handles modifications to water resource boundaries relying on the applicant's Water Resource Report findings and maps to establish minor modifications to the boundary. A significant error would be processed under this Map Amendment process. In this case, staff finds that the mapped resource area compared to the reported resource locations is accurate.

**(E) Chapter 17.50 ADMINISTRATION AND PROCEDURES**

**17.50.050 Preapplication conference and neighborhood meeting.**

A. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with city staff to discuss the proposal. The applicant may also schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed.

B. Preapplication Conference. To schedule a preapplication conference, the applicant shall contact the planning manager, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the city, which identifies the proposed land uses, traffic circulation, and public rights-of-way. The purpose of the preapplication conference is to provide staff from all affected city departments with a summary of the applicant's development proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The planning manager shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations. Following the conference, the planning manager shall provide the applicant with a written summary of the preapplication conference.

C. Affected Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

D. Notwithstanding any representations by city staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the city of any standard or requirement.

E. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The planning manager may waive the preapplication requirement if, in the manager's opinion, the development does not warrant this step. (Ord. 98-1008 §1(part), 1998)

**Finding:** Per section E above, the Planning Manager waived the pre-application requirement of the applicant for this project. A preliminary design meeting was held with the applicant on February 24, 2004 (Exhibit 7). The applicant did not provide any information regarding holding the optional neighborhood meeting. This criterion is met.

**(b) 17.50.060 Application requirements.**

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

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

**Finding:** The applicant submitted the application on March 12, 2004. The City deemed the application complete on March 30, 2004.

**(d) 17.50.090 Public notices.**

**Finding:** The City has provided the required notice. Property owners within 300 feet of the subject site were noticed of the Type III application on April 31, 2004. The property was posted on April 6, 2004 and advertised in the Clackamas Review on April 7, 2004.

(e) 17.50.100 Notice posting requirements.

**Finding:** The City has provided the required notice. See (d) above.

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

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

(g) 17.50.140 Performance guarantees.

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

### **Conclusion and Decision**

Based on the analysis and finding as described above, staff recommends that the proposed application for the Water Quality Resource Area delineation and mitigation plan can be approved by the Planning Commission with the recommended Conditions of Approval.

### **Exhibits**

1. Vicinity Map
2. Wetland Delineation and Water Resource Report excerpt, dated February 2004 (Full Report of File)
3.
  - a. Oregon City Building Official (On File)
  - b. Oregon City Public Works Department
4. Water Quality Resource Area Overlay District
5. Local Wetland Inventory
6. Vegetated Corridor Mitigation Plan, dated March 2004
7. Preliminary Design Meeting, dated February 24, 2004 (On File)



## **RECOMMENDED CONDITIONS OF APPROVAL**

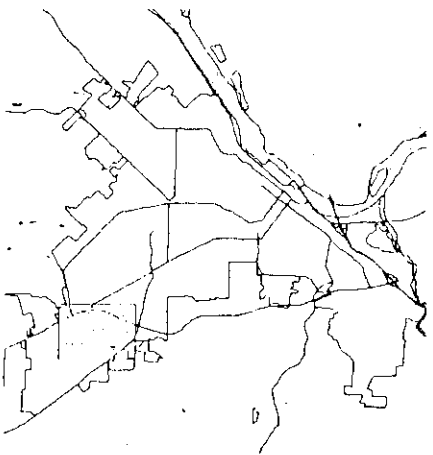
**May 3, 2004**

**WR 04-06**

1. The applicant shall process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Oregon Division of State Lands, and any other agencies prior to approval of a grading permit, if applicable. Copies of the approvals shall be supplied to the City.
2. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers, if applicable. The applicant shall provide the City copies of the above permits prior to the approval of a grading permit.

WR 04-06

Approximate Water Resource  
location.



City of Oregon City  
P.O. Box 31411  
320 Warner Blaine Road  
Oregon City, OR 97145

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

Map created with OCMap

03/31/2004



**CLACKAMAS COMMUNITY COLLEGE**

**OREGON CITY CAMPUS**

**WETLAND DELINEATION AND WATER RESOURCES REPORT**

**T3S, R2E, SECTION 9, W.M.**

**CLACKAMAS COUNTY, OREGON**

**Prepared for:**

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**and**

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**Prepared by:**

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434 NW 6th Avenue, Suite 304  
Portland, Oregon 97209-3600**

**February 2004**

**FES Project 02114**

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Exhibit 2

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## SITE DATA SHEET

Project Name: Beaver Creek Road Sidewalk Improvements  
Project Number: 02114  
Staff: Stacy Benjamin, Wetland Ecologist (sbenjamin@fishmanenvironmental.com)  
Elizabeth French, Environmental Scientist  
Site Visits: November 22 & 27, 2002 and February 16, 2004

Applicant: Kirk Pearson, Special Projects Coordinator  
Clackamas Community College  
Barlow Hall, B 235  
19600 South Molalla Avenue  
Oregon City, Oregon 97045  
(503) 657-6958 Ext. 5069, fax (503) 655-5153

Agent: Michael Carr, P.E.  
Murray, Smith & Associates, Inc.  
121 SW Salmon Street, Suite 900  
Portland, Oregon 97204  
(503) 225-9010, fax (503) 225-9022

Location: The site is located adjacent to the Clackamas Community College Oregon City Campus along the west side of Beaver Creek Road and south of Inskeep Drive.

County: Clackamas

Quadrangle: Oregon City, Oregon  
Lat/Long: 45° 19' 43" North, 122° 34' 07" West  
T/R/S: T3S / R2E / Section 9  
Tax Map / Lot: 32E09AB / 2500  
Size: Approximately 250 linear foot sidewalk alignment by 50 foot wide study area  
Adjacent Stream: Newell Creek flows in a northerly direction through the site, and is culverted under Beaver Creek Road.

Drainage Basin: Newell Creek is a tributary to Abernethy Creek, a tributary to the Willamette River.

Floodplain: The site is located outside the 100-year floodplain  
Topography: The site is relatively flat and slopes down to the stream channel and backwater wetland swale. Site elevation ranges from approximately 390 to 398 feet.

Soils: (8B) Bornstedt silt loam  
Vegetation: A small wetland bench associated with Newell Creek was dominated by reed canarygrass. A backwater wetland swale was dominated by creeping buttercup, Douglas' spirea, Sitka willow, red alder, and Oregon ash. Adjacent uplands and riparian areas were generally dominated by Himalayan

blackberry, bittersweet nightshade, red alder and Douglas fir.

Rainfall: 2.73 inches for the two weeks prior to the November 22 site visit, 0.01 inch of rain between the November 22 and November 27 site visits. Total rainfall for November was 2.81 inches.

Zoning: SFR

Proposed use: Continuation of sidewalk along the portion of Beaver Creek Road fronting the Clackamas Community College

Present/past use: Undeveloped/paved

Surrounding areas: Educational/Residential

Determination: Approximately 1,800 square feet (0.04 acre) of stream channel and 825 square feet (0.02 acre) of wetland were delineated on the site.

## **WETLAND DELINEATION & WATER RESOURCES SUMMARY**

**SITE NAME:** Beaver Creek Road Sidewalk Improvements

**SITE LOCATION:** The site is located adjacent to the Clackamas Community College Oregon City Campus along the west side of Beaver Creek Road and south of Inskeep Drive.  
Tax map / lot 32E09AB / 2500  
T3S, R2E, Section 9, Clackamas County

**APPLICANT:** Kirk Pearson, Special Projects Coordinator, Clackamas Community College

**AGENT:** Michael Carr, P.E., Murray, Smith & Associates, Inc.

**DATES OF SITE VISITS:** November 22 & 27, 2002 and February 16, 2004

**PROJECT STAFF:** Stacy Benjamin, Wetland Ecologist  
Elizabeth French, Environmental Scientist

**FES PROJECT:** 02114

### **SUMMARY**

The top of stream bank of Newell Creek and two small wetland areas were delineated on the site. Wetlands include a reed canarygrass-dominated wetland bench just upstream of the culvert under Beaver Creek Road and a backwater wetland swale extending west of Newell Creek near its downstream edge. Approximately 1,800 square feet (0.04 acre) of stream channel and 825 square feet (0.02 acre) of emergent wetland were delineated on the site.

### **1 INTRODUCTION AND BACKGROUND INFORMATION**

At the request of Kirk Pearson, Special Projects Coordinator at Clackamas Community College, Fishman Environmental Services, LLC (FES) conducted a wetland delineation and investigation of the water quality resource area on the subject site to assist with project design and to meet the Water Resources Overlay District requirements of the City of Oregon City. Clackamas Community College is proposing to construct sidewalk and lighting improvements along an approximately 2,200 linear foot section of Beaver Creek Road that fronts onto the Oregon City Campus. Newell Creek is culverted under Beaver Creek Road in the northernmost portion project area. The proposed sidewalk will be located along the west side of Beaver Creek Road, beginning approximately 175 feet south of Marjorie Lane (Figure 1). The study area for the wetland delineation included an approximately 250 foot by 50 foot area where the proposed sidewalk is in close proximity to Newell Creek and associated wetlands.



### **1.1 National Wetlands Inventory**

Newell Creek is mapped on the site on the Oregon City, Oregon National Wetlands Inventory (NWI) map (USFWS, no date; Figure 2) as a palustrine, broad-leaved deciduous forested stream with a saturated semipermanent/seasonal water regime (PFO1Y). No other wetlands are mapped on the site.

### **1.2 Local Wetlands Inventory**

Newell Creek and a small wetland are mapped on the site in the City of Oregon City Local Wetlands Inventory. Additional larger wetland areas are mapped south of the project area on the grounds of the Inskeep Environmental Learning Center. Local wetlands inventory maps and summary sheets are included in Appendix E.

### **1.3 Soil Survey**

Soils were mapped on the site by the USDA Soil Conservation Service in the *Soil Survey of Clackamas County, Oregon* (USDA SCS, 1985; Figure 3). Soils on the project site are mapped as the moderately well drained Bornstedt silt loam unit 8B), that formed in mixed old alluvium along high terraces and rolling uplands. Bornstedt silt loam is not listed as a hydric soil on the *Hydric Soils in Clackamas County Area, Oregon* list (USDA SCS, 1989), but it may have Borges hydric inclusions and wet spots.

### **1.4 Site Elevation and Topography**

The site is relatively flat and slopes down to the stream channel and backwater wetland swale. Site elevation ranges from approximately 390 feet along the stream up to 398 feet along Beavercreek Road (NLV Services topographic survey, November 2002).

### **1.5 Floodplain**

The site is mapped outside the 100 year floodplain on the Clackamas County, Oregon Flood Insurance Rate Map (Community Panel Number 415588 0155A).

### **1.6 Precipitation**

Rainfall data was obtained for the Oregon City rain gage, located at the Oregon City fire station, from the Oregon Climate Service. There was 1.48 inches of rain for the two weeks prior to the November 27<sup>th</sup> site visit. Total rainfall for November was 2.81 inches according to the Oregon City rain gage.

## **2 METHODOLOGY**

The methods for determining the presence of wetlands and delineating wetland boundaries follow the routine plant community methodology of the *Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory, 1987) used by both the Corps and the Oregon Division of State Lands. Wetland delineation field work was conducted November 27, 2002. Soils, vegetation, and

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indicators of hydrology were observed at 4 sample plot locations to document site conditions. The sample plots were marked with pink flagging tied to 3 foot lathe stakes. The wetland boundary was marked with 2 foot pink wire whip flags labeled "wetland delineation". The wetland boundary was professionally land surveyed by NLV Services in November 2002. The condition of the vegetated corridor was assessed on November 27, 2002 and February 16, 2004.

Wetland determination data sheets are included in Appendix A. Vegetated corridor condition assessment data sheets are included in Appendix B. The wetland boundary and sample plot locations are shown in Figure 4. The vegetated corridor communities and invasive species locations are shown in Figure 5. A table of vegetation noted on the site is included in Appendix C, and site photographs are included in Appendix D.

Reference material used in this study included Reed's *National List of Plant Species that Occur in Wetlands: Northwest (Region 9)* and the *1993 Supplement* to this list, where the indicator status of wetland plants are listed. These indicators include:

<b>OBL</b>	Obligate wetland (almost always occur in wetlands)
<b>FACW</b>	Facultative Wetland (usually occur in wetlands)
<b>FAC</b>	Facultative (equally likely to occur in wetlands or non-wetlands)
<b>FACU</b>	Facultative Upland (usually occur in non-wetlands)
<b>UPL, NOL</b>	Upland, Not Listed (almost always occur in non-wetlands)
<b>NI</b>	No Indicator (insufficient information available or plant is widely tolerant)

Soils were described with standardized color chips (*Munsell Soil Color Charts*, Kollmorgen Corporation, 1998 revised washable edition) of hue, value, and chroma and by texture (sand, silt, clay, loam, muck, and peat).

Plant taxonomy follows Hitchcock and Cronquist (1973) and synonymy follows Reed (1988); synonymy is shown in [single square brackets]. Taxonomy of some species has been updated (Kartesz 1994) and the new nomenclature is shown in [[double square brackets]].

Other materials used in this study are included in the Reference section.

### 3 SITE CONDITIONS

The subject site consists of Newell Creek and its adjacent wetland and riparian areas located west of Beavercreek Road and south of Inskeep Drive on the Clackamas Community College Oregon City campus. The site is mostly undeveloped. Site vegetation is generally dominated by a mixed coniferous/deciduous forest dominated by Douglas fir, with red alder along the stream channel and Himalayan blackberry dominant near the stream. A dirt jogging path crosses Newell Creek twice via wooden bridges. The stream flows through the site from the southeast to the northwest, along Beavercreek Road, and is culverted through a 40 inch concrete pipe under Beavercreek Road at a concrete headwall. Much of the stream channel was dry during the November 2002 site visits, with shallow ponding (approximately 3 inches deep) present adjacent to the Beavercreek Road culvert. A backwater wetland swale extends west from Newell Creek the downstream end. The backwater swale is approximately 15 to 20 feet wide with steep side slopes and a flat bottom. Inskeep Drive ends at Beavercreek Rd in a gravel parking area that extends to and runs along Beavercreek Rd. The backwater wetland receives surface runoff from the gravel area via a small (2 feet wide), shallow ditch that is present along the edge of the parking area. The ditch consists of gravel fill soils with sparse vegetation including catchweed bedstraw, Watson's willow-herb, one soft rush and a few upland weeds.

#### 3.1 Wetland

The top of stream bank of Newell Creek was delineated in the study area based upon topography, water/debris marks and the downslope limit of Himalayan blackberry and other upland species. Two small wetland areas are also present on the site. A reed canarygrass-dominated wetland bench associated with Newell Creek is located immediately upstream of the culvert under Beavercreek Road, and a backwater wetland swale extends west of Newell Creek just upstream of the culvert. Wetland boundaries and sample plot locations are shown on Figure 4.

Plot 1 was located on a small wetland bench adjacent to the concrete headwall and culvert under Beavercreek Road. Wetland vegetation was dominated by reed canarygrass. The adjacent upland road fill slope consisted of Himalayan blackberry, Scot's broom and ornamental hawthorn. Soils at Plot 1 were a very dark gray (10 YR 3/1) silty clay loam from 0 to 8 inches. From 8 to 13 inches, soils were a very dark gray (10YR 3/1) silty clay loam with dark yellowish brown (10YR 4/6) and dark greenish gray (4/5G) redox concentrations. Soils were saturated at 8 inches below the soil surface, with a depth to free water of 12 inches. Plot 1 was determined to be wetland based on a predominance of hydrophytic vegetation, low soil chroma of 1, and hydrology. The wetland boundary was determined based upon a change in vegetation, soils and hydrology that accompanied a change in topography up to the adjacent road and paved area.

Plot 3 was located in the west portion of the backwater swale, west of Newell Creek. Vegetation was dominated by creeping buttercup, Douglas' spirea, Sitka willow, red alder, and Oregon ash. Soils

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at Plot 3 were a very dark gray (10YR 3/1) silty clay loam with dark yellowish brown (10YR 4/6) and dark gray (10YR 4/1) redox concentrations to 10 inches. Soils were moist. The hydrology criterion was determined to be met by the presence of an obvious drainage pattern. Plot 3 was determined to be wetland based on a predominance of hydrophytic vegetation, low soil chroma of 1, and hydrology. Hydrology in the backwater wetland appears to be driven by a combination of backwater flooding from Newell Creek as well as surface runoff from the adjacent paved area to the north. The wetland boundary was determined based on a change from hydrophytic to non-hydrophytic vegetation that accompanied a change in topography up to the paved area to the north and the forested area to the south.

### 3.2 Upland

Plot 2 was located approximately 50 feet south of Plot 1; a sample plot was not located on the east side of Newell Creek closer to Plot 1 due to the presence of a disturbed road fill slope. Plot 1 was approximately 4 feet high than the stream channel. Vegetation at Plot 2 was dominated by Himalayan blackberry, black hawthorn and red alder. Soils at Plot 2 were a dark brown (10YR 3/3) heavy silt loam to 6 inches. From 6 to 10 inches, soils were a dark brown (10YR 3/3) silty clay loam with common coarse dark yellowish brown (10YR 4/6) redox concentrations. Soils were slightly moist throughout. Plot 2 was determined to be non-wetland based on a high soil chroma of 3 and no hydrology indicators.

Plot 4 was located 10 feet southeast of Plot 3 on the slope above the backwater wetland swale. Vegetation was dominated by Douglas fir and willow in the tree layer and by cherry, Douglas spirea, English holly, and Himalayan blackberry in the shrub layer. Soils at Plot 4 were a dark grayish brown (10YR 3/2) silty clay loam with few fine dark brown (7.5YR 3/4) redox concentrations to 5 inches. From 5 to 10 inches, soils were a brown (10YR 4/3) silty clay loam with dark brown (7.5 YR 3/4) redox concentrations. Soils were slightly moist. Plot 4 was determined to be non-wetland based on the lack of a predominance of hydrophytic vegetation and no hydrology indicators.

Vegetation noted on the site is listed in Appendix B.

## 4 WETLAND DETERMINATION AND DELINEATION CONCLUSION

The top of stream bank of Newell Creek and two small wetland areas were delineated on the site. Wetlands include a reed canarygrass-dominated wetland bench just upstream of the culvert under Beavercreek Road and a backwater wetland swale extending west of Newell Creek near its downstream edge. Approximately 1,800 square feet (0.04 acre) of stream channel and 825 square feet (0.02 acre) of emergent wetland were delineated on the site.

## **5 WATER QUALITY RESOURCE AREA OVERLAY DISTRICT**

The following investigation of the water quality resource area was conducted to fulfill the Water Resources Overlay District requirements (Chapter 17.49) of Oregon City's Municipal Code. The site topographic survey is included as Figures 4 and 5 and include the tree survey, wetland boundary, and vegetated corridor boundary.

**5.1 Inventory and Location of Existing Debris and Nuisance Plants OCMC 17.49.050(G)(4)**  
Minimal debris (defined as "discarded man-made objects that would not occur in an undeveloped stream corridor or wetland") was noted on the site and will be removed as part of vegetated corridor enhancement activities.

Invasive species noted on the site include reed canarygrass, Himalayan blackberry, bittersweet nightshade, English holly and Scot's broom. Reed canarygrass dominates a small wetland bench adjacent to the stream channel immediately upstream of the culvert under Beavercreek Road. Much of the vegetated corridor along the east side of the stream channel was dominated by Himalayan blackberry and bittersweet nightshade in the shrub layer. Small amounts of English holly and Scot's broom were also scattered throughout this community. The south edge of the vegetated corridor, west of a dirt footpath was recently cleared of invasive species including Himalayan blackberry and English holly. Cut stalks and debris covered the ground surface. The vegetated corridor adjacent to the backwater wetland swale contained small amounts of Himalayan blackberry and English holly. Locations of invasive species are mapped on Figure 5.

### **5.2 Assessment of the Existing Condition of Water Quality Resource Area OCMC 17.49.050(G)(5)**

The Water Quality Resource Area includes vegetated corridors and the adjacent protected water feature. Protected water features include: 1. Title 3 Wetlands; 2. Rivers and perennial and intermittent streams; 3. Springs which feed stream and wetlands and have year-round flow; and 4. Natural Lakes. The Water Quality Resource Area on the site includes Newell Creek, stream-associated wetlands and their vegetated corridors. The width of the vegetated corridor is determined according to Table 17.49-1 (Appendix D) in the Oregon City Water Resources Area Overlay District standards and is based upon the percent slope of the area adjacent to the water features. Slopes adjacent to water features on the site are less than 25% slope; therefore, wetlands on the site are subject to a 50 foot vegetated corridor adjacent to the wetland boundary. Newell Creek is likely intermittent on the site, since most of the creek was dry during our November 2002 site visits. However, since no field work was conducted during the summer months, we cannot confirm that the stream is intermittent and have therefore mapped a 50 foot vegetated corridor from the top of stream bank in areas where no wetlands are associated with the stream channel.

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Newell Creek is bordered closely on the east by Beavercreek Road, and the requirement for a 50 foot vegetated corridor on the east side of Newell Creek cannot be met. The width of the existing vegetated corridor varies from approximately 10 to 35 feet. Similarly, the backwater wetland west of Newell Creek is bordered closely by a large paved area, and the existing vegetated corridor adjacent to the wetland varies from 5 to 10 feet wide.

The condition of the existing vegetated corridors on the site was evaluated according to Table 17.49-2 (Appendix D) in the Oregon City Water Resources Area Overlay District standards and is based upon cover of native trees, shrubs and groundcovers, percent tree canopy coverage, and percent cover of non-native species.

Four vegetated corridor communities were determined to be present on the site and are shown on Figure 5. Community 1 consists of the narrow riparian forest along the east side of Newell Creek. This community is dominated by red alder and Douglas fir in the tree layer. The west and central portions of this community are dominated by Himalayan blackberry and bittersweet nightshade in the shrub layer. The east portion of this community contains small amounts of black hawthorn, beaked hazelnut, and vine maple in the shrub layer, and groundcover is dominated by Pacific blackberry. Community 1 was determined to be in degraded condition due to the presence of greater than 10% cover by invasive species.

Community 2 consists of the grass shoulder along Beavercreek Road, and begins at the upslope edge of Community 1. Community 2 is dominated by non-native grass species and does not contain any native tree or shrub cover; therefore, this community was determined to be in degraded condition.

Community 3 is located at the south edge of the vegetated corridor, west of a dirt footpath. This community was recently cleared of invasive species including Himalayan blackberry and English holly. Cut stalks and debris covered the ground surface. One non-native cherry tree is present, along with a trace amount of native shrubs along the top of stream bank. This area was determined to be in degraded condition and will require continued invasive species control efforts.

Community 4 is located at the north edge of the vegetated corridor, adjacent to the backwater wetland swale west of Newell Creek. Community 4 consists of a narrow fringe of trees and shrubs between the wetland boundary and a large paved area. This community is dominated by native trees and shrubs including willow, red alder, Douglas spirea and black hawthorn. Community 4 was determined to be in degraded condition due to having greater than 80% cover of native species, greater than 50% tree canopy cover, and less than 10% cover by invasive species.

### **5.3 Vegetation Inventory OCMC 17.49.050(G)(6)**

The vegetated corridor is generally dominated by a mixed coniferous/deciduous forest dominated by Douglas fir, with red alder along the stream channel and Himalayan blackberry and bittersweet nightshade dominant near the stream. Four plant communities were inventoried and are discussed in the section above. Percent ground and canopy coverage for all species noted within each plant community are included on the vegetated corridor data sheets in Appendix B. A list of all vegetation noted on the site is included in Appendix C.

### **5.4 Analysis of Proposed Impacts on the Water Quality Resource Area OCMC 17.49.050(G)(7)**

The proposed project has been designed to avoid impacts to Newell Creek and associated wetlands. Newell Creek will be spanned by an approximately 36 foot bridge to avoid impacting the stream, wetlands, and the existing concrete headwall and culvert structure located on the south side of Beavercreek Road. The proposed project will not alter existing hydrology of Newell Creek and wetlands on the site.

The proposed six foot wide sidewalk will encroach into the vegetated corridor on the east side of Newell Creek for a length of approximately 290 feet, resulting in a vegetated corridor impact area of approximately 1,740 square feet. No trees within the vegetated corridor will be need to be removed to construct the sidewalk or bridge. Vegetation to be impacted by the proposed sidewalk includes primarily mowed grasses along the road shoulder and Himalayan blackberry at the upslope edge of the narrow riparian forest along the east side of Newell Creek. Based on the existing site conditions and small amount of disturbance proposed to the portion of the vegetated corridor dominated by non-native and invasive species, the proposed project will not negatively impact the condition of the water quality resource area.

The site is subject to regular human disturbance due to its proximity to Beavercreek Road and the presence of footpaths through the vegetated corridor. The site provides only minimal wildlife habitat for small bird and mammal species accustomed to disturbed urban environments. The project will not impact wildlife resources on the site. Since no in-water work is proposed, the project will not impact fish habitat.

### **5.5 Analysis of Proposed Impacts on the Water Quality of the Affected Water Resources OCMC 17.49.050(G)(8)**

The project could potentially impact water quality of water resources on the site through an increase in impervious area on the site and the resultant increase in runoff to Newell Creek. Construction of the sidewalk improvements will result in an increase in impervious area within the vegetated corridor of approximately 1,740 square feet. Since the proposed sidewalk is bordered by Beavercreek Road on one side and by the Newell Creek vegetated corridor on the other side, there is no available area to collect and treat stormwater runoff from the new sidewalk without encroaching further into the

vegetated corridor. Since the width of the vegetated corridor along the east side of Newell Creek is already less than the 50 foot wide corridor that is required due to the proximity of Beavercreek Road, it is not recommended to construct a stormwater treatment facility within the vegetated corridor.

The vegetated corridor on the east side of Newell Creek, immediately adjacent to the proposed sidewalk is currently in degraded condition due to the high occurrence of invasive species in the shrub layer. The vegetated corridor will be enhanced to a good corridor condition as part of the project. Invasive species will be removed and native trees and shrubs will be planted. We recommend dense shrub and groundcover plantings downslope of the proposed sidewalk to maximize the water quality protection function of the vegetated corridor. The enhanced condition of the vegetated corridor and improved water quality protection function should mitigate for the small increase in runoff entering the site from the new sidewalk.

#### **5.6 Impact Mitigation OCMC 17.49.050(G)(9)**

Impacts to the water quality resource area resulting from the proposed project will be very minor. The limits of the construction area will be clearly flagged prior to the start of construction to minimize ground disturbance and removal of vegetation in the vegetated corridor. No in-water work is proposed, minimizing the potential for downstream sedimentation into Newell Creek. Water quality will be protected by implementing standard best management erosion control practices, such as placement of silt fences and biofilter bags at down gradient locations adjacent to the disturbance area. The erosion control plan shall meet the requirements of the City of Oregon City Public Works Department. Erosion control measures shall be regularly inspected and maintained throughout the duration of construction and will remain in place until vegetation cover is established.

#### **5.7 Alternatives Analysis OCMC 17.49.050(G)(11)**

Impacts to the water quality resource area on the site have been minimized during project design. Newell Creek will be spanned by an approximately 36 foot bridge to avoid impacting the stream and adjacent wetlands. The bridge will be located 10 feet from the existing road at the Newell Creek crossing in order to avoid impacting the existing concrete headwall and culvert structure located on the south side of Beavercreek Road. The City's standard sidewalk requirement includes 7 foot wide sidewalks located 5 feet away from the road curb to allow for a landscape strip between the road and sidewalk containing light poles and street trees. The proposed sidewalk will be narrowed to 6 feet within the vegetated corridor. The 5 foot wide landscape strip will be eliminated within the vegetated corridor in order to move the sidewalk closer to the existing road and minimize encroachment into the vegetated corridor.

Impacts to the vegetated corridor may be further minimized by utilizing retaining walls at the downslope edge of the sidewalk to minimize grading in the vegetated corridor and maximize the area available for planting to improve water quality function.



### **5.8 Water Quality Resource Area Mitigation Plan OCMC 17.49.050(G)(12)**

The proposed project will impact approximately 1,740 square feet of vegetated corridor. The impacted vegetated corridor will be required to be replaced at a 1:1 ratio. The area proposed to be used for vegetated corridor replacement consists of a paved area located within the 50 foot mapped vegetated corridor adjacent to the backwater wetland swale in the north portion of the vegetated corridor. Mitigation activities would include pavement removal, soil preparation, and seeding and planting with native herbs, shrubs and trees. A portion of this area would need to be maintained as paved to allow continued access to an existing fire hydrant located adjacent to Beavercreek Road. Once the limits of the vegetated corridor replacement area have been determined, a mitigation and planting plan will be prepared by Fishman Environmental Services in conjunction with the applicant's landscape architect.

The mitigation plan will also include a planting plan to enhance the remaining vegetated corridor on the site that is currently in degraded condition and will specify dense tree and shrub plantings downslope of the proposed sidewalk to maximize the water quality protection function of this area.

## **6 LIMITATIONS**

This report documents the investigation, best professional judgement and conclusions of the investigator. It should be considered a preliminary wetland and waters Jurisdictional Determination and used at your own risk until it has been reviewed and approved in writing by the Oregon Division of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

## **7 LIST OF PREPARERS AND CREDENTIALS**

Stacy N. Benjamin, Wetland Ecologist: Field work and report preparation

Elizabeth A. French, Environmental Scientist: Field work and report preparation

Stacy Benjamin is a Wetland Ecologist at Fishman Environmental Services. Stacy has completed training in the 1987 Wetlands Delineation Manual and has been conducting wetland determinations and delineations since she joined Fishman Environmental Services in 1996. Stacy's responsibilities also include wetland permitting and agency coordination, mitigation design, wetland mitigation monitoring, and conducting vegetated corridor condition assessments to meet the natural resource assessment requirements of Clean Water Services (Washington County) and local jurisdictions. In addition, she prepares National Environmental Policy Act (NEPA) documents including Biological Assessments and Environmental Assessments. Stacy's Goal 5 experience includes conducting local wetlands inventories for the Cities of Ashland, Hillsboro and Lakeside. Stacy is experienced in both on-site and off-site wetland inventory

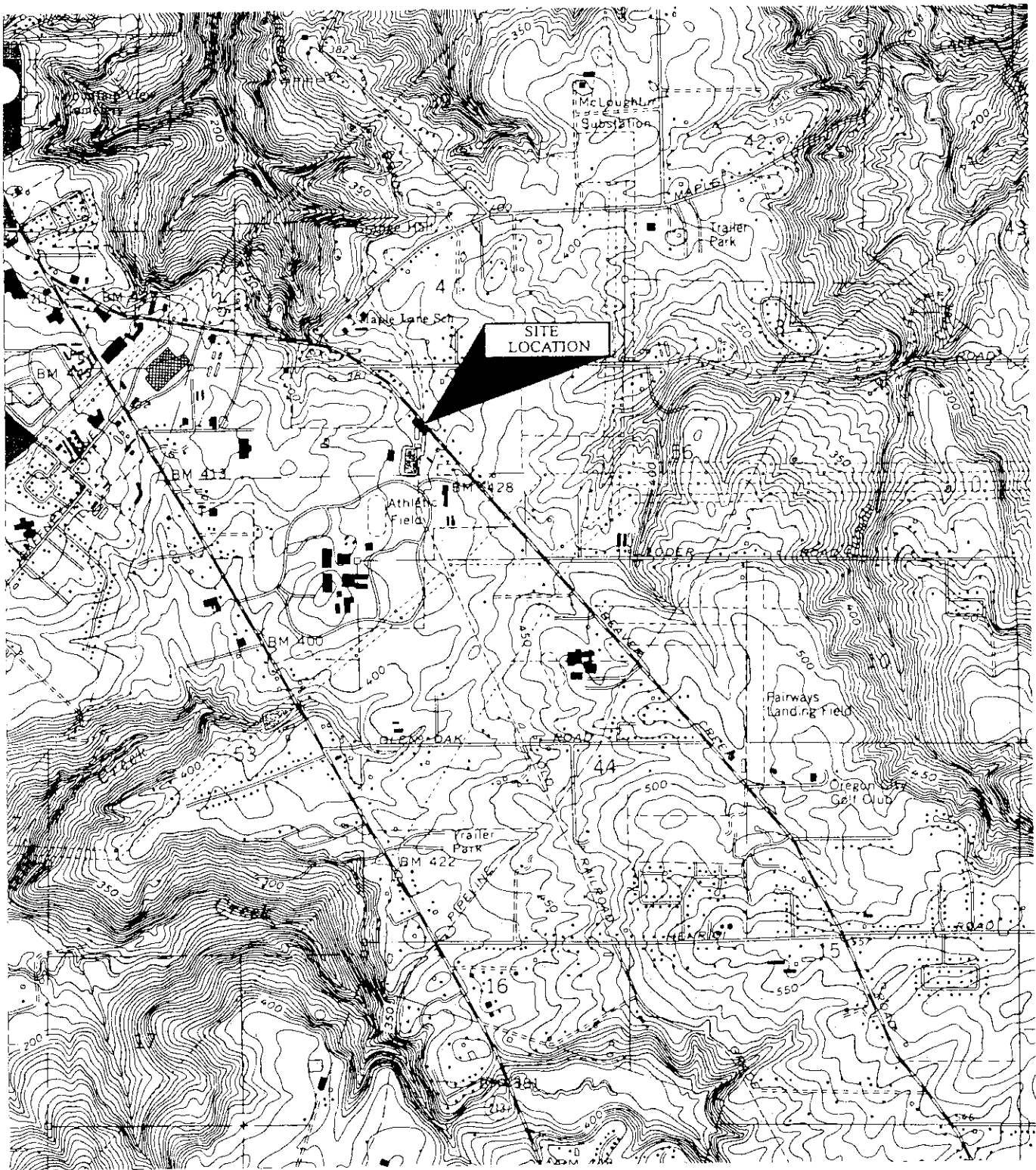
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methodology, aerial photograph interpretation and mapping, and conducting function and value assessments for wetland, riparian, and upland areas. She has an M.S. in Ecology and Evolution.

Elizabeth A. French is an Environmental Scientist at Fishman Environmental Services, with experience in wetland determinations and delineations and wetland permitting. She also has experience in surface water modeling. Liz's primary responsibilities include assistance to the Wetlands Program in all aspects of project completion. She has a B.A in Ecology and an M.E.M in Engineering Management, focusing on Environmental Engineering.

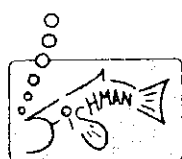
## 8 REFERENCES

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- USDA SCS. 1989. *Hydric Soils in Clackamas County Area, Oregon*.
- USDI Fish and Wildlife Service. No date. Oregon City, Oregon National Wetlands Inventory map. 1:58,000 CIR, 7/81.
- USGS. 1961, photorevised 1985. Oregon City, Oregon 7.5' topographic quadrangle.



1 inch = 2,000 feet

LEGEND



Fishman  
Environmental  
Services, LLC

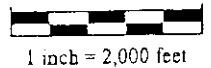
CONSULTANTS IN ECOLOGY AND  
NATURAL RESOURCE MANAGEMENT

Beaver Creek Rd Sidewalk Improvements  
at Clackamas Community College  
Wetland Delineation

SITE LOCATION MAP

Figure # 1    December 2002    Project # 02114

Source: USGS Oregon City, Oregon Topographic  
quadrangle, 1961, photorevised, 1985.



## Project # 02114

Source: USFWS Oregon City, Oregon NWI  
quadangle, 1:58,000 CIR, 7/81.

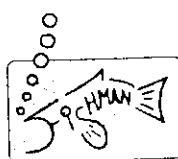


1 inch = 1,667 feet

# LEGEND



5 Jrmstedt silt loam (hydric Borges inclusions & wet spots)



Fishman  
Environmental  
Services, LLC

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NATURAL RESOURCE MANAGEMENT

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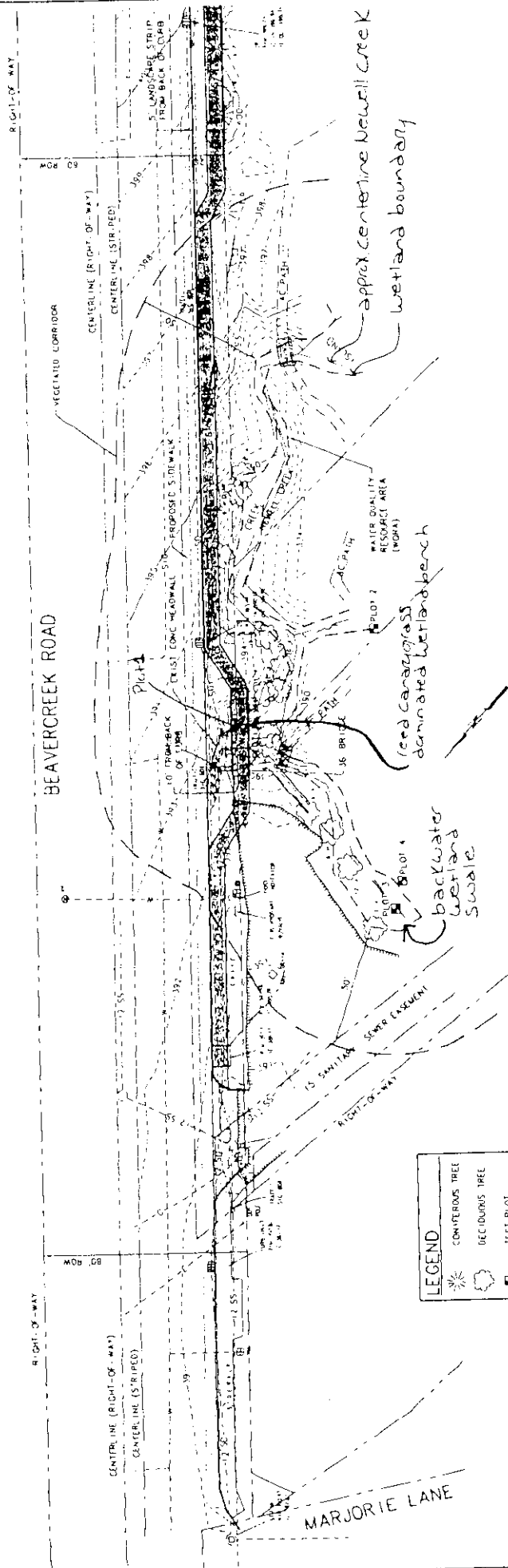
## SOIL SURVEY MAP

Source: USDA SCS Soil Survey of Clackamas  
County, Oregon, 1985 sheet 22.

Figure # 3

December 2002

Project # 02114



WATER QUALITY RESOURCE AREA: SITE PLAN  
SCALE 1"=40'



LEGEND	
	CONIFEROUS TREE
	DECIDUOUS TREE
	TEST PLOT
TREES	
A	ALDER
C	COTTONWOOD
F	FIR
H	HAWTHORN
M	MAPLE
P	PINE

DRAFT

Figure 4. Wetland map + Sample plot locations

NOTES

1. WATER QUALITY RESOURCE AREA (WQRA) BOUNDARY DELINEATED IN FIELD BY FISHERMAN ENVIRONMENTAL SERVICES LLC ON NOVEMBER 27, 2002.
2. WQRA DELINEATION AND TREE IDENTIFICATION FIELD-SURVEYED BY FISHERMAN ENVIRONMENTAL SERVICES ON NOVEMBER 28, 2002.

DATE	NOTES
11/27/02	FIELD SURVEY
11/28/02	FIELD SURVEY
11/29/02	FIELD SURVEY
12/01/02	FIELD SURVEY
12/02/02	FIELD SURVEY
12/03/02	FIELD SURVEY
12/04/02	FIELD SURVEY
12/05/02	FIELD SURVEY
12/06/02	FIELD SURVEY
12/07/02	FIELD SURVEY
12/08/02	FIELD SURVEY
12/09/02	FIELD SURVEY
12/10/02	FIELD SURVEY
12/11/02	FIELD SURVEY
12/12/02	FIELD SURVEY
12/13/02	FIELD SURVEY
12/14/02	FIELD SURVEY
12/15/02	FIELD SURVEY
12/16/02	FIELD SURVEY
12/17/02	FIELD SURVEY
12/18/02	FIELD SURVEY
12/19/02	FIELD SURVEY
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12/31/02	DESIGNED	CHECKED

**MSA**  
Murray Seaback & Associates, Inc.  
Engineers/Planners  
10111 1st Avenue, Suite 100  
Boulder, CO 80501  
Phone: 303.440.1100  
Fax: 303.440.1101  
E-mail: msa@msa-inc.com

**CLACKAMAS**  
CITY OF CLACKAMAS  
CAMPUS PATHWAYS  
IMPROVEMENTS PROJECT

BEAVERCREEK ROAD  
SIDEWALK IMPROVEMENTS  
WATER QUALITY RESOURCE AREA  
SITE PLAN

DATE

1 of 1

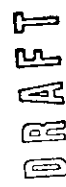



Figure 5. Vegetated Corridor, invasive species map



**CLACKAMAS**  
COMMUNITY COLLEGE  
CAMPUS PATHWAYS  
IMPROVEMENTS PROJECT

**MSA**  
Murray, Smith & Associates, Inc.  
Engineers/Planners  
311 S. State St., Suite 900  
Chicago, IL 60601  
Phone: 312/541-9414  
Fax: 312/541-9027  
Telex: 250100  
Postage: \$1.00

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**NOTICE**

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2002

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NOTES

- 1 WATER QUALITY RESOURCE AREA (WORA) BOUNDARY DELINEATED IN-FIELD BY FISHMAN ENVIRONMENTAL SERVICES, LLC ON NOVEMBER 27, 2002.
- 2 WORA DELINEATION AND TREE IDENTIFICATION FIELD-SURVEYED BY MVS SERVICES ON NOVEMBER 28, 2002.



Tony Konkol

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

**TRANSMITTAL**

March 30, 2004

**HOUSE DISTRIBUTION**

- ☒ BUILDING OFFICIAL
- ☒ ENGINEERING MANAGER
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☒ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☒ ADDRESSING
- ☒ POLICE

**TRAFFIC ENGINEER**

Mike Baker @ DEA

**MAIL-OUT DISTRIBUTION**

- ☒ CICC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Marek
- ☒ CLACKAMAS COUNTY - Ken Kent
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

TURN COMMENTS TO: Tony Konkol, Associate Planner

COMMENTS DUE BY: April 27<sup>th</sup>, 2004

ARRIVING DATE: May 10, 2004

ARRIVING BODY: \_\_\_\_\_ Staff Review - Type II; XXX PC - Type III; \_\_\_\_\_ CC - Type IV

**REFERENCE TO**

**FILE # & TYPE:**

WR 04-06

**MANAGER:**

Tony Konkol, Associate Planner

**APPLICANT:**

Clackamas Community College

**QUEST:**

The applicant is seeking approval of a water resource mitigation plan for Beaver Creek Road improvements that encroach into the vegetated corridor.

**LOCATION:**

19600 Molalla Avenue

Clackamas County Map 3S-2E-09C Tax Lot 800

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

☒ The proposal does not conflict with our interests.

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

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

☐ The following items are missing and are needed for review:

Suggest removing ~~restoration~~ nuisance plants along all frontage & plant more native materials

Signed  
Title

John M. Sluiter  
Operations Manager

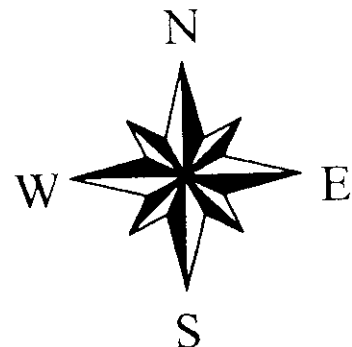
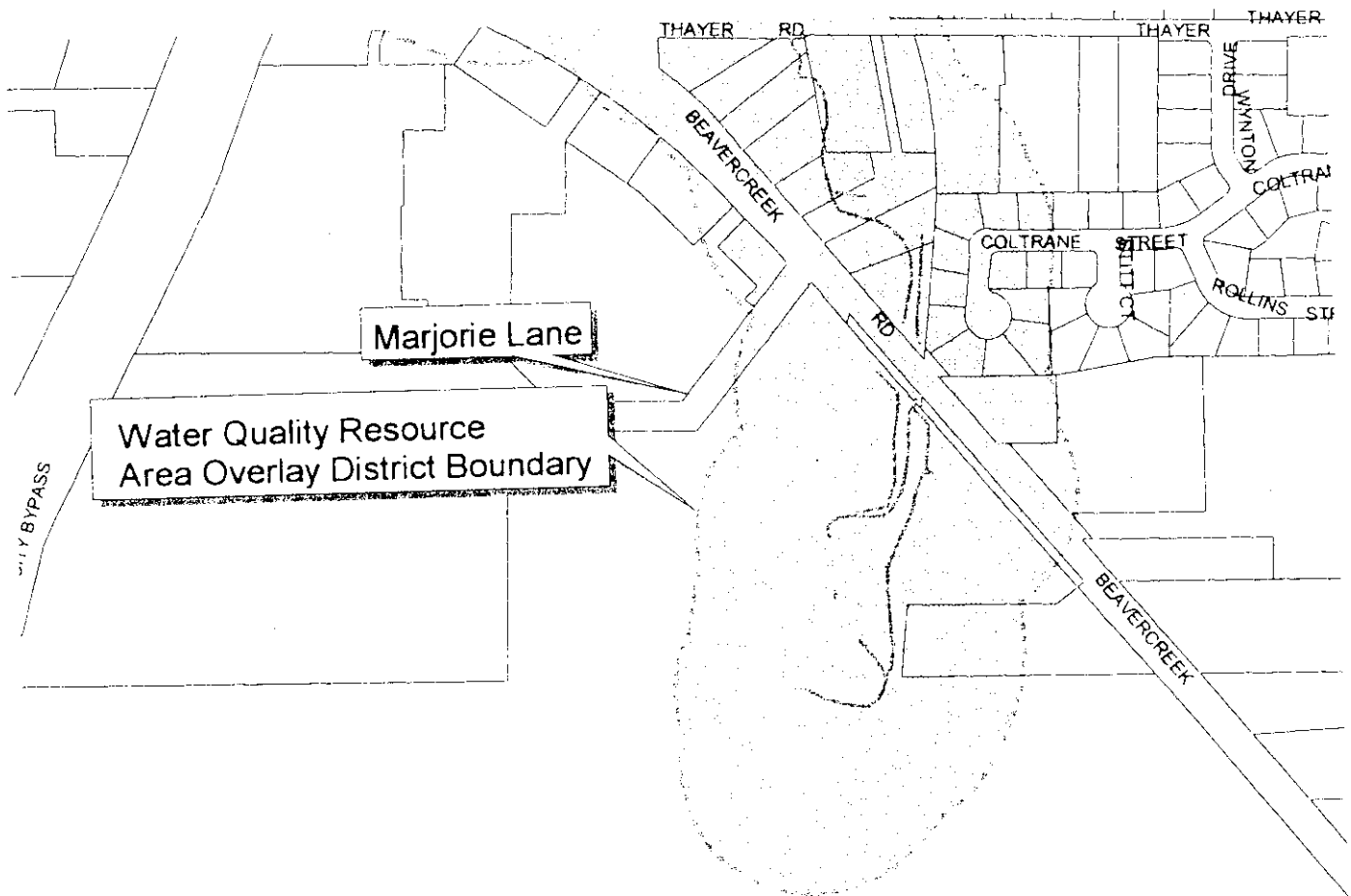
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PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

Exhibit 3b

# Clackamas Community College

## WR 04-06













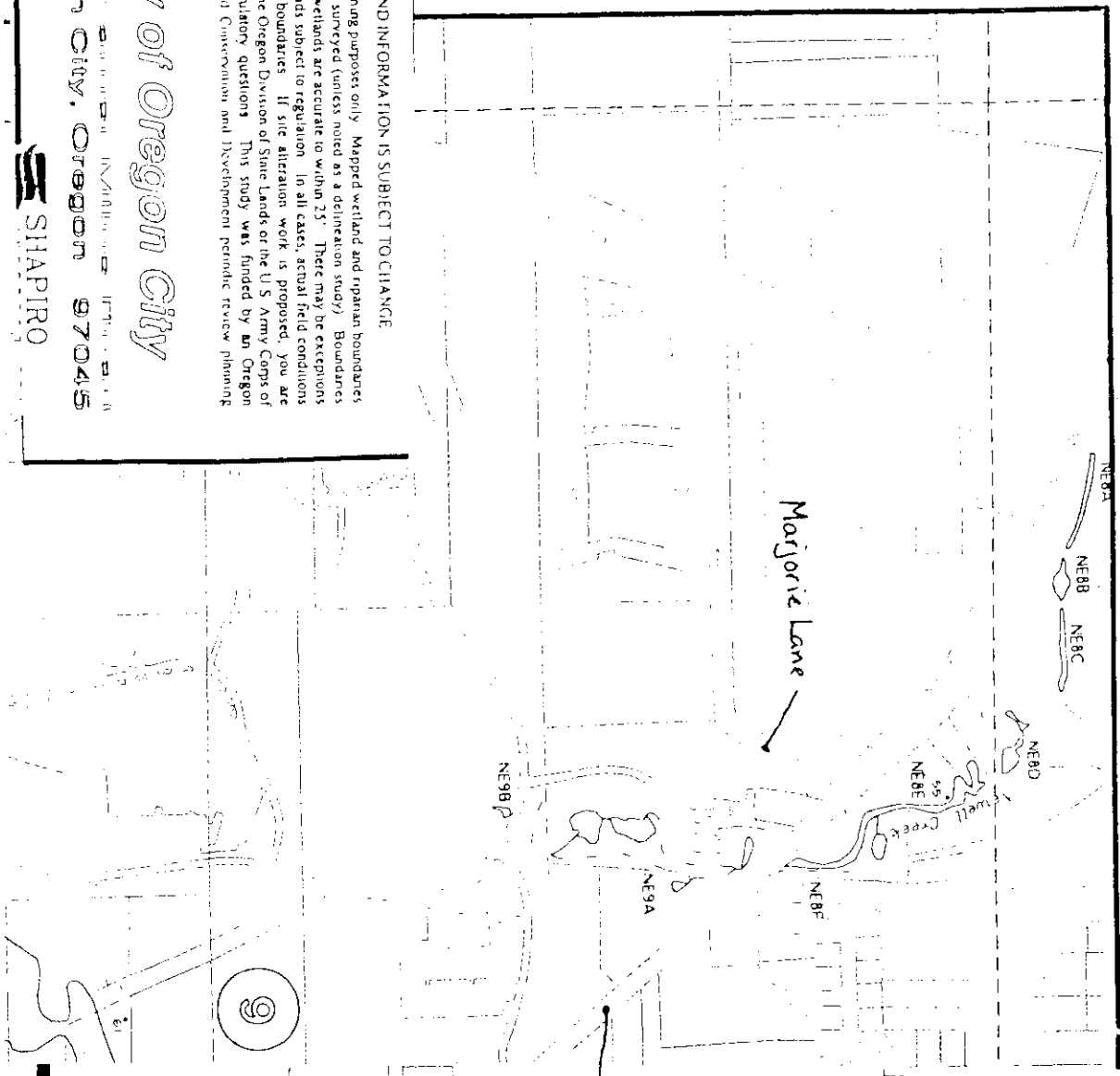
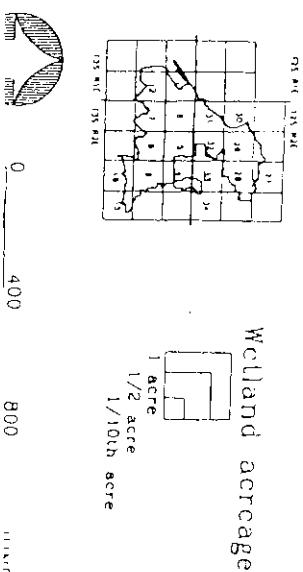
### Exhibit 4

# CITY OF OREGON LOCAL WETLAND INVENTORY

Exhibit 5

## LEGEND

-  Urban Growth Boundary
-  Wetland
-  Wetland label
-  Riparian label
-  Sample site
-  DSL DET wetland
-  DSL label
-  Mitigation wetland
-  Site access not granted
-  Stream



WETLAND INFORMATION IS SUBJECT TO CHANGE

This map is for planning purposes only. Mapped wetland and riparian boundaries were not flagged or surveyed (unless noted as a delineation study). Boundaries for on-site verified wetlands are accurate to within 25'. There may be exceptions or unmapped wetlands subject to regulation. In all cases, actual field conditions determine wetland boundaries. If site alteration work is proposed, you are advised to contact the Oregon Division of State Lands or the U.S. Army Corps of Engineers with regulatory questions. This study was funded by an Oregon Department of Land Conservation and Development periodic review planning grant.

City of Oregon City

Oregon City, Oregon 97045

SHAPIRO

FISHMAN ENVIRONMENTAL SERVICES LLC  
CONSULTANTS IN ECOLOGY AND NATURAL RESOURCE MANAGEMENT

**WATER RESOURCES REPORT ADDENDUM**  
**VEGETATED CORRIDOR MITIGATION PLAN**  
**FOR THE BEAVERCREEK ROAD SIDEWALK IMPROVEMENTS**  
**CLACKAMAS COMMUNITY COLLEGE**  
**OREGON CITY CAMPUS**

Prepared for:

Kirk Pearson, Special Projects Coordinator  
Clackamas Community College  
Barlow Hall, B 235  
19600 South Molalla Avenue  
Oregon City, Oregon 97045

and

Michael Carr, P.E.  
Murray, Smith & Associates, Inc.  
121 SW Salmon Street, Suite 900  
Portland, Oregon 97204

Prepared by:

Fishman Environmental Services, LLC  
*Consultants in Ecology and Natural Resource Management*  
434 NW 6th Avenue, Suite 304  
Portland, Oregon 97209-3652

March 2004

FES Project 02114

Exhibit 6

## WATER RESOURCES REPORT ADDENDUM

### VEGETATED CORRIDOR MITIGATION PLAN FOR THE BEAVERCREEK ROAD

#### SIDEWALK IMPROVEMENTS AT CLACKAMAS COMMUNITY COLLEGE

##### Introduction

A wetland delineation and water resources report was prepared for the site by Fishman Environmental Services, LLC (FES) in February 2004. At that time, the amount of proposed impact to the vegetated corridor and the footprint of the vegetated corridor mitigation area had not been determined; therefore, the vegetated corridor mitigation requirements were not addressed in the report. This addendum has been prepared to address Oregon City's water resources overlay district mitigation plan requirements (Chapter 17.49.050G.12.a-f).

##### Proposed Impacts and Mitigation

The proposed project has been designed to avoid impacts to Newell Creek and associated wetlands. Newell Creek will be spanned by an approximately 36 foot bridge to avoid impacting the stream, wetlands, and the existing concrete headwall and culvert structure located on the south side of Beaver Creek Road. No in-stream work is proposed. The proposed project will not alter existing hydrology of Newell Creek and wetlands on the site.

The proposed six foot wide sidewalk will encroach into the vegetated corridor on the east side of Newell Creek for a length of approximately 290 feet, resulting in a vegetated corridor impact area of approximately 1,740 square feet. Grading will be necessary within the vegetated corridor adjacent to the proposed sidewalk. The limits of the grading area have been minimized by the use of a retaining wall at the downslope edge of the sidewalk where Newell Creek is closest to the proposed sidewalk. The area immediately downslope of the proposed sidewalk will be graded to a 4:1 slope and will be seeded with a native grass seed mix upon completion of the project. Although the grading activities are only a temporary impact to the vegetated corridor, the grading area has been included in the calculation of project impacts, for a total vegetated corridor impact area of 2,897 square feet. Proposed vegetated corridor impact areas are shown on Figure 1.

One tree located within the vegetated corridor, a 14 inch diameter red alder, will need to be removed to construct the sidewalk. Vegetation to be impacted by the proposed sidewalk includes primarily mowed grasses along the road shoulder and Himalayan blackberry at the upslope edge of the narrow riparian forest along the east side of Newell Creek. The impacted vegetated corridor will be replaced on-site at a 1:1 ratio. The area proposed to be used for vegetated corridor replacement consists of a paved area located within the 50 foot mapped vegetated corridor adjacent to the backwater wetland swale in the north portion of the vegetated corridor (Figure 3). Mitigation activities will include pavement removal, soil decompaction and amendment, and seeding and planting with native grasses, shrubs and trees.

The existing condition of the vegetated corridor along the east side of Newell Creek and its associated wetland swale was assessed in the wetland delineation and water resources report.

## Beavercreek Road Sidewalk Improvements Vegetated Corridor Mitigation Plan

Vegetated corridor communities are shown in Figure 2. Three of the four vegetated corridor communities were determined to be in degraded condition. These included: Community 1, the narrow riparian forest along the east side of Newell Creek; Community 2, the grass shoulder along Beavercreek Road; and Community 3, the area west of the dirt footpath in the south portion of the site. Degraded vegetated corridors are required to be enhanced to a good condition meeting the standards of Table 17.49-2, as part of site development activities. Enhancement will include removal of invasive species which include Himalayan blackberry, bittersweet nightshade, Scot's broom, English holly, English ivy and Canada thistle and planting of native trees and shrubs. Bare soil areas where invasive species have been removed will be seeded with a native grass mix. A planting plan has been prepared for Communities 1 and 3 and is shown in Figure 4.

No trees or shrubs will be planted to enhance the condition of Community 2 due to the location of this portion of the vegetated corridor within the right-of-way of Beavercreek Road and occurrence of regular mowing in this area.

Community 4, the narrow vegetated fringe between the wetland swale and the paved area in the north portion of the site, was determined to be in good condition and will not require planting of trees or shrubs, although a small amount of invasive species are present in this community and will be removed.

### **Project Timeline & Maintenance**

Construction of the sidewalk will begin in the summer of 2004 and conclude in the fall of 2004. Vegetated corridor mitigation will be conducted concurrently with the project. Invasive species control, installation of mitigation plantings, and maintenance of the mitigation site will be conducted by a landscape contractor to be bid by Skanska USA (project construction manager). The City of Oregon City requires a three year maintenance period for vegetated corridor mitigation. Invasive species control is to be conducted twice per year. The first invasive species control site visit is to be conducted by June 1st, and the second invasive species control site visit is to be conducted by September 30th for three years following planting. Invasive species currently present on the site to be targeted for control include Himalayan blackberry, bittersweet nightshade, Scot's broom, English holly, English ivy and Canada thistle. The City of Oregon City requires annual replacement of plants that do not survive until vegetation representative of natural conditions is established on the site. If survival of tree and shrub plantings falls below 80% at any time during the three year monitoring period, the mitigation site will need to be replanted, and other corrective measures, such as additional mulching or irrigation, may need to be implemented. If replanting is necessary, the maintenance period will be extended for three years from the time of replanting to ensure that the site meets the 80% survival criterion.

### **Conclusion**

The portion of the vegetated corridor to be impacted by the proposed sidewalk and grading is currently in degraded condition and includes primarily mowed grasses along the road shoulder and Himalayan blackberry at the upslope edge of the narrow riparian forest along the east side of

Beavercreek Road Sidewalk Improvements  
Vegetated Corridor Mitigation Plan

Newell Creek. The proposed vegetated corridor mitigation plan, which includes both on-site buffer replacement at a 1: 1 ratio and enhancement of the degraded vegetated corridor on the site, will more than offset any negative impact to the water quality resource area resulting from the project.

The project team contacts are listed below.

APPLICANT: Kirk Pearson Special Projects Coordinator  
Clackamas Community College, Barlow Hall, B 235  
19600 S. Molalla Ave.  
Oregon City, Oregon 97045  
(503) 657-6958 ext. 5069

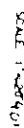
AGENT/CIVIL ENGINEER: Michael Carr, P.E.  
Murray, Smith & Associates, Inc.  
121 SW Salmon, Suite 900  
Portland, Oregon 97204  
(503) 225-9010

ARCHITECT: Mark Stoller  
Opsis Architecture  
1202 NW 17<sup>th</sup> Ave.  
Portland, Oregon 97209  
(503) 525-9511

CONSTRUCTION MANAGER: Joe Schneider  
Skanska USA  
2555 SW 153<sup>rd</sup> Dr.  
Beaverton, Oregon 97006  
(503) 641-2500

ENVIRONMENTAL CONSULTANT: Stacy Benjamin, Wetland Ecologist  
Fishman Environmental Services, LLC  
434 NW 6<sup>th</sup> Ave., Suite 306  
Portland, Oregon 97209  
(503) 224-0333 ext. 230

LANDSCAPE ARCHITECT: Bo Nevue  
Nevue Ngan  
1006 SE Grand Ave., Suite 250  
Portland, Oregon 97214  
(503) 239-0600



NOTES








1. WATER QUALITY RESOURCE AREA (WQRA) BOUNDARY DELINEATED IN FIELD BY FISHMAN ENVIRONMENTAL SERVICES, LLC ON NOVEMBER 27, 2002.

2. WQRA DELINEATION AND 100' IDENTIFICATION FIELD-SOURCED BY NIV SERVICES ON NOVEMBER 28, 2002.

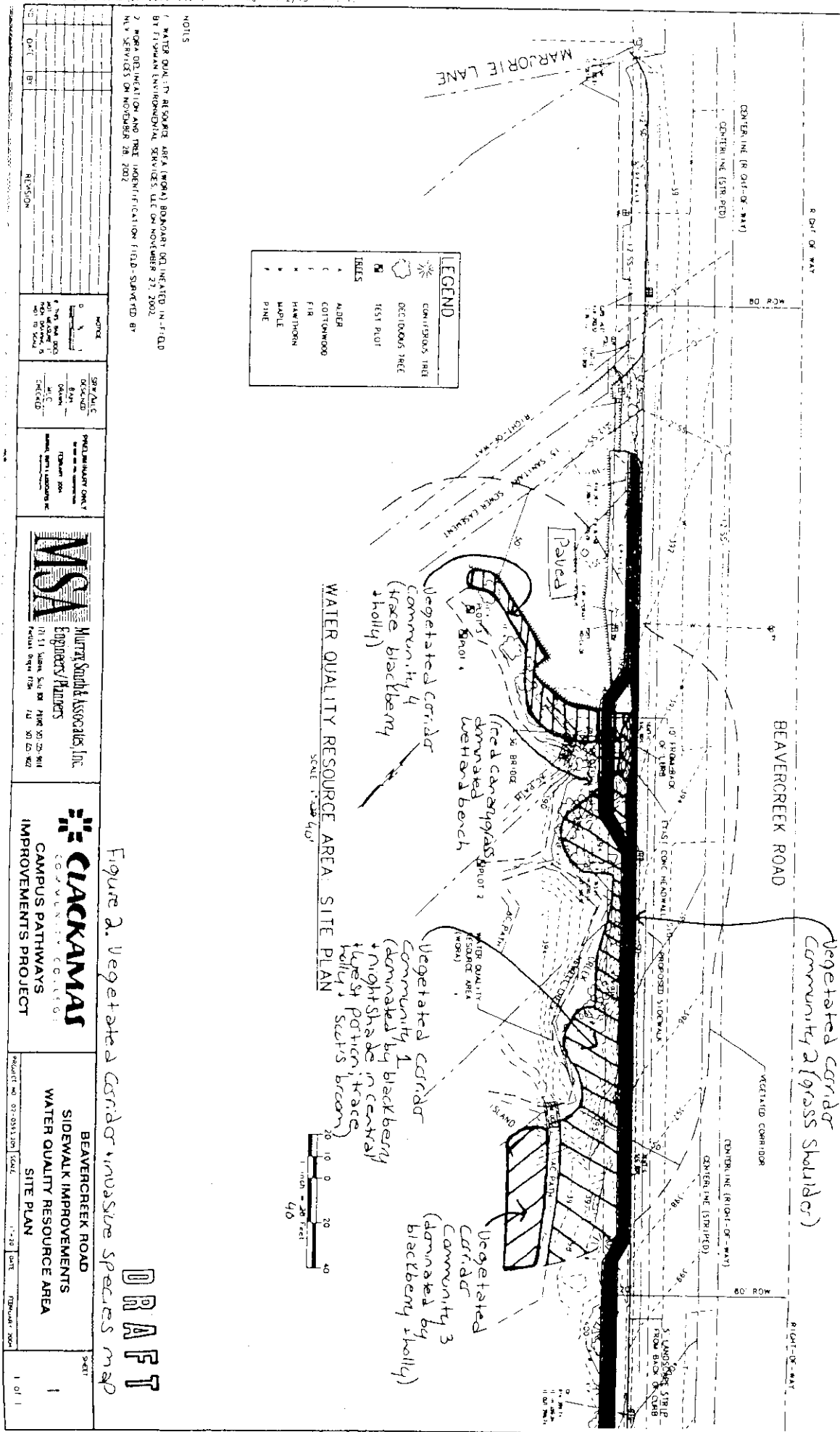
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**MISA**  
Murray, Smith & Associates, Inc.  
Engineers/Planners  
11117 Sunset Blvd. NW  
Fremont, Oregon 97004  
Phone 503/235-5522

|   |       |      |            |        |
|---|-------|------|------------|--------|
| PROJECT NO. 02-0513   | SHEET | DATE | VANDERBILT | 1 OF 1 |
|   |       |      |            |        |
| <p align="center"> <b>BEAVERCREEK ROAD</b><br/> <b>SIDEWALK IMPROVEMENTS</b><br/> <b>WATER QUALITY RESOURCE AREA</b><br/> <b>SITE PLAN</b> </p> |       |      |            |        |

| LEGEND  |                                   |
|---|-----------------------------------|
|  | CONCRETE TREE                     |
|  | DECIDUOUS TREE                    |
|  | TREE TO BE REMOVED                |
|  | PROPOSED SIDEWALK                 |
|  | GRADING LIMITS/VEGETATION REMOVAL |
|  | UTILIZATION AREA                  |
|  | TEST PLOT                         |
| TREES   |                                   |
| A   | ALDER                             |
| C   | COTTONGWOOD                       |
| F   | FIR                               |
| H   | HAMMOTH                           |
| M   | MAPLE                             |
| P   | PINE                              |





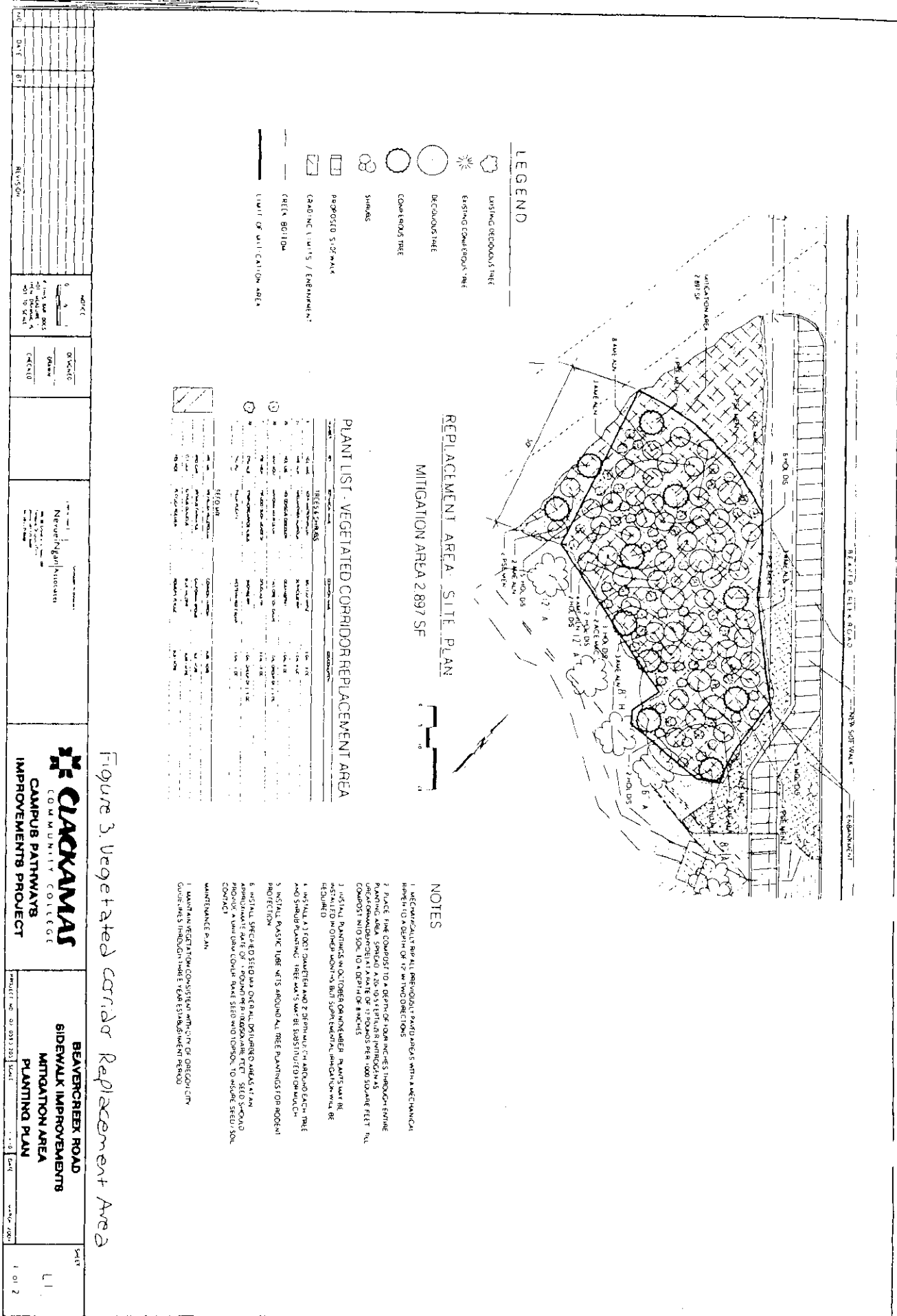


Figure 3. Vegetated corridor Replacement Area

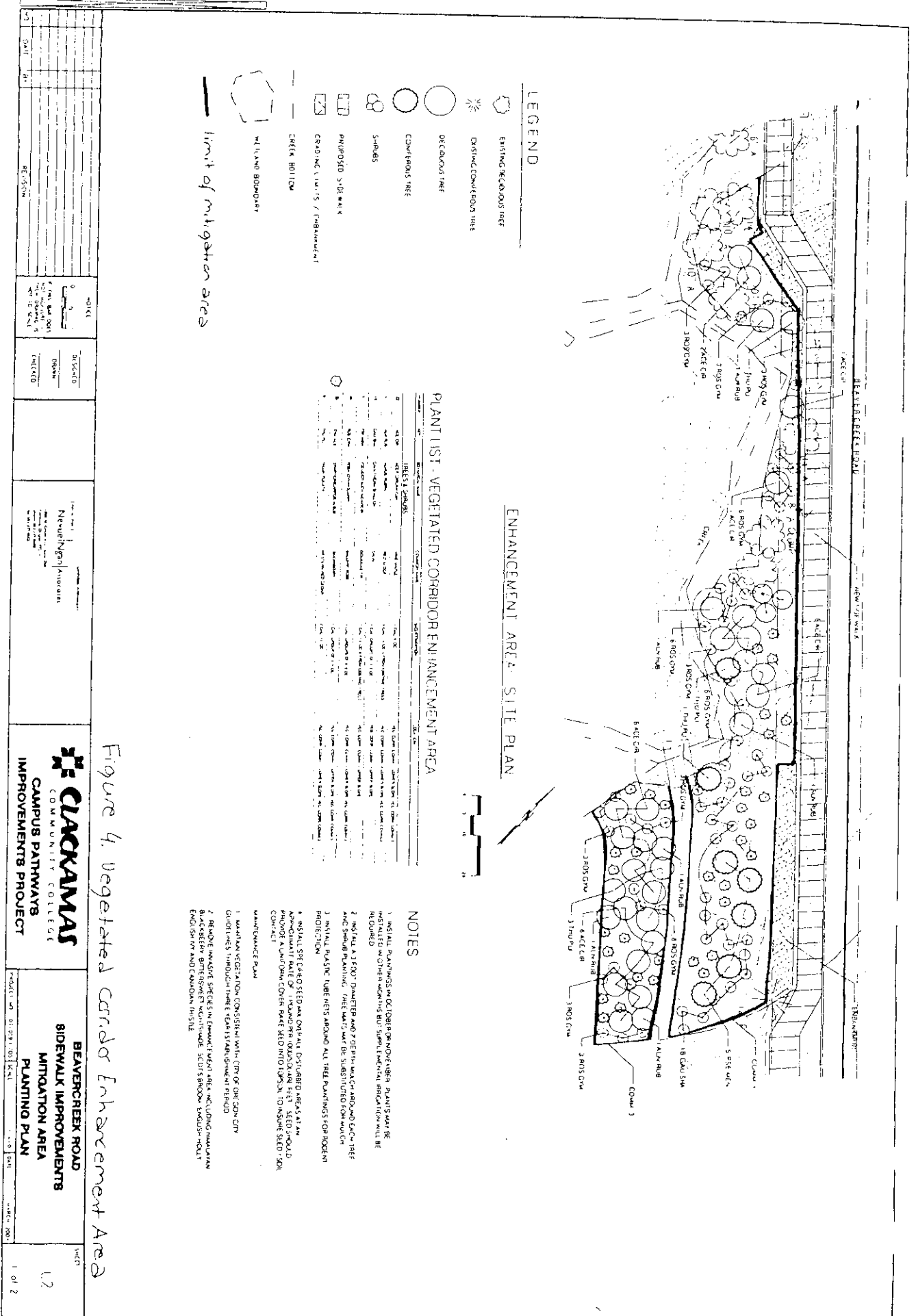


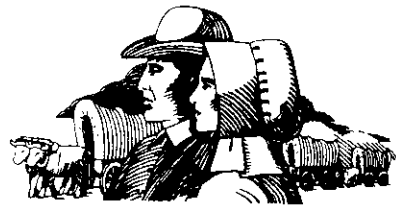
Figure 4. Vegetated Corridor Enhancement Area

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

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



### STAFF REPORT

Date: April 30, 2004

**FILE NO.:** CU 04-01: Conditional Use

**HEARING DATE:** May 10, 2004  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, Oregon 97045

**APPLICANT** Architect LA  
805 SE Sherman Street  
Portland, Oregon 97214-4666

**OWNER:** Faith Community Fellowship  
PO Box 1987  
Oregon City, Oregon 97045

**REQUEST:** Conditional Use to allow a 1,904 square foot building addition onto an existing church.

**LOCATION:** 19691 Meyers Road and identified as Clackamas County Map 3-2E-08CA, Tax Lot 1000 (Exhibit 1)

**REVIEWER:** Sean Cook, Associate Planner  
Dean Norlin, Senior Engineer  
Dan Drentlaw, Community Development Director

**RECOMMENDATION:** Staff recommends approval of CU 04-01

## **CRITERIA:**

### **Oregon City Municipal Code:**

Section 17.08 "R-10" Single-Family Dwelling District

Section 17.50 Administration and Procedures

Section 17.56 Conditional Uses

## **BACKGROUND:**

The applicant is requesting permission to create a 1,904 square foot building addition onto an existing church. This existing church is approximately 8,668 square foot in size. The building addition will include a classroom, 2 handicapped accessible restrooms, and a remodel of the existing restroom into a nursery. The applicant reports that the additions are not to the assembly area so the occupant load is not being increased. The additions are to provide more space for the existing members and uses.

If this application is approved, Site Plan and Design Review will be required for the actual development of the building addition on the subject property.

## **BASIC FACTS:**

1. The subject property is located at 19691 Meyers Road in Oregon City. The subject property is also identified as Clackamas County Map 3-2E-08CA, Tax Lot 1000 (Exhibit 1).
2. The subject property is surrounded by residentially zoned property (R-8 and R-10). These surrounding properties are developed with single-family homes and associated outbuildings.
3. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet, and the Gaffney Lane Neighborhood Association.

The City's Building Division and Public Works Division reviewed the proposal and commented that the proposal "does not conflict with their interests." No comments were received by the Planning Division from property owners within 300 feet of the subject property or from the Gaffney Lane Neighborhood Association. Other Divisions reported no comments at this time, but will present comments at the time of Site Plan and Design Review, when actual development is proposed.

## **ANALYSIS AND FINDINGS:**

### **17.56 Conditional Uses**

A conditional use listed in this title may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this title. A conditional use permit listed in this section may be permitted, enlarged or altered upon authorization of the planning commission in accordance with the standards and procedures of this section. Any expansion to, alteration of, or accessory use to a conditional use shall require planning commission approval.

A. Conditional uses, because of their public convenience and necessity and their effect upon the neighborhood, shall be permitted only upon the approval of the planning commission after due notice and public hearing, according to procedure as provided in Chapter 17.50.

As stated in the basic facts of this report, the applicant's proposal has been appropriately noticed to the public in accordance with the standards in Chapter 17.50.

The planning commission may allow a conditional use, provided that the applicant provides evidence substantiating that all the requirements of this title relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

***1. Criterion (1): The use is listed as a conditional use in the underlying district.***

The site is located in the "R-10" Single-Family Dwelling District. Conditional uses for the R-10 zone states that "conditional uses listed in OCMC Section 17.56.030 are permitted in this district when authorized and in accordance with standards contained in Chapter 17.56 of this title." Section 17.56.030 (F) states that "Churches" require a Conditional Use Permit.

Therefore, staff finds that this criterion is satisfied.

17.56.040 Criteria and Standards for Conditional Uses.

*"C. Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:*

- 1. Minimum lot area, ten thousand square feet;**
- 2. Minimum street frontage, one hundred feet;**
- 3. Maximum lot coverage, fifty percent for all buildings;**
- 4. Maximum building height, fifty feet;**
- 5. Minimum depth, one hundred twenty-five feet;**

**6. Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.**

The above standards are designed specifically for new construction of a church. The proposal is to allow a building addition onto an existing building. Therefore, these standards are non-applicable.

Therefore, staff finds that this criterion is non-applicable.

- 2. *Criterion (2): The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.***

This property has been utilized as a church since the building was constructed in 1974. The applicant is requesting an addition to this building. The subject property is 3.68 acres, which is large enough to accommodate this proposed expansion. The subject building already exists with all services necessary to support the new addition available in the vicinity. Additionally, no significant natural features were identified on the subject property.

The use of the subject property has been well established and the addition is suitable for the site as it relates to the size, shape, location and topography.

Therefore, staff finds that this criterion is satisfied.

- 3. *Criterion (3): The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.***

The proposal has been reviewed in regards to adequate public facilities including roadways, water, and sewer services. The proposed addition does not include adding additional members to the congregation, as would be seen by increasing the sanctuary size, but rather an increase in building function for existing members. This proposed addition is not deemed significant in regards to burdening the existing public facilities in the area. Actual development improvements, typical for any development including connection to sewer and road improvements, will be addressed during Site Plan and Design Review.

Therefore, staff finds that this criterion is satisfied.

- 4. *Criterion (4): The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.***

The subject property is already well established (1974) as a church property. Likewise, the subject building is located on a 3.68-acre parcel. The addition is appropriately sized for this large parcel. According to the applicant, the new addition will match the scale and character of the existing building. Additionally, landscaping and other requirements will be added as a part of the Site Plan and Design Review process. The proposed use of the subject property is not changing, nor is the proposal likely to adversely impact the neighborhood.

Therefore, staff finds that this criterion is satisfied.

**5. *Criterion (5): The proposal satisfies the goals and policies of the city comprehensive plan, which apply to the proposed use.***

While there are no goals or policies that specifically address *churches*, the Community Facilities goal states the need: “to serve the health, safety, education, welfare and recreational needs of all Oregon City Residents through the planning and provision of adequate community facilities.” Churches qualify as community facilities based on many factors including 1.) a meeting place for the general assembly of people in the community, and 2.) a place to facilitate recreational activities, such as youth groups, arts and crafts activities for children, and 3.) the subject church is currently an emergency shelter for the Gaffney Lane Elementary school patrons in the event of an emergency at the nearby school.

Therefore, staff finds that this criterion is satisfied in that this proposal satisfies the applicable goals and policies of the Oregon City Comprehensive Plan.

**CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings presented in the report, staff concludes that the proposed Conditional Use CU 04-01 satisfies the requirements as described in the Oregon City Municipal Code for Conditional Use Permits, Chapter 17.56.

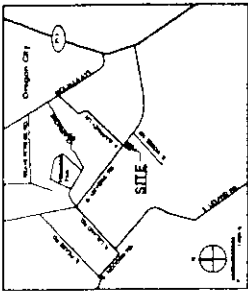
Based on the analysis and findings, staff recommends the Planning Commission approve Conditional Use Permit, CU 04-01, affecting the property located at 19691 Meyers Road and identified as Clackamas County Map 3-2E-08CA, Tax Lot 1000.

**EXHIBITS:**

1. Vicinity Map
2. Site Plan
3. Applicant’s Submittal





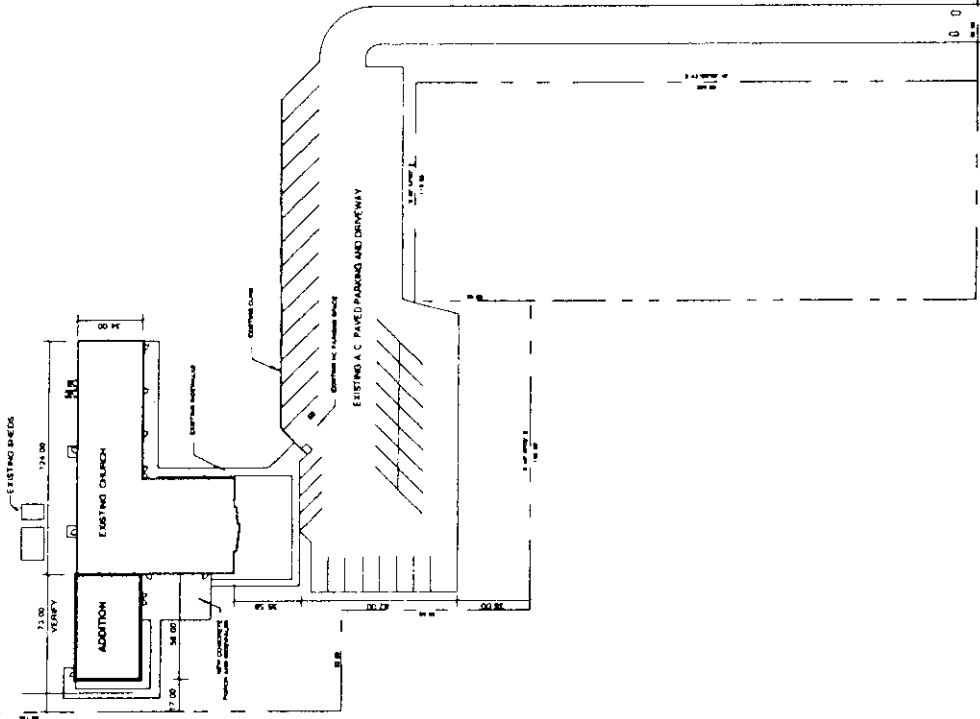


FAITH COMMUNITY FELLOWSHIP  
19691 S Mayers Road  
Oregon City, Oregon

1A

NOV 19 1968

NOTE:  
THIS SITE PLAN DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY  
ALL PROPERTY LINES ARE ASSUMED DRAWING IS DIAGRAMMATIC



MEYERS RD.

EXHIBIT 2

# CITY OF OREGON CITY

RECEIVED  
CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891 Fax: (503) 657-7892  
www.ci.oregon-city.or.us

## LAND USE APPLICATION FORM

### REQUEST:

- |  |   |   |
|--|---|---|
| Type II  | Type III  | Type III / IV                           |
| <input type="checkbox"/> Partition               | <input checked="" type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation     |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance                   | <input type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision             | <input type="checkbox"/> Planned Development        | <input type="checkbox"/> Zone Change    |
| <input type="checkbox"/> Extension               | <input type="checkbox"/> Modification               |   |
| <input type="checkbox"/> Modification            |   |   |

OVERLAY ZONES: ☒ Water Resources ☐ Unstable Slopes/Hillside Constraint

Please *print or type* the following information to summarize your application request:

APPLICATION # CU04-01 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: ARCHITECT, LA

PROPERTY OWNER (if different): FAITH COMMUNITY FELLOWSHIP

PHYSICAL ADDRESS OF PROPERTY: 19691 S. MEYERS ROAD

DESCRIPTION: TOWNSHIP: 3 RANGE: 2E SECTION: 8CA TAX LOT(S): 1000

PRESENT USE OF PROPERTY: CHURCH

PROPOSED LAND USE OR ACTIVITY: CHURCH

DISTANCE AND DIRECTION TO INTERSECTION:

CLOSEST INTERSECTION: GAFFNEY LANE

PRESENT ZONING: R-10

TOTAL AREA OF PROPERTY: 3.60 AC.

### Land Divisions

PROJECT NAME: \_\_\_\_\_

NUMBER OF LOTS PROPOSED: \_\_\_\_\_

MINIMUM LOT SIZE PROPOSED: \_\_\_\_\_

MINIMUM LOT DEPTH PROPOSED: \_\_\_\_\_

MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS  
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS  
NOTICE, IT MUST BE PROMPTLY FORWARDED TO  
PURCHASER

### VICINITY MAP

*To be provided by the APPLICANT  
at the time application is submitted*

EXHIBIT 3

## INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS:

1. All applications must be either typed or printed (black ink). Please make the words readable.
2. The application must be submitted with the correct fee(s).
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the Planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make complete a Pre-Application meeting to discuss your proposal with members of the Planning Division and any other interested agencies. Applicant is then to provide all necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed description, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information may be discussed with the planner who conducted the Pre-Application Conference prior to submission of the application.
9. Incomplete applications will be returned.

APPLICANT'S SIGNATURE: Matthew Mattson - ARCHITECT, LA

MAILING ADDRESS: 805 SE SHERMAN ST.

CITY: PORTLAND STATE: OR ZIP: 97214 PHONE: (503) 231-1122 X 27

PROPERTY OWNER SIGNATURE(S): See Attached Letter

MAILING ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ PHONE: (\_\_\_\_) \_\_\_\_\_

If this application is not signed by the property owner,  
then a letter authorizing signature by an agent must be attached

\*\*\*\*\*

DATE SUBMITTED: \_\_\_\_\_  
FEE PAID: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_  
RECEIPT #: \_\_\_\_\_

**CONDITIONAL USE**  
**NARRATIVE**

for

**FAITH COMMUNITY**  
**CHURCH**

FEBRUARY 5 2004

## **PURPOSE**

This application is for a Conditional Use, per Chapter 17.56, to allow a minor addition to the Faith Community Church located at the intersection of Meyers Road and Gaffney Lane.

## **APPLICABLE CRITERIA-Chapter 17.56**

**1. THE USE IS LISTED AS A CONDITIONAL USE IN THE UNDERLYING DISTRICT.**

This site is zoned R-10. Churches are allowed as a conditional use in this zone per 17.56, Conditional Uses.

**2. THE CHARACTERISTICS OF THE SITE ARE SUITABLE FOR THE PROPOSED USE CONSIDERING SIZE, SHAPE, LOCATION, TOPOGRAPHY, EXISTENCE OF IMPROVEMENTS AND NATURAL FEATURES.**

The site is of adequate size to accommodate the addition while still complying with applicable development standards. The site is already improved with all services necessary to support the new addition. There are no natural features that would preclude the further development of this site.

**3. THE SITE AND PROPOSED DEVELOPMENT ARE TIMELY, CONSIDERING THE ADEQUACY OF TRANSPORTATION SYSTEMS, PUBLIC FACILITIES AND SERVICES EXISTING OR PLANNED FOR THE AREA AFFECTED BY THE USE.**

This is an addition to an existing use. The assembly area is not being increased so the occupant load is not being increased. The new addition is to provide more space for existing uses that currently share space in the existing building. The existing roadways provide adequate access to the site. The existing roads accommodate the current traffic levels. The existing water and sewer systems are adequate to accommodate the new addition since the occupant load is not being increased. Other utilities are also adequate to serve the addition.

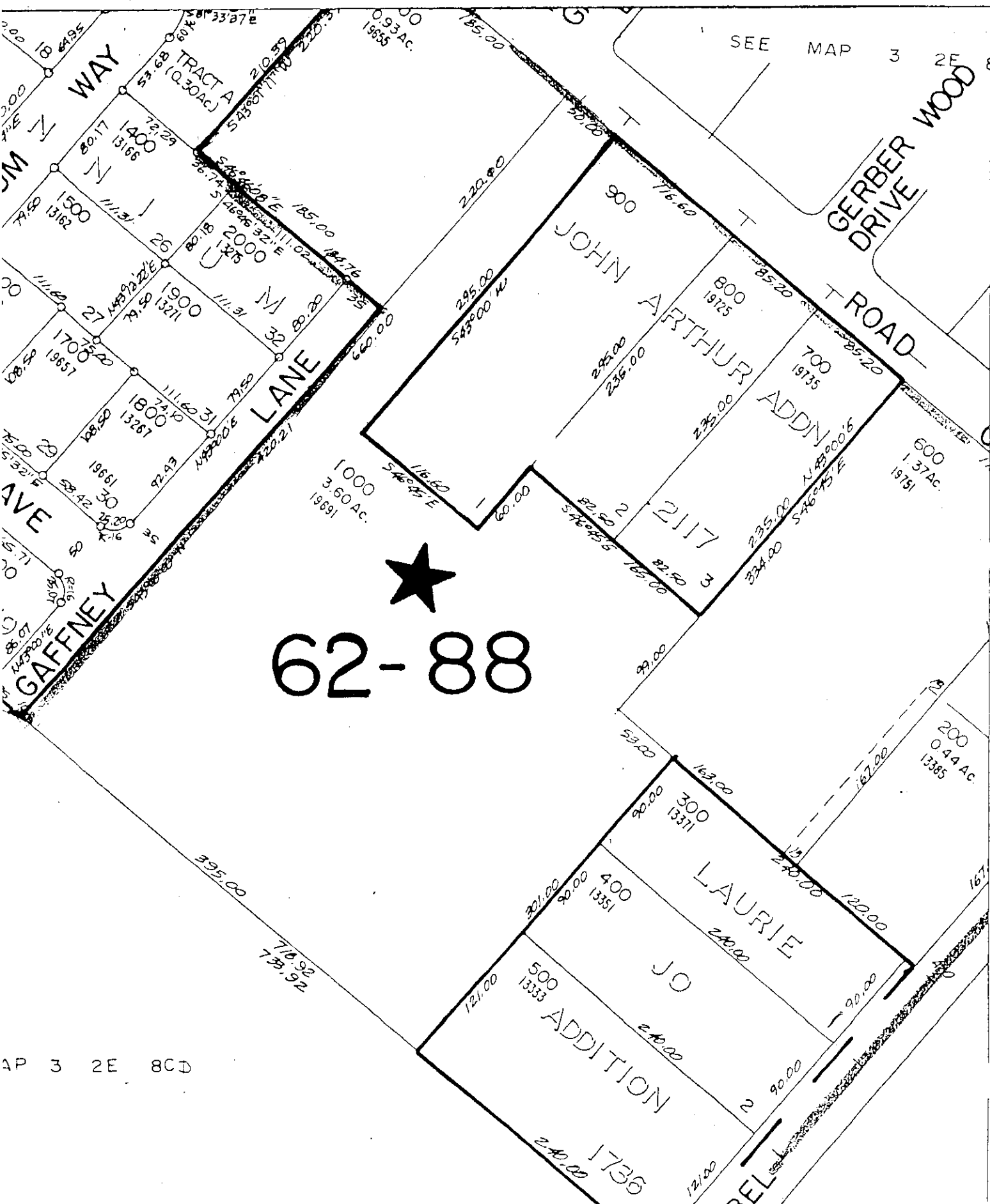
**4. THE PROPOSED USE WILL NOT ALTER THE CHARACTER OF THE SURROUNDING AREA IN A MANNER WHICH SUBSTANTIALLY LIMITS, IMPAIRS, OR PRECLUDES THE USE OF SURROUNDING PORPERTIES FOR THE PRIMARY USES LISTED IN THE UNDERLYING DISTRICT.**

The proposal is for an addition to an existing use. The new addition is residential in scale and character to match the existing building. Landscaping is being added to buffer the parking from the adjacent residential uses. The addition will comply with the development standards for this zoning district and will not negatively impact the neighborhood or preclude continued residential uses.

**5. THE PROPOSAL SATISFIES THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN WHICH APPLY TO THE PROPOSED USE.**

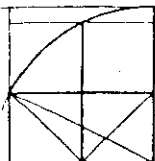
There are currently no applicable policies in the Comprehensive Plan pertaining to Churches.

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



EAST ELEVATION





ARCHITECT • L.A.  
19691 S. Meyers Road  
Portland, OR 97214-4400  
503.271.1127  
FAX 503.271.6211

FAITH COMMUNITY FELLOWSHIP  
19691 S. Meyers Road  
Oregon City, Oregon

CONTENTS  
ELEVATIONS

PROJECT 2010

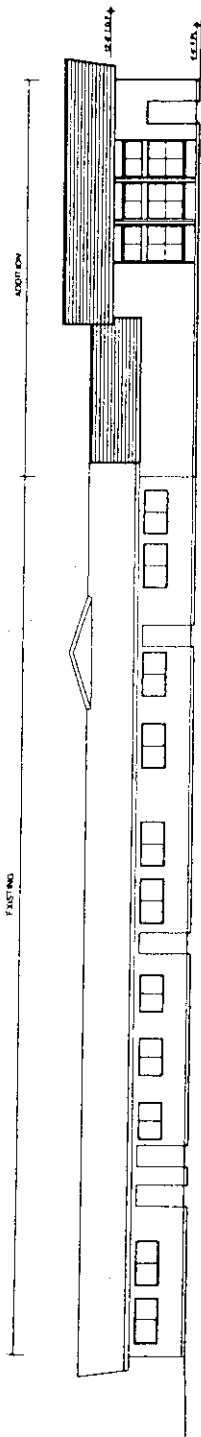
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DATE 2/13/04

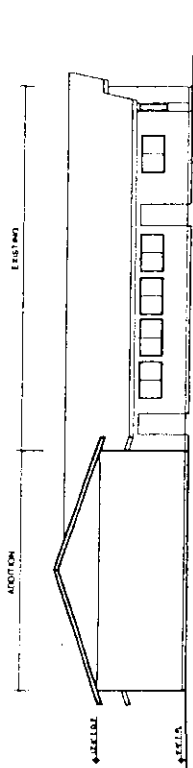
REVISIONS

A3

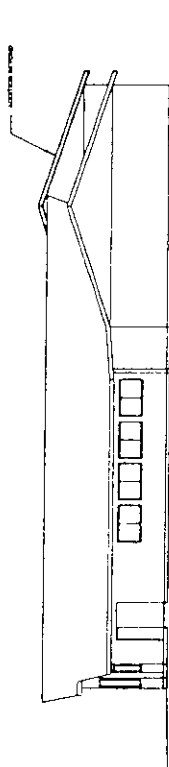
This drawing is the property of the Architect and is not to be reproduced, copied, or used in any way without the written consent of the Architect. The Architect assumes no responsibility for the construction of the building or for the accuracy of the information provided by others.



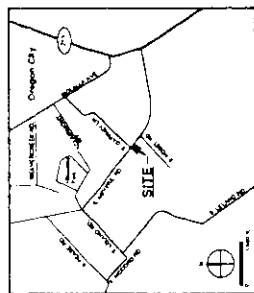
SOUTH ELEVATION  
SCALE 1/8" = 1'-0"



WEST ELEVATION  
SCALE 1/8" = 1'-0"



NORTH ELEVATION  
SCALE 1/8" = 1'-0"



FAITH COMMUNITY FELLOWSHIP  
19691 S. Meyers Road  
Oregon City, Oregon

1A

1. The Commission has received information from the Government of the United Kingdom that the Government is considering the possibility of introducing a new tax on the profits of companies which are engaged in the business of providing services to the public.

SCALE 1" = 30' 0"

NOTE: THIS PLAN DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY  
AND PROPERTY LINES ARE ASSUMED. DRAWINGS IS DIAGRAMATIC

**SITE DESCRIPTION:**

LEGAL DAYS  
PAGE 107

TAXLOT  
MAP

TAX LOT 1000 SECTION 8  
0.35 H2E CLACKAMAS COUNTY OREGON

STREET ADDRESS

19631 S MEYERS ROAD

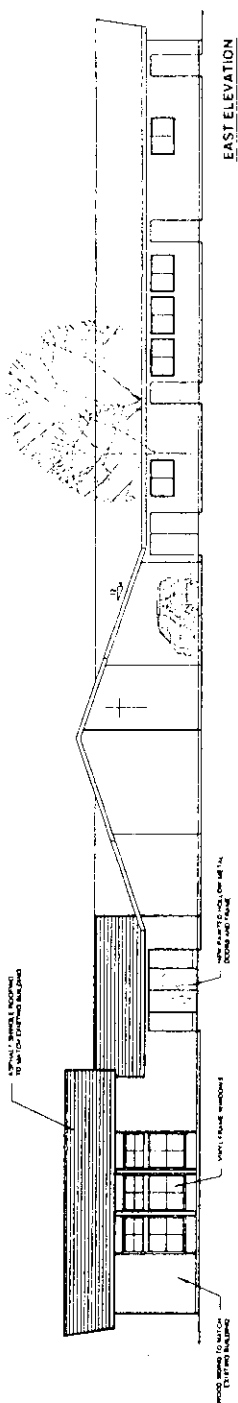
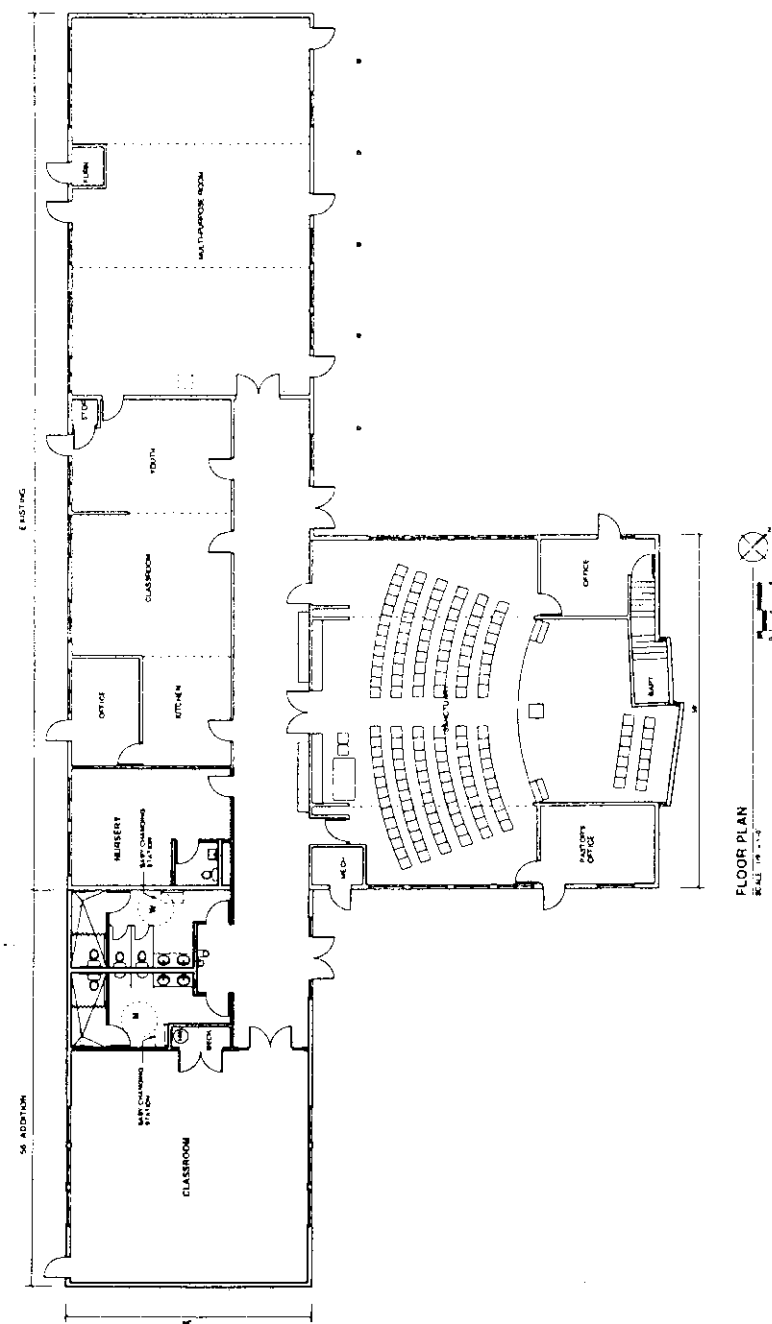
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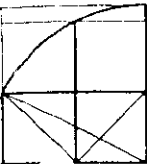
JURISDICTION  
ZONING  
BY AREACITY OF OREGON CITY  
 A-10 RESIDENTIAL ZONE

**ZONING  
LOT AREA**

4-13 WE, SUE N. L. & L. N. L.  
D. B. ACRES

**MEYERS RD.**





ARCHITECT • L.A.  
19691 S MEYERS ROAD  
OREGON CITY, OREGON 97131  
PHONE 503-771-4666  
FAX 503-771-0317

FAITH COMMUNITY FELLOWSHIP

19691 S MEYERS ROAD  
OREGON CITY, OREGON

CONTENTS  
ELEVATIONS

PROJECT 20210

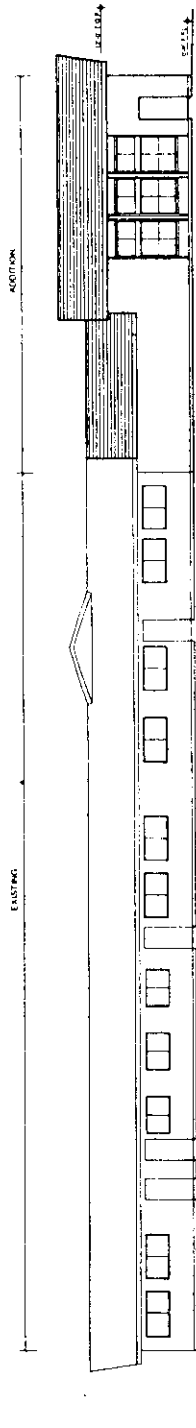
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DATE 2/12/04

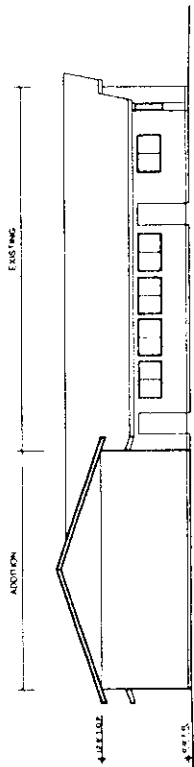
REVISIONS

A3

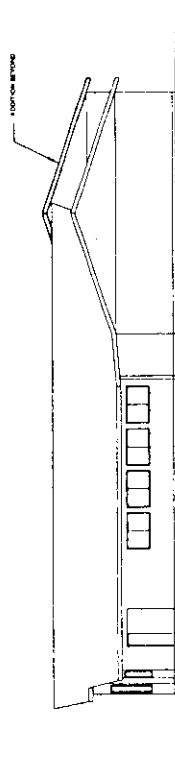
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SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

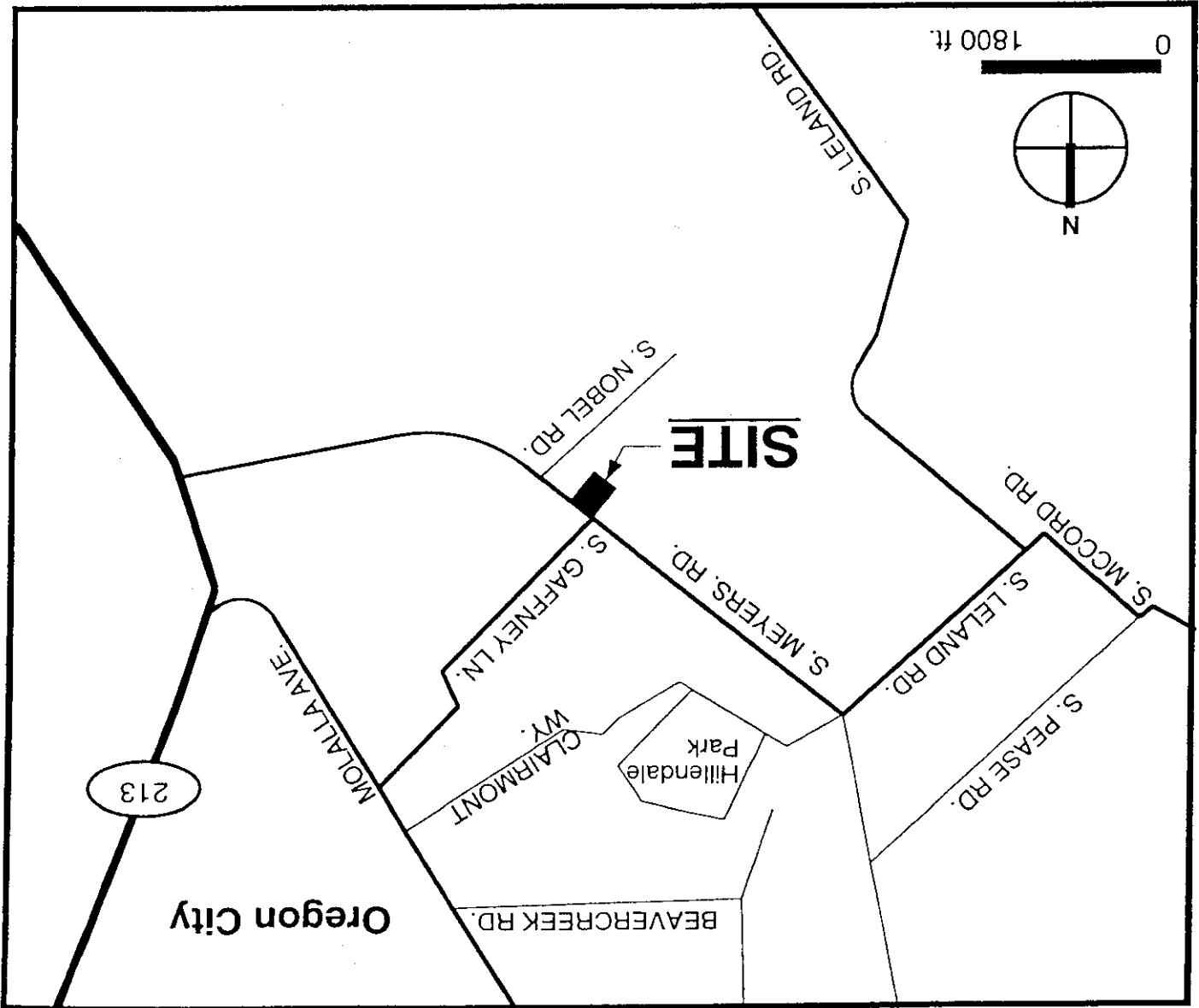


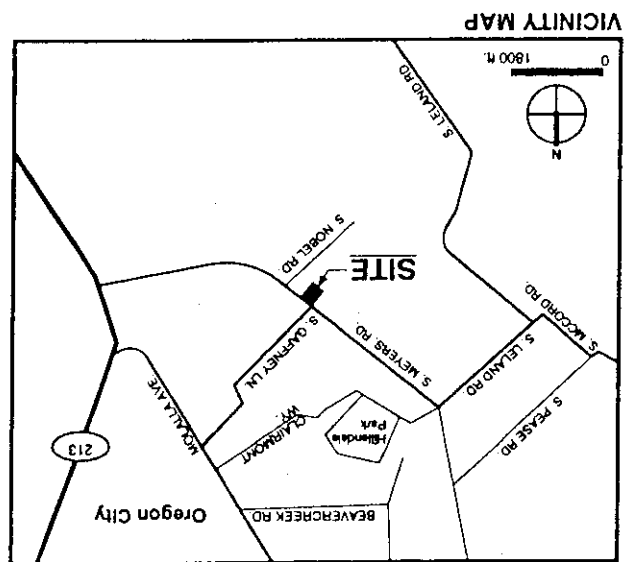
WEST ELEVATION  
SCALE 1/8" = 1'-0"



NORTH ELEVATION  
SCALE 1/8" = 1'-0"

# VICINITY MAP





## Faith Community Fellowship

P.O. Box 1987  
Oregon City, Oregon 97045-9087  
Phone: (503) 655-7390  
Rev. Percy V. Kooshian

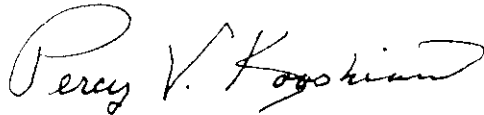
Wednesday, February 11, 2004

RE: Faith Community Fellowship  
P.O. Box 1987  
Oregon City, OR 97045-9087

To Whom It May Concern:

We authorize ARCHITECT • LA on behalf of Faith Community Fellowship to make all necessary submittals to Oregon City building and planning departments for the expansion of our existing church.

Thank You



Reverend, Percy V. Kooshian

"Our Purpose Is To Know, Love, and Serve Christ"



## PC Mailing List

Meeting Date: 5.10.04

Sent On: 5.3.04

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

\*In addition to the names on the following page

Total: F = 27      A = 9



VR 04-01

Rick Givens  
204 SE 10<sup>th</sup> Ave  
Portland, OR 97013

Dee Craig  
Oregon City Parks & Rec Director  
320 Warner-Milne  
Oregon City, OR 97045

John Wyland  
Centex Homes  
16520 SW Upper Boones Ferry Rd.  
Ste. 200  
Portland, OR 97224

Greg and Nancy Wallwork  
12945 Noblewood Avenue  
Oregon City, OR 97045

Kristen Ryner  
12960 Noblewood Avenue  
Oregon City, OR 97045

Carol Loss  
229 Ogden Drive  
Oregon City, OR 97045

Ball Janik, LLP  
Dana L. Krawczuk  
101 SW Main Street, Suite 1100  
Portland, Oregon 97204-3219

Opsis Architecture  
Mark Stoller  
1202 NW 17<sup>th</sup> Ave.  
Portland, OR 97209

Clackamas Community College  
Kirk Pearson  
19600 Molalla Avenue  
Oregon City, OR 97045

Murray, Smith & Associates  
Michael Carr, PE  
121 SW Salmon Street, Ste. 900  
Portland, OR 97204

Fishman Environmental Services  
Stacy Benjamin  
434 NW 6<sup>th</sup> Ave., Ste. 304  
Portland, OR 97209

VR 04-01



**CITY OF OREGON CITY**

P.O. Box 3040  
Oregon City, OR 97045-0304  
Address Correction Requested

---

Faith Community Fellowship  
PO Box 1987  
Oregon City, Oregon 97045

---

**PRESERVING OUR PAST, BUILDING OUR FUTURE**



**CITY OF OREGON CITY**

P.O. Box 3040  
Oregon City, OR 97045-0304  
Address Correction Requested

---

Architect LA  
805 SE Sherman Street  
Portland, Oregon 97214-4666

---

**PRESERVING OUR PAST, BUILDING OUR FUTURE**

|   |      |  |      |  |      |
|---|------|--|------|--|------|
| <b>CICC Chairman/Hillendale Nbrhd</b><br>Julie Hollister<br>12704 Clairmont Way<br>gon City, OR 97045                       | F    | <b>Barclay Hills Nbrhd Assoc.</b><br>Elizabeth Klein, Land Use<br>13569 Jason Lee Drive<br>Oregon City, OR 97045 | A    | <b>Canemah Nbrhd Assoc.</b><br>Howard Post, Chairman<br>302 Blanchard Street<br>Oregon City, OR 97045                                  | A    |
| <b>Caufield Nbrhd Assoc.</b><br>Cathi VanDamm<br>15092 S. Persimmon Way<br>Oregon City, OR 97045                            | A,WR | <b>Caufield Nbrhd Assoc.</b><br>Mike Mermelstein, Land Use<br>20114 Kimberly Rose Drive<br>Oregon City, OR 97045 | A,WR | <b>Gaffney Lane Nbrhd Assoc.</b><br>Joan Schultze<br>19413 Stillmeadow Drive<br>Oregon City, OR 97045                                  | A,CU |
| <b>Hazel Grove / Westling Farm N/A</b><br>Kathy Hogan, Chairman<br>19721 S. Central Point Road<br>Oregon City, Oregon 97045 | A    | <b>Hillendale Nbrhd. Assoc.</b><br>Debbie Watkins, Co-Chairman<br>13290 Clairmont Way<br>Oregon City, OR 97045   | A,VR | <b>McLoughlin Nbrhd Assoc.</b><br>Denyse McGriff, Land Use<br>815 Washington Street<br>Oregon City, OR 97045                           | A    |
| <b>McLoughlin Nbrhd Assoc.</b><br>Dean Walch, Co-Chairman<br>516 Madison Street<br>Oregon City, OR 97045                    | A    | <b>Park Place Nbrhd. Assoc.</b><br>Ralph and Lois Kiefer<br>15119 Oyer Drive<br>Oregon City, OR 97045            | A    | <b>Park Place Nbrhd. Assoc.</b><br>Don Slack<br>16163 Widman Court<br>Oregon City, OR 97045  | A    |
| <b>Rivercrest Nbrhd. Assoc.</b><br>Diane McKnight, Chairman<br>161 Barclay Avenue<br>Oregon City, OR 97045                  | A    | <b>Rivercrest Nbrhd. Assoc.</b><br>Patti Brown, Land Use<br>P.O. Box 1222<br>Oregon City, OR 97045               | A    | <b>South End Nbrhd. Assoc.</b><br>Karen Montoya, Chairman<br>137 Deerbrook Drive<br>Oregon City, OR 97045                              | A    |
| <b>South End Nbrhd. Assoc.</b><br>Kathy Robertson, Land Use<br>210 Elmer Drive<br>Oregon City, OR 97045                     | A    |  |      |  |      |
| <b>Garvey Schubert Barer</b><br>Bill Kabeiseman<br>121 SW Morrison Street, 11 <sup>th</sup> Floor<br>Portland, Oregon 97204 | F    | <b>Planning Commission</b><br>Linda Carter<br>1145 Molalla Avenue<br>Oregon City, Or 97045                       | F    | <b>Planning Commission</b><br>Lynda Orzen<br>14943 Quinalt Ct.<br>Oregon City, Or 97045  | F    |
| <b>Planning Commission</b><br>Dan Lajoie<br>143 John Adams Street<br>Oregon City, OR 97045                                  | F    | <b>Planning Commission</b><br>Tim Powell<br>819 6 <sup>th</sup> Street<br>Oregon City, OR 97045                  | F    | <b>Planning Commission</b><br>Renate Mengelberg<br>2263 South Gilman<br>Oregon City, Or 97045  | F    |
| <del>Transcriptions<br/>Pat Johnson<br/>10214 SW 36<sup>th</sup> Court<br/>Portland, Oregon 97219</del>                     |      | <b>DJC</b><br>Kurt Shirley<br>PO Box 10127<br>Portland, OR 97296   | A    | <b>Oregonian Metro South-News</b><br>365 Warner-Milne Road, Ste. 110<br>Oregon City, Oregon 97045<br>Attn: Steve Mays                  | A    |
| <del>Don Vedder Real Estate<br/>26 Cherry Avenue<br/>Oregon City, Oregon 97045<br/>Attn: Karen Slomp</del>                  |      | <b>Rene Hinneberg</b><br>AV Tech<br>2580 Cambridge Street<br>West Linn, OR 97068                                 | A    | <del><b>Clackamas Community College</b><br/>Community Relations Department<br/>19600 S. Molalla Avenue<br/>Oregon City, OR 97045</del> |      |

