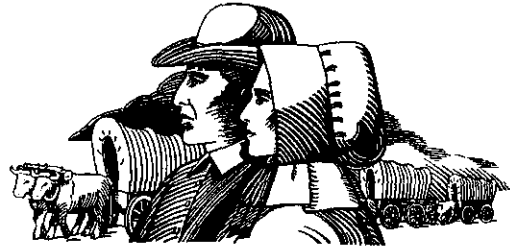


CITY OF OREGON CITY

PLANNING COMMISSION

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AGENDA

City Commission Chambers - City Hall
March 11th, 2002 at 7:00 P.M.

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:10 p.m. 3. **APPROVAL OF MINUTES:** *February 11, 2002*
- 7:15 p.m. 4. **HEARINGS:**

PZ 01-01 and ZC 01-04 (*Comprehensive Plan Amendment and Zone Change*); Willamette Falls Hospital; Request for a continuance of the Planning Commission meeting for a Comprehensive Plan Amendment from Low Density Residential to Limited Office and a Zone Change from "R-10" Single-Family Residential to "LO" Limited Office; Clackamas County Map 2S-2E-32AB, Tax Lots 1201, 1300, 1400, 1401, 1500, and 1600.

- 7:20 p.m. **L 01-05 (*Legislative*);** City of Oregon City; Adoption of the Chapin Park Master Plan Redevelopment as an Ancillary Document to the 1999 City of Oregon City Parks and Recreation Master Plan, which is an Ancillary Document to the Oregon City Comprehensive Plan; Clackamas County Map 3S-2E-6CB, Tax Lot 100.

- 7:35 p.m. **PZ 01-02 and ZC 01-05 (*Comprehensive Plan Amendment and Zone Change*);** Tosco Corporation; Request for a Comprehensive Plan Amendment from Industrial to Commercial and a Zone Change from "M-2" Heavy Industrial to "CBD" Central Business District; Clackamas County Map 2S-2E-31BD, Tax Lots 100 and 200.

- 8:15 p.m. 5. **OLD BUSINESS**
- 8:20 p.m. 6. **NEW BUSINESS**
- 8:30 p.m. 7. **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 MINUTES
February 11, 2002**

COMMISSIONERS PRESENT

Chairperson Carter
Commissioner Bailey
Commissioner Main
Commissioner Mengelberg
Commissioner Orzen

STAFF PRESENT

Bryan Cosgrove, Assistant City Manager
Sean Cook, Assistant Planner
Tony Konkol, Assistant Planner
Pat Johnson, Recording Secretary
Dee Craig, Director of Parks and Recreation

COMMISSIONERS ABSENT

None.

1. CALL TO ORDER

Chairperson Carter called the meeting to order at 7:05 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: January 14, 2002; January 16, 2002

Regarding the 1/14/02 minutes, **Chairperson Carter** had a verbal comment about the wording on page 3, second paragraph from the bottom, in which the minutes read, "Chairperson Carter noted that part of her concern is because it is the City's current state of mind to hoard the existing industrial lands in the City...." She said she didn't mean to be too intense if she actually used the word "hoard." She simply meant to say that the City would like to hold onto those industrial designations that already exist. However, having said this for the public record, she said the minutes did not need to be changed. **Bryan Cosgrove** read, "Mr. Cosgrove said at the time there wasn't anything in Code about it, but now they automatically come in as R-10 if they were County FU-10, and must then choose their desired zone designation" (page 3, paragraph 4, last sentence). He clarified that this only applies if they had a County Comp Plan designation of Industrial. Therefore, the sentence as it reads doesn't fit correctly. He offered to provide correct verbiage to the minute taker for correction. **Commissioner Bailey** moved to accept the minutes of 1/14/02 with Mr. Cosgrove's amendment.. **Commissioner Mengelberg** seconded the motion.

Votes: Ayes: Bailey, Main, Mengelberg, and Chair Carter. Nays: None. Abstentions: Orzen.
The motion passed.

Commissioner Bailey moved to approve the minutes of 1/16/02 as submitted. **Commissioner Main** seconded the motion.

Votes: Ayes: Bailey, Main, and Chair Carter. Nays: None. Abstentions: Mengelberg and Orzen. The motion passed.

4. HEARINGS:

L 01-02 (Legislative); City of Oregon City; Adoption of the Jessie Court Park Master Plan as an Ancillary Document to the 1999 City of Oregon City Parks and Recreation Master Plan, which is an Ancillary Document to the Oregon City Comprehensive Plan; Clackamas County Map 3S-2E-7D, Tax Lot 501.

Bryan Cosgrove introduced Curt Lango of Lango-Hansen, Architects, and Dee Craig, Director of Parks and Recreation, to make the presentation of the Jessie Court Park Master Plan. **Mr. Lango** gave an overview of the process that was done, noting that four public meetings were held (one being on-site) over a period of four to five months. He used visual aids in his description and began by saying that the park is surrounded by Leland Road on the north, Jessie Avenue on the west, the future Frontier Way on the south, and residential developments on the east. Some issues include a large PGE transformer which is located in the middle of the site and includes an easement on the property, the connection of a future road, a possible 50-ft. easement for a future road or easement to Leland Rd., several pedestrian access points, and the potential purchase of a piece of property to the north between the site and Leland Rd.

The final Master Plan proposal is based on a lengthy planning period and seems to have the most consensus from the neighbors. **Mr. Lango** noted that the 1999 Park Master Plan called for this park to be a community park with some of the qualities of a neighborhood park. Therefore, it is planned to include some large ball fields and large picnic areas as well as some smaller, more passive areas. He described the plans to include a 70-car parking lot; a slight curve in the future Frontier Way to slow down traffic, a pleasant arched path through the middle of the site that will eventually connect to Leland Rd., two ball fields with a soccer overlay, and a second soccer field in the northwest portion, which can be used year-round. In the center, there will be a concession and restroom facility, a play area, and a picnic shelter, with other picnic areas spread throughout the park. There will be a trail winding through the park, with conifers and deciduous trees along it. In the northern area, there will be a future shelter and possibly a future parking lot nearer Leland Rd. The plans also include benches throughout the park and a basketball court in the southern portion of the site. Regarding screening, some neighbors wanted heavy screening while others preferred the more open views. Therefore, the plans are for a mix of both using discrete placement of trees. The parking lot will be lowered somewhat and low berms will be constructed around it to protect the public from a direct view into the south parking lot. A fenced dog use area is planned for the southwest corner. Finally, plans include possible future lighting at one ball field, using hooded, downward-directed lights with timers.

Chairperson Carter opened the public hearing for questions and testimony.

Commissioner Mengelberg asked if it might be possible to light the combination baseball/soccer field rather than the single upper baseball field so both facilities could be used over a longer period of time. **Mr. Lango** cited two reasons for the decision: (1) No lights can be located on the PGE tower and easement, and (2) because of the soccer field overlay, they are prevented from locating lighting within that soccer field.

Commissioner Mengelberg asked how low the power lines are, and **Mr. Lango** said they are about 25-30 ft. high, which shouldn't create conflicts with flying balls. **Mr. Lango** said staff had worked with PGE at the beginning of the planning process and PGE felt the proposed lighting location would be best.

Commissioner Orzen asked if there is sufficient space for spectators at the ball fields and specifically if there would be seating available. **Mr. Lango** said there are plans for some bleachers and there are plans to use extra dirt to build berms and land forms upon which spectators can sit.

Commissioner Mengelberg asked how many cars there are typically if there are two baseball games in session. **Mr. Lango** said the estimate is for 20-25 cars per game, which was based on statistics at other Oregon City parks. So, even considering soccer games and people who might be picnicking at the same time, a 70-car parking lot should be sufficient. He also noted that there is parallel parking along the streets, which would accommodate more vehicles if necessary.

Commissioner Orzen asked if it might be possible to install a roundabout to slow down traffic, perhaps near the first curve at the entrance to the parking lot on Frontier Way. **Mr. Lango** said the area is pretty restricted so there probably isn't enough space. He did say, though, that the neighbors had suggested the addition of speed bumps, but that discussion would be more appropriate with the Transportation Department in the construction document phase.

Commissioner Main asked for clarification as to the basis for establishing the sufficiency for parking. **Dee Craig** said 35 cars per field is the national standard. However, they do not assume that there would be two baseball fields plus the soccer field in use at the same time. The add-on at the other end of the park would really support the ball field and the soccer field at that end. Therefore, 70 spaces in the parking lot fields and the available parallel parking should be sufficient. In comparison, she said there are currently about 62 spaces at Chapin Park.

Commissioner Main asked if the citizens who attended the four public meetings were informed that they should attend this meeting or send in their comments for consideration. **Ms. Craig** said they were told about the procedures and that everyone who lives within 300 ft. was noticed of this meeting. **Bryan Cosgrove** also noted that they will have opportunity to provide comments at the City Council level.

Commissioner Main then asked why Jessie Court is only scheduled for one public hearing but Chapin Park is scheduled for two. **Mr. Cosgrove** said Jessie Court Park is a new park, but the issues surrounding Chapin Park are more complex. Therefore, two hearings were scheduled for it.

In moving to public testimony, **Kathy Robertson**, 210 Elmar Dr., said she likes this plan. She attended the Parks and Recreation Advisory Committee meeting to hear the presentation and she agrees that this plan represents the best of the options that were presented. In particular, she likes the basketball courts, ball fields, a play area for children, the walking trail, good parking, and the dog area. In summary, she said she is in support of this plan.

With no further public testimony, **Chairperson Carter** closed the public hearing.

In deliberations, **Chairperson Carter** said she thinks it is a well-thought out plan that would be an asset for the neighborhood.

Commissioner Main noted for public information purposes that there is no funding in place yet for this park, but asked if he understands correctly that the first step in obtaining funding is to establish a Master Plan. **Ms. Craig** said this park qualifies to be built with park SDC funds, which will be a part of next year's budgeting. She also anticipates obtaining some matching grants. She said the next step is to get bid documents and drawings, so the public probably won't see actual activity on this site for about 1 ½ years. **Commissioner Bailey** clarified that SDC's are System Development Charges (funds that are charged to new developments for use on projects like this that result from the growth of the City).

Commissioner Main moved to recommend approval to the City Commission for adoption of the Jesse Court Park Master Plan as an ancillary document to the 1999 City of Oregon City Parks and Recreation Master Plan, as recommended by staff. **Commissioner Bailey** seconded the motion.

Votes: Ayes: Bailey, Main, Mengelberg, Orzen, and Chair Carter. Nays: None. Abstentions: None. The motion passed unanimously.

L 01-05 (Legislative); City of Oregon City; Adoption of the Chapin Park Master Plan Redevelopment as an Ancillary Document to the 1999 City of Oregon City Parks and Recreation Master Plan, which is an Ancillary Document to the Oregon City Comprehensive Plan; Clackamas County Map 3S-2E-6CB, Tax Lot 100.

Chairperson Carter opened the public hearing for this application at 7:30 p.m. She then took a short break to await the arrival of the consultant, since this was scheduled on the noticed agenda for 7:45 p.m. He arrived shortly thereafter and the meeting was reconvened at 7:35 p.m.

Mike Zilis of Walker-Macy used visuals to give a summary presentation of the Chapin Park Master Plan. He did not give a detailed report of the entire process, but said he wanted to focus on the solutions that resulted after a series of public workshops and meetings with key people in the City. He described the park as about 17 acres in size, accessed from the north. There is a small parking lot off of Warner Parrot Rd., a series of play structures, a path system that goes around a portion of the site, and four ball fields with overlay soccer. The main issues related to the site include drainage; drainage problems in the parking lot; the amount of parking for the amount of use; exercise equipment which is in disrepair; and conflicts of interest by users of the path system, which is in very high use. The main issues expressed by the public relate to the use. Right now there are very few places for active ball field use in the Oregon City parks, and this park experiences a high volume of the baseball, softball, and soccer use. From the public discussions, the key points were seeking improvements for the park and eventually getting a better balance of active uses (such as ball fields) and passive (picnicking).

Mr. Zilis said the park itself is defined by the Oregon City Parks and Recreation Master Plan as a community park, so it needs to serve the immediate neighborhood and the larger community. By definition, its purpose is "to provide active and structured recreation, organized sports, children's play, picnicking, and parking." Out of the Master Plan conducted a couple of years ago, specific recommendations related to modification of the drainage pattern, extending the path system, providing more off-street parking, renovating the multi-use field, adding a soccer field in the south portion, and adding a basketball court and other support facilities. Through the stakeholder meetings, another important aspect was discussed, that being the management of the park. People felt it was important to curtail improper use of the park, trash collection issues, and management of the ball field issues, but acknowledged that the City isn't sufficiently staffed to be able to take care of everything.

In summary, **Mr. Zilis** said the discussions centered around the need for sufficient parking (average is 30-35 cars per sports field), conflicts between active and passive uses, the park host location, uncontrolled vehicular access to the park, and a few other items. He noted that there have been many accomplishments by the sports groups and neighbors, including a new picnic shelter, new play areas, pedestrian connections were built, a pay phone was installed, and the park host became a reality. It is hoped that this plan will build on these things to make the park a better facility for the residents of Oregon City.

The resulting Master Plan proposal is for a two-step process. The elements include the following:

- a moderate expansion of the parking lot to 115 spaces,

- water detention facilities to take care of some of the drainage patterns,
- improvements to bring some of the paved surfaces up to current Code,
- buffered planting along the neighbors' properties,
- relocation of the park host to a spot that still provides good surveillance but also where it is not a main focal point,
- some barriers through bollards and fences to curtail unauthorized vehicle access,
- new horseshoe pits,
- widening of the path, with slight modifications for safety and the planting of some trees along the path (both for beauty and to minimize conflicts between the ball field users and those on the paths),
- expansion of the trail system to the south,
- the addition of irrigation and more trees,
- the relocation of a pad for a seasonal concession stand and a seasonal restroom into the center portion of the park (as opposed to the current location adjacent to the neighbors).

Ultimately, when there are five more fields within the City (two of which with 90-ft. diamonds), one field could be removed from this park. The proposal is to keep three ball fields with overlay soccer, and turn the rest of the park into passive recreation area. That area would include additional paths, trees, a picnic shelter, and open lawn.

In summary, he said the initial stages would include expansion of the parking lot and the playground, improved drainage, improve the southern portion of the park, and then, as ball fields are brought on line in the City, the removal of one particular field and conversion of it to passive recreation.

Mr. Zilis noted that there is very little funding available for many of these improvements, so anything that is done to the park should be well coordinated, which is the reason for the Master Plan.

Commissioner Mengelberg asked how far Chapin Park is from Jessie Court Park. **Dee Craig** said it is about eight miles in driving distance, although not nearly that far in direct distance. **Bryan Cosgrove** noted that the site is annexed, so it is just outside the City limits. **Ms. Craig** said there are some fairly busy streets between the two parks, and is not practically not within walking distance.

Regarding the parking area, **Commissioner Orzen** asked if it might be possible to have some type of green parking (grass part of the year that can be parked on part of the year). **Mr. Zilis** said the key is to determine how often they would be used, but this could be certainly be considered.

Chairperson Carter asked what plans are being made to correct the drainage problem. **Mr. Zilis** said the drainage comes through the center of the site, and the plan is to collect it in a series of additional catch basins and to catch storm water within the expanded parking lot. This would be piped over to a storm water detention facility adjacent to the road. He said currently there is only a very shallow pipe under the road that empties into the rest of the system so the new piping would need to be sized to meter the water out slowly so it doesn't create problems across the street. **Chairperson Carter** suggested keeping in mind the wetland idea to use as much natural drainage as possible for plantings also. **Mr. Zilis** agreed, but noted that it will be planned as a drainage facility so it doesn't have to be maintained as a wetland.

Commissioner Mengelberg asked if, in full season, all ball fields are being used constantly during the day. **Ms. Craig** said the usage is mostly after school and weekend use. The general agreement is to not start games before 9:00 a.m., but games are played until dusk since there are no lights. In defining the

seasons, she said baseball tryouts begin in February and games are played through the 4th of July. Soccer starts about August and generally goes to Thanksgiving.

The first public testimony was by **Kathy Robertson**, 210 Elmar Drive, who said she wanted to make sure all of her written comments were distributed and read by the Commissioners. (She had submitted letters on 10/3, 10/7, and 11/17.) **Mr. Cosgrove** said she could summarize her comments and submit the written notes as part of the public record. **Ms. Robertson** said she likes most of the plan but she has a few concerns. The first is the proposed location of the playground equipment, because it looks like that location would prevent expansion of shelters, of which it seems they always need more for summer activities. Regarding vision issues, it was said in earlier discussions that parents could sit in the shelter and watch their children in both play areas, but she said that during the summer the shelter is in use for parties, so parents are unlikely to sit there. She also said it seems like the best baseball field is being taken away and it would seem more logical to take out one of the smaller ones. She said if Phase II were done first, there would not be a need for so much parking. Since funding is so limited for the parks, it doesn't make sense to add parking and then take it out later.

Ms. Robertson said she was the chairman of the Chapin Park Committee for the South End Neighborhood for about three years and during that time the neighborhood put in the playground equipment. At the time, they put it in this location with the understanding that the old Master Plan would no longer be enforced on this issue. In discussing the 20-Year Plan, everyone agreed that one ball field should be deleted. She said she likes the trails and plant growth in the Plan, and thinks the drainage proposal is a good one. She said her main concerns are expansion, the need for another shelter, the deletion of a different ball field than the one proposed, and the obvious, already-existing need for more parking.

When **Commissioner Main** asked where she would recommend moving the tot lot, **Ms. Robertson** said her concern is that it is too close to a swing set, which could create a danger for wandering toddlers. However, she didn't have a specific suggestion for its location.

She also noted that the addition of the park host has been good because it has stopped a former drug problem in the park.

Kathy Hogan, 19721 So. Central Point Rd., read a portion of a letter from a person who wrote, "After reviewing the plan for Chapin Park, it seems that our current parking lot is not adequate for some events/cars parked on the residential streets... I believe the City may be better off refurbishing current exercise equipment and widening the path around the park but until more parking is available, I do not see how major improvements can happen." (This letter is part of the public record.)

Ms. Hogan said she lives between Jessie Court Park and Chapin Park and she thinks the distance is walkable, although she noted it is a "good walk."

Tracy Hamblet, 523 Warner Parrot Rd., asked if she was allowed to ask a question before giving her testimony and was given permission to do so. She asked what the earlier reference of "very little funding" means. **Dee Craig** said this particular park does not qualify for park SDC funds because it is an established park. Therefore, the City would need to get a grant or use General Fund monies, which is not likely. **Ms. Hamblet** asked how likely it is to get a grant. **Ms. Craig** said there are some annual federal grants for rehabilitating parks. Some grants are for matching funds, meaning two grants could be used as long as they are not both federal grants. **Ms. Hamblet** said the reason for this question is because both phases of the Plan will cost money, so she wonders why it would be done in two phases rather than

obtaining sufficient funding and doing the whole thing at once. She was told earlier that it was being done in two phases because of the need to add more ball fields in the City before deleting one in Chapin Park. Now that ball fields are being added in Jessie Court Park, she asked why we would still do this in two parts and undo part of it. She also asked, What is a seasonal restroom? Regarding the tot lot, she agreed with Ms. Robertson that the current location is great where it is now for parents with kids in both play areas. Regarding the parking issue, she noted that some of the problem will be alleviated when one ball field is removed. She reiterated that she is not sure it is an appropriate use of money, time, and people's use of the parks to put in more parking now and take out later.

In summary, **Ms. Hamblet** said she was excited to see that the Jessie Court Park is in the same area as Chapin Park. She thinks they could be shared parks, and this is more reason not to spend the money or the time to do Phase I. She concluded that if there is no money available now, we should wait and do everything at once in Phase II. However, she did agree that Chapin Park is in desperate need of help.

Commissioner Bailey asked Ms. Hamblet what part of Phase I would not be a good use of the money, other than the parking. Ms. Hamblet said she had understood that the tot lot would have to be moved when the parking lot is expanded. Also, she thinks it makes more sense to do all the work on the trails at the same time. It just seems unwise to spend money on projects now that will be changed later. Also, she asked who will guarantee that money will be available to do in the Phase II changes. Would the money be kept in a trust fund, and who would administer that?

Commissioner Bailey asked whether she thought the tot lot should only be moved when the parking lot is expanded, or if she didn't think it should be moved at all. **Ms. Hamblet** said her understanding is that main purpose of Phase I is to keep the current number of sports field, with a future plan to take one out and convert it to more passive use. Because it all takes money, she just thinks we should move toward doing everything in one phase when there is sufficient money available. **Commissioner Bailey** said he thinks both she and Ms. Craig have pointed out the importance of the issue of the coordination and timing of the development and changes in Chapin Park as money becomes available, with other parks that are coming on line. However, he thinks that having a Master Plan is a prerequisite to getting any funding.

Ms. Hamblet said she had responded in writing some time ago, but that correspondence isn't in record. Chairperson Carter didn't know why it wasn't, but thanked Ms. Hamblet for her verbal testimony this evening, which is now part of the record.

In response to some of the questions, **Mr. Zilis** responded to some of the questions by saying:

- There seems to be some misunderstanding between the difference in Phase I and Phase II. He said there is very little money going into the existing fields initially. The proposal for Phase I is to build the parking lot, relocate the tot lot, and improve a portion of the trail that stops there. In Phase II, all of that trail network and the parking lots remain in place. So everything being done in Phase I relative to setting up the passive recreation expansion of the park is in place. Therefore, staff is not proposing to build anything in the interim plan that would be removed in the ultimate Master Plan.
- Regarding the amount of parking, 30-35 cars per ball field during the highest use seems to be average in a number of parks. Staff is not proposing parking beyond what will be needed for the three fields and two picnic shelters.
- The seasonal restroom is a temporary restroom that is brought in and it will require servicing.

Commissioner Bailey asked for confirmation that the existing parking is not sufficient, but the plan is for the targeted three fields, not the current five fields. **Mr. Zilis** confirmed this.

Mark Epperson, 507 Warner Parrott Rd., said he had some concerns with the Master Plan, in particular the issues of parking and water drainage. He said that this area was historically was a wetlands area. By increasing the parking using a permeable seal, that will stop the natural water storage and will create more problems. He said that flooding is already a problem both downstream and upstream. He agreed with the idea of setting aside Phase I and moving toward doing everything in Phase II. He said the only parking problem now is on weekends. Lastly, he said he thinks that a review of the Master Plan only every five years is too infrequent, and suggested that the wording be changed to a *minimum* of five years rather than a maximum of five years for review.

Commissioner Bailey asked if Mr. Epperson is involved with his neighborhood association, to which **Mr. Epperson** said he has been in the past. **Commissioner Bailey** said that the current requirement for a five-year review is about the best that can be expected at the current staffing level, but suggested that neighborhood associations could help out simply by monitoring the park in general on an ongoing basis, and bringing to the attention of staff anything that might need attention sooner than the next review.

Commissioner Main asked if Mr. Epperson had any suggestions about the drainage. **Mr. Epperson** said his first thought is to not increase the parking. However, given the inevitable, he seconds the recommendation for consideration of grass-crete.

Commissioner Bailey asked if someone could show on the aerial photo where the water comes from and where it goes. **Mr. Epperson**, who grew up in the area, said many years ago the whole area was a 3-ft. lake which has since been filled in with development. He showed where there is an open stream that now dumps into Coffee Creek. He said the current upstream problems are caused by another stream which has been covered up. Everything basically meets in the middle where it crosses the road, thus causing the problems.

Commissioner Main referred to a prior question of whether the right field has been chosen for removal. **Ms. Craig** reiterated that staff has worked closely with Bill Woods of Oregon City Youth Sports, who specifically recommended that this was the most appropriate one to remove. **Mr. Zilis** said that, from a planning perspective, staff has also tried to plan this so that the playing fields are clustered together and the passive area is not split up. The passive uses areas are also located near the restrooms and play areas.

With no further testimony, **Chairperson Carter** closed the public hearing at 8:25 p.m. However, **Commissioner Bailey** asked for confirmation that there will be a second hearing, so there would be further opportunity for the public comment, and the Planning Commission was not trying to come to a conclusion this evening. **Chairperson Carter** confirmed that the hearing would be continued to March 11th.

Commissioner Bailey asked if staff could address the phasing that might occur with Jessie Court or other projected fields. **Ms. Craig** said this plan started over two years ago, at which point the City was just purchasing Jessie Court. She said they probably would not have phased this park in two phases if they had had any idea that they would be at this point on both Hillendale and Jessie, and that they would have also completed the Waterfront Park Master Plan. At that time, this was the best compromise. She said it would be her recommendation to move directly to the final Master Plan unless the money were to suddenly appear to enable doing this in two phases because Hillendale goes out to bid at end of this month, at which time one more ball field will come on line. And, as was already mentioned, the intention is to bid out Jessie Court within the next year, which would add another field for a total of two new fields in the next two years. She admitted she would be very surprised if the funding and construction drawings

were to materialize prior to that time. Also, she said this is somewhat dependent on how quickly Tri-Cities moves forward on their project, which includes two ball fields.

In light of these comments and the prior discussion, **Commissioner Mengelberg** asked if Ms. Craig feels there should be a reduction in the amount of parking. **Ms. Craig** said no because it will all be needed to accommodate three ball fields and two covered picnic shelters (each of which will hold between 50 and 75 people).

Chairperson Carter asked if the parking lot is in dire need of repair now and noted that the parking lot and the drainage problems can't be ignored for another two years. **Ms. Craig** said it needs to be resurfaced. If money becomes available, she would suggest doing the least amount of work possible to fix the parking lot and relocate the tot lot because it is the same in either plan.

Chairperson Carter summarized that it seems more prudent to move toward the final plan but whatever the final plan is going to be, the work will be done in phases, with the most important (the parking lot and drainage) being done first. Regarding those two, she said the Planning Commission is trying to think more in terms of how impermeable surfaces, water drainage, and wetlands inter-relate, and to be more creative in designing better drainage. Although the parking lot has no trees at present, she suggested that when the parking lot is put in and trees are planted, it could be designed for the water to drain toward the trees and other plantings for better use of the water.

Commissioner Mengelberg asked if there had been any consideration of building a pond or a wetland area to mitigate some of the flooding issues as well as create some kind of a passive recreation water feature. **Mr. Zilis** said it wouldn't be so much a passive recreation feature as a feature to walk around, but with the direction of the gradation movement, the most logical place for that would be at the low point. Therefore, there are plans for a pond with plantings around it.

Commissioner Bailey suggested that, when this goes forward to the City Commission, staff be prepared to lay out the new realities surrounding this so people aren't focused on the Plan per se, but would have a little context to build on.

Mr. Cosgrove reminded the public that there will be one more public hearing for which proper notification will be done, and proper notification again before the City Commission hearing.

Regarding Ms. Hamblet's comment that her earlier written submission was not in the record, **Mr. Cosgrove** said that staff doesn't start compiling a record until notification is sent to the Planning Commission. So, if the comments were sent in prior to that, they are included in the project file. **Kathy Robertson**, who was also concerned about her recent missing document, said she was told to address her written submission to Ms. Craig but that it would go to the Planning Commission. **Mr. Cosgrove** reiterated the difference between the project file and the official record, and **Ms. Craig** confirmed that her written comments are included in the record now and will be distributed to the Planning Commission. **Mr. Cosgrove** then explained that Ms. Hamblet's letter is in the project file and Ms. Robertson's letter is now a part of the public record, but confirmed that both are on file for reference and consideration.

Commissioner Bailey publicly thanked the citizens for coming and giving their comments, noting that this has not been an easy process for anyone.

Commissioner Bailey moved to continue this hearing to 3/11/02. **Commissioner Main** seconded the motion.

Votes: Ayes: Bailey, Main, Mengelberg, Orzen, and Chairperson Carter. Nays: None. Abstains: None. The motion passed unanimously.

5. OLD BUSINESS

Mr. Cosgrove noted that the City has hired David Evans & Associates to do the Comprehensive Plan update. Staff is currently working with them to sort out how the public will be involved in the process, and confirmed that the Planning Commission will be involved as well.

Interim Planning Manager: **Mr. Cosgrove** said the City is hiring a contract Planning Manager, Karen Haines, to run the Planning Department for three months. She was formerly the Assistant City Manager for the City of Lake Oswego, and has extensive background in community development and planning.

Cell Tower Ordinance Update: **Commissioner Bailey** asked Tony Konkol for an update of the cell tower ordinance. **Mr. Konkol** said staff had just spoken with Ms. Haines to make plans to prepare a housekeeping ordinance for presentation to the Planning Commission. This will include some minor items in Code which need to be corrected, the Accessory Dwelling Unit, and the Cell Tower ordinance all at once. He said staff is currently working on the Downtown Community Plan with Ed Murphy, which will include the addition of a couple of new zoning classifications that will not be addressed in the new Cell Tower Ordinance. However, knowing that the cell tower issue was a priority with the Planning Commission, staff decided to bring the Access Dwelling Unit and the Cell Tower Ordinance to the Commission together before starting the public process for the housekeeping notices. He said staff needs to notify Department of Land Conservation and Development (DLCD), as is required for a Legislative file, which is what the cell tower ordinance would be. This notification must be sent at least 45 days prior to the first evidentiary hearing.

Mr. Cosgrove recommended that staff look at the scope of work on the Comp Plan update, which includes Access Dwelling Units and is being done to bring the City into compliance with Metro regional policies. He suggested that this should require a great amount of public involvement because the issue of accessory dwellings is somewhat controversial. He noted that the Housing Inventory is also part of the Comp Plan update. Although he is not sure about the Commission's list of priorities, he said that many people have worked for over three years on the Downtown Community Plan and are anxious to get it implemented.

Commissioner Bailey explained that the cell tower ordinance became an issue as more and more towers are being constructed and some guidelines are needed, whereas most of the members of this Commission haven't really worked on the Downtown Community Plan, which was originated before they were appointed to the Commission. He asked for a brief explanation of the project. **Mr. Cosgrove** explained that one of this Commission's work plan items is the question, Where is the City Center? He said that this was the thrust for establishing the Downtown Community Plan—to get those Comp Plan zone change designations done. He recommended that the Planning Commission have a work session with Ms. Haines to discuss the Downtown Community Plan, get updates and perhaps bring in the consultant to find out the current status of the project, and finally, to work toward bringing this to fruition with a recommendation for adoption to the City Commission.

Commissioner Mengelberg said she doesn't see a timing conflict because she thinks most of the Commissioners are fairly comfortable with the work that was done on the draft for the cell tower

ordinance, so it shouldn't require too much more work before it couldn't be presented in a public format soon.

Goal 5 Update: **Commissioner Bailey** asked Mr. Cosgrove to explain to the Commission about the completion of the Goal 5 periodic review work and how it relates to wrapping up the amendments to the City's Comp Plan. **Mr. Cosgrove** said this is the last item that needs to be accomplished and turned over to DLCD, which would get the City out of periodic review for at least six months. Once this is done, the City will submit all of its major master plans (i.e., the Transportation Master Plan, the Molalla Avenue Improvement Plan, etc.) to DLCD within the next six months for review to confirm that they comply with State statutes and Land Use planning goals. The big item, he said, is the Comp Plan. Once that is done, the City will be in compliance for the next 5-7 years.

Chairperson Carter asked if Ms. Haines will be the contact person for the Comp Plan. **Mr. Cosgrove** concurred that she will manage that project, along with the three planners. He noted that Ed Murphy, who is part of the David Evans team, will be working on the Comp Plan update. He said that having Mr. Murphy working on both the Comp Plan and the Downtown Community Plan will add value to that process. He reviewed the process in that he said the City has awarded the contract to the David Evans team to work on the Comp Plan, and staff has already met with them to discuss formalizing that scope of work (segments of work and timing), which will be added as an addendum to the contract. He said much of the update to the Comp Plan will involve reformatting the document to reflect the policy document only, rather than including the many existing, lengthy notations of background information, etc. Once the conditions are finalized, staff will begin the public involvement process (including involvement of the Planning Commission).

Filling of Open Positions on the Planning Commission: **Commissioner Mengelberg** asked Mr. Cosgrove if there are plans for replacement of the open positions on the Planning Commission. **Mr. Cosgrove** said he has heard two options being discussed, the first of which is to downsize the Commission to five members and the second is to recruit two more members to bring it back up to the full quota of seven members. He suggested that Chairperson Carter discuss this with the Mayor and the City Manager to determine the best course of action. **Chairperson Carter** suggested that the Commission discuss this at the next work session.

6. NEW BUSINESS

A. **2002 Planning Commission Calendar.** In a review of the draft of the 2002 calendar, **Chairperson Carter** noted that the May 27th meeting is cancelled due to the Memorial Day Holiday. She noted that Nov. 11th is a holiday and suggested canceling that meeting, since the City offices are closed that day. She said the meeting scheduled for Nov. 25th should be okay, even though Thanksgiving is on the 28th. She noted that Dec. 16th is actually the third Monday of the month and normally the meeting is held on the second Monday of the month (which would be Dec. 9th). Clarification is needed for this date. **Mr. Cosgrove** said staff would rework the calendar and bring it back for review and finalization on Wednesday, Feb. 13th.

UGB Concerns in the City of Sherwood. **Commissioner Bailey** said he read in an article in *The Oregonian* that read, "After a decade of significant population increases and development, the City [of Sherwood] says it wants to put the breaks on growth." Basically, the City of Sherwood is saying they need to get their arms around current issues (i.e., services, transportation, etc.) due to "growth shock" resulting from a 10-year population growth from 3,300 to 12,800 residents. He said this is similar to

sentiments expressed in Oregon City, and that he will track the Sherwood situation and bring more information back to this Commission.

Thanks to Mr. Cosgrove: **Chairperson Carter** expressed thanks on behalf of the Commission to Mr. Cosgrove for his excellent work, since he has resigned to take a position as City Manager for the City of Silverton, OR. **Commissioner Bailey** heartily seconded her comments.

7. ADJOURN

With no other business, the meeting was adjourned 8:50 p.m.

Linda Carter, Planning Commission
Chairperson

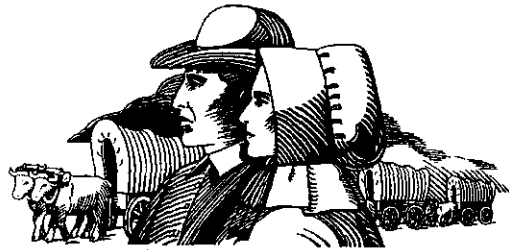
Tony Konkol, Assistant Planner

CITY OF OREGON CITY

PLANNING DIVISION

320 WARNER MILNE ROAD
TEL (503) 657-0891

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



To: Planning Commission

From: Sean Cook, Associate Planner

Date: March 4, 2002

RE: File # **ZC 01-04 & PZ 01-01** (Willamette Falls Hospital)

Staff requests that the Planning Commission continue the hearing for the following files (ZC 01-04 & PZ 01-01) to March 25, 2002. The reason for this request is to allow adequate time for the City and the Applicant to further review the traffic related issues involved in the Zone Change and a Plan Map Amendment for the hospital property.

Therefore, Staff recommends a continuance of the public hearing for the Zone Change and Plan Map Amendment for Willamette Falls Hospital to a date certain of March 25, 2002.

PLANNING DIVISION MEMORANDUM

TO: PLANNING COMMISSION
FROM: TONY KONKOL, ASSOCIATE PLANNER
SUBJECT: PLANNING FILE L 01-05
DATE: FEBRUARY 26, 2002

REPORT TO THE COMMISSION

At the Public Hearing on February 11, 2002 material concerning the Chapin Park Master Plan was presented by Michael Zilis of Walker Macy Consulting. Testimony was taken from the following:

Kathy Robertson, the previous chairperson of the Chapin Park Committee for the South End Neighborhood Association and resident of 210 Elmar Street. Ms. Robertson was concerned that all three of her letters were not included in the Staff Report to the Planning Commission. The letters, dated October 3 and 7, 2000, were entered into the record and are included in this memorandum (Exhibit 8a and 8b). The third letter, dated November 17, 2001 was included in the Staff Report as Exhibit 6. Ms. Robertson was concerned about the re-location of the tot-lot. She felt the proposed location would prevent future expansion of the picnic shelters and reduce the ability of parents to see their children playing in both play areas. Ms. Robertson felt that if Phase II of the project were completed first, a larger parking lot would not be needed. She liked the trails, plant growth, and drainage proposal in the plan, and is mainly concerned with the need for another picnic shelter, the deletion of a smaller ball field than the one proposed, and the need for improving the parking area.

Kathy Hogan, a resident of 19721 Central Point Road. Ms. Hogan felt that until more parking was available, she did not see how any major improvements to the park could occur.

Tracy Hamblet, a resident of 523 Warner Parrot Road. Ms. Hamblet was concerned about funding for the park and that she felt it was not appropriate to use money and time to put in parking now and remove it later. She felt that since there is no money available now, we should wait and do everything at once in Phase II. She did agree that Chapin Park is in desperate need of help. Ms. Hamblet was concerned about funding for the park and that she felt it was not appropriate to use money and time to put in parking now and remove it later. She felt that since there is no money available now, we should wait and do everything at once in Phase II. She did agree that Chapin Park is in desperate need of help.

Mark Epperson, a resident of 507 Warner Parrott Road. Mr. Epperson was concerned with the increased parking and water drainage on the site. He said that flooding has already and issue both upstream and downstream of the park, and that adding a larger parking lot would increase the impermeable area and magnify the problem. He agreed with Ms. Hamblet's idea of setting aside Phase I and moving toward doing everything in Phase II. He does not want to see the parking increased, but recognizes a parking problem exists and that the use of grass-crete in the parking area may help with the flooding problems.

Chairperson Carter summarized that it seems more prudent to move toward the Master Plan but whatever the final plan is going to be, the work will be done in phases, with the most important (the parking lot and drainage) being done first. Regarding the parking lot and drainage, Chairperson Carter said the Planning Commission is trying to think more in terms of how impermeable surfaces, water drainage, and wetlands inter-relate, and to be more creative in designing better drainage. Although the parking lot has no trees at present, she suggested that when the parking lot is put in and trees are planted, it could be designed for the water to drain toward the trees and other plantings for better use of the water.

This memorandum has been added to planning file L 01-05, Chapin Park Master Plan Redevelopment, as Exhibit 8.

Exhibit 8

Parking lot too large
Expensive
Wrong field.

Dee Craig, Oregon City Parks and Recreation
City Hall, 320 Warner Milne Rd.
Oregon City, OR 97045

Tuesday, October 03, 2000

Subject: Chapin Park Master Planning Process

Dear Dee Craig, Director Oregon City Parks and Recreation:

I received the Chapin Park Master Plan Mailing and was pleasantly surprised to see that you were listening to us at the last meeting. While I was at the meeting I felt that what I was saying did not matter, but I can see some of the changes that were requested on the plan. Since it looks like you care what the users and neighbors of the park think about the plan, I am taking the time to comment on it.

I will start with some small items. It is wonderful that the horseshoe pits were moved from behind the restrooms. They were mainly asked for by seniors so I do not think the current location, behind the play area is ideal. Many seniors, I know get confused when they are surrounded by a lot of noise, such as large groups of screaming kids. Some seniors wear hearing aids so would need to turn them down while tossing the horseshoes and could not hear their fellow players. I would suggest that they be moved. They could perhaps be moved to along the fence near the swings or near the park host area. I think they do need to stay near the restrooms, but not extremely close. It would be nice if benches could be provided in the area so people could sit and watch or rest between plays.

I also think other quiet areas should be provided for people who do not like a lot of noise. There could be tables with chessboards on them, and/or adult swings.

I still think the tot lot should remain where it is. It was placed away from the bigger kids' equipment so that the little kids would not be run over. The neighbors at Southend and Tower Vista Neighborhood Associations went through a yearlong process to put the equipment in. I have included a picture of all the neighbors working together to install the playground equipment. If I thought it was improving the park, I would have no problem with the move, but I do not see the advantage of all the equipment being put into one area.

I think 174 parking spaces seems excessive. Doubling the current parking and leaving the playground equipment alone seems like a better idea to me. I spoke with some of the people fighting putting parking at the water tower. It sounds like the problem they had was that the plans changed from the time the plans were presented to the neighborhoods, to the time they reached the council. It could be possible to revisit parking around the water tower if it had the buffer, kept the trees and was closed except for during games.

Exhibit 8a

Over the summer, I observed that the playground equipment and the shelter experienced high usage. It is possible that another shelter and more equipment could be needed over the long run, so the master plan should include space for expansion of that area. A lot of new houses are going in on Southend Road so Chapin Park could double in usage over the life of the Master Plan.

The exercise equipment (par course) should not just be removed but replaced. The money does not even need to be budgeted in. The equipment was originally donated. New equipment could be added through donations or fundraisers. I have heard several people say they would like to see the equipment replaced. I would like to see the equipment on the master plan, so when the equipment is replaced it can be added to the park.

I have mentioned before that there should be a water play area at Chapin Park. During the summer that is usually one of the most used areas of a park during warm weather. The play area could just be an interactive squirt tube like the ones at the North Clackamas Aquatic Center, Tualatin, Blue Lake Park or Horse Shoe Bay, Canada or it could be a small fountain that kids could play in like the fountain at the Tualatin Lake or the Water Front Park in Portland. That way, there would be no need of a lifeguard. Every time the neighborhood has a summer get-together the kids always enjoy the dunk tank or the sprinkler a lot. There are several construction businesses in the neighborhood that would be willing to donate time to install the play area. The neighborhood could also raise money for the equipment. There just needs to be a space for the water play area in the plans.

There does not seem to be any place set aside for art in the park. I have included pictures of really nice mazes that kids could play on. We also have Clackamas Community College close by where students could make artwork for the park. Most of the better parks that I visit have very interesting art.

It seems to me ball field #2 is one of the two best fields in the park. Why not take out field #3 or #4 or both for a quiet passive area. I also think more seats should be placed around the fields we are keeping and perhaps a cover planned above the seats in case of rain.

Most of the houses being built around the park will be built nearer to the #3 and #4 fields. People entering from that side of the park probably will be walking. It is a long way from that entrance to the restrooms. I would like you to reconsider the temporary restrooms and consider permanent restrooms. If they were placed correctly they would be out of the view of the houses. Also I think a permanent concession stand should be placed in that area.

I think having the basket ball court in the parking lot is a good idea. I also like the plan for the park host. It seems less invasive while still retaining the host. I have seen a huge improvement in the park since the park host arrived. When we first moved into the neighborhood 9 years ago there was a terrible drug problem in the park and now that the

park host has been there, it seems like vandalism and drugs have diminished. I also like the extended path and the trees. The irrigation is well needed and the fencing might help people walking on the path stay safe, although it usually does not look good.

I sent you an e-mail stating that I think the end of the comment period should be changed until after the Neighborhood Association meets Nov. 16. Many people interested in the park expect the Master Plan to be shown at the Neighborhood Meeting before being finalized. I understand that it would change your timetable, but since the plan should last for 20 years or so, it seems like it would be better to make sure the plan fits the people using the park.

Thank you for taking the time to read my comments. I am hoping for a wonderful Master Plan for Chapin Park.

Sincerely,

Kathy Robertson
210 Elmar Dr.
Oregon City, OR 97045

Dee Craig, Oregon City Parks and Recreation
City Hall, 320 Warner Milne Rd.
Oregon City, OR 97045

Saturday, October 07, 2000

Subject: Chapin Park Master Planning Process

Dear Dee Craig, Director Oregon City Parks and Recreation:

When I received your letter thanking me for my comments on Chapin Park, I realized that I had forgotten to add a few things. I wanted to add these 8 Questionnaires from Oct. 21, 1997. I found that I somehow did not pass them on to Joyce when she became the Southend NA Parks Committee Chair. I highlighted a few of the people's comments that have not been implemented in the park.

I am also including the original Chapin Park Master Plan that people in the neighborhood spent many days working on. I realize that it would be impossible to revert back to this plan, but I thought it would show how the park was never meant to be just a sports park.

I included a paper from WaterPlay. I am still not sure you realize how small an area is actually needed in order to have a wonderful play area or fountain. It is also low maintenance. I would very much like to see it included in the plan.

The last thing I am adding is an article, from the Oregon City News that talks about all the hard work that was done by people in the neighborhood. I included this article to show that even if people in the neighborhood do not show up for meetings on Chapin Park they still care very much what happens to the park and are willing to help out when asked.

I appreciate you adding these comments to my letter from October 03. It would be nice if all the interested parties could sit down and discuss what would be best for the park without it immediately going into a plan. When I was SENA Park Chairman it took over a year of many meetings to have playground equipment installed in the park. I feel like the current Chapin Park Master Plan process is going too fast for this area. I have not heard any people that are happy with the current plan and think some adjustments may be called for. I was around during the planning process for the Tualatin lake project. The kids in school were all involved in the project drawing pictures of what they envisioned for the lake; many of these kids came up with good ideas. I have seen surveys sent out that people were happy to have contribution in. I very much would like the Master Plan to go through the Plan Review Process and City Council with no problems and I think taking extra time to review the plan and gather extra input would really help to do that.

Sincerely,

Kathy Robertson

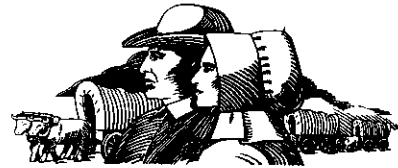
Exhibit 8b

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT March 4, 2002

Complete: December 19, 2001
120-Day: April 16, 2002

FILE NO.: ZC 01-05

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: March 11, 2002
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

**APPLICANT/
OWNER** Tosco Corporation
contact: Dan Baldwin
3977 Leary Way, NW
Seattle, WA 98107
(206) 706-2340

**APPLICANT'S
REPRESENTATIVE** Laurie Wall, AICP
Miller Nash LLP
3600 US Bancorp Tower
111 SW Fifth Ave.
Portland, OR 97204-3699
(503) 224-5858

REQUEST: Zone Change from Heavy Industrial (M-2) to Central Business District (CBD)

LOCATION: 202 5th Street, Oregon City
2 2E 31BD, Tax Lots 100 and 200

REVIEWER: Kristina Gifford McKenzie, Consulting Sr. Planner,
David Evans and Associates, Inc.
Christina Robertson, Assistant Planner, City of Oregon City
Jay Toll, Senior Engineer, City of Oregon City

RECOMMENDATION: Staff recommends approval of this application and the recommended conditions of approval. The planning commission shall render the initial decision on all Type IV permit applications. If the planning commission denies the

Type IV application, that decision is final unless appealed to the city commission in accordance with Section 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. City commission decision is the city's final decision on a Type IV application.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT CHRISTINA ROBERTSON IN THE PLANNING DIVISION OFFICE AT 657-0891.

I. PROPOSED PROJECT

The applicant, Tosco Corporation, seeks approval for a zone change of their property from Heavy Industrial (M-2) to Central Business District (CBD). The zone change would allow commercial land uses on the property.

The applicant has submitted a concurrent application for a Comprehensive Plan Map amendment to change the Plan designation from Industrial to Commercial. The Map amendment must be approved prior to consideration of this zone change application

The applicant has also submitted site plans indicating that the existing service station building on the site could be remodeled for use as a one-story office building. Parking and access could be reconfigured, and the site could be landscaped. However, an application for site plan and design review has not yet been submitted.

II. FACTS

1. Location and Current Use

The subject site is at 202 5th Street, on the southeast corner at the intersection of 5th and Main streets in Oregon City.

The 0.47-acre site, comprising two tax lots (TL 100 and TL 200) was previously used as a service station. According to the applicant, the tanks have been removed, but the service station building remains on the site. It is currently used as a parking and maintenance area for a taxi service.

Zoning of the subject site is M-2, Heavy Industrial. Permitted uses are primarily industrial (e.g., manufacturing, storage, processing, distributing) and limited retail (feed or fuel yard, lumber, building materials). The taxi parking/maintenance area is not a permitted use in the M-2 zone. The site may be used as a parking area with a conditional use permit; however, the vehicle service activities are not listed as permitted outright or conditionally in the zone. The City has no record of a conditional use permit being granted for the existing use; therefore, it is an illegal, non-conforming use. A service station would no longer be permitted on the site due to earlier loss of its non-conforming status.

2. Surrounding Zoning and Land Uses

Surrounding land uses are industrial and commercial. Surrounding zoning is M-2 and CBD.

Immediately south and southwest of the subject site is the Blue Heron Paper Company mill, a heavy industrial use. Across Main Street, to the west, is Blue Heron's two-story office building. Both the mill and office properties are zoned M-2. Across 5th Street, to the north and northeast, are commercial/retail uses, including a restaurant and bar, television repair shop, optician, and attorneys' offices. Those commercial uses comprise the southern part of Oregon City's central business district and are zoned CBD. To the east is the Southern Pacific Railroad right-of-way; the tracks are on an embankment. 5th Street/McLoughlin Boulevard crosses beneath the tracks through a tunnel. Both 5th and Main streets are part of the Oregon Department of Transportation (ODOT) highway system, identified as Highway 99E and

Highway 43, respectively. South of 5th Street, Main Street is not identified as a state highway—it is classified as a local street.

The site has frontage on 5th Street and Main Street, both of which are public rights-of-way. Just southwest of the project site, Main Street has been vacated and has been incorporated into Blue Heron's property (Tax Lot 300)

3. Public Comment

Notice of the public hearing for the proposal was mailed on December 19, 2002. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

The City received letters from Sheila Wiitanen, representing the Oregon City Downtown Association, and Robert Van Brocklin, representing Blue Heron Paper Company. Ms. Wiitanen indicated that the Downtown Association is in favor of the applicant's rezoning request. Mr. Van Brocklin, an attorney with Stoel Rives LLP, indicated that Blue Heron Paper Company is not in support of the rezoning request. Blue Heron Paper Company believes that the uses allowed in the CBD zone would be incompatible with the paper production facility. Blue Heron is concerned about potential conflicts between truck traffic (i.e., trucks entering and exiting the paper mill) and automobile traffic. Blue Heron is also concerned that a commercial use may result in complaints about noise from Blue Heron's operations. Public comments are attached in Exhibit 10.

III. DECISION-MAKING CRITERIA:

The relevant criteria for a zone change review and decision are in Chapter 17.68 of the Oregon City Zoning Code.

(A.) Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

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

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission. (Ord. 91-1007 §1(part), 1991; prior code §11-12-1)

Finding: The applicant, Tosco Corporation, has submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The applicant's application forms, exhibit drawings, and narrative information are attached as Exhibits 2 and 3. The application was deemed complete on December 19, 2001.

(b) 17.68.020 Criteria.

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

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

Finding: Consistency with comprehensive plan policies and goals is addressed in Section IV of this staff report.

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

Finding: City of Oregon City Public Works and Engineering have reviewed the proposed zone change and has indicated that no changes are necessary to existing utilities (water, sanitary sewer, storm drainage) or streets as a result of the zone change. Their comments are attached as Exhibits 5 and 6. Upgrades or other changes may be necessary when site redevelopment is proposed. City Engineering has indicated that future development may trigger improvements to the water system and street frontages, and will require erosion and water quality controls. Public facilities will be reviewed during future site plan and design review, and improvements may be required at that time.

The City's consulting traffic engineer has reviewed the Transportation Impact Analysis and additional information submitted by the applicant, and has indicated that the proposal will not have a significant adverse effect on the public transportation system. To improve sight distance and safety over existing conditions, staff recommends closing direct site access to 5th Street and reviewing landscaping at the time of site redevelopment. See recommended Conditions of Approval #1 and #2.

Because the proposal would rezone industrial land to commercial, there would be no impact on schools.

The site is served by the City of Oregon City police department. State Police patrol Highway 99E. Existing service is adequate to serve uses allowed in the CBD zone.

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

Finding: The applicant has submitted a draft Transportation Impact Analysis, prepared by DKS Associates (see Exhibit 10). Main Street and 5th Street are the key roadways that serve the site. At present, the site has access (curb cuts) to both Main and 5th streets.

Main Street is a collector road that connects to Highway 99E (McLoughlin Boulevard) north of Interstate 205 (I-205), runs through the Oregon City central business district, and reconnects with Highway 99E (5th Street) at the south end of downtown. Main Street also connects to the 7th Street bridge that connects Oregon City to West Linn. South of the project site, Main Street has been vacated and incorporated in Blue Heron Paper Company's property. Sidewalks are provided along the public right-of-way on both sides of the street.

5th Street is a major arterial and a state route (Highway 99E). 5th Street runs generally east-west in front of the project site, but continues to the north and south as McLoughlin Boulevard. It carries approximately 20,000 vehicles per day near the Main Street intersection. Sidewalks are provided on both sides of 5th Street, terminating near the east edge of the subject site where 5th Street enters a tunnel beneath the Southern Pacific Railroad tracks.

According to the City's Transportation System Plan (TSP), the functions of major arterials are to carry both local and through traffic to destinations outside the City, connect the minor arterial and collector street system to expressways and freeways, provide access to other cities as well as through the City, and provide routes for public transit service. Access should be controlled through medians and/or driveway channelization, and on-street parking should be restricted.

The City's TSP indicates that collectors function as major streets within neighborhoods and single land use patterns, and connect local streets with arterials. They have a higher degree of local access and more parking opportunities than arterials.

The intended functions of both 5th and Main streets are consistent with land uses allowed under the proposed CBD zoning. Commercial uses on the project site would benefit from exposure on the major arterial. Although site access is currently provided to 5th Street, without a median or driveway channelization, this access should be eliminated, as discussed below. Access on Main Street is consistent with the City's functional classification for that street.

The Transportation Impact Analysis prepared for the proposal evaluated three development scenarios:

1. maximum build-out with the current M-2 zoning (36,000-square-foot, three-story building with structured parking);
2. potential redevelopment with CBD zoning (a 5,000-square-foot¹ office building with surface parking); and
3. maximum build-out with proposed CBD zoning (36,000 square feet of office space with structured parking).

Additional information submitted by the applicant (letter from DKS Associates dated March 1, 2002, included in Exhibit 11) presented two other scenarios: Scenario 4) Fast Food with Drive-Thru, 3,000 square feet; and Scenario 5) Gas Station with Convenience Store, 8 fueling positions.

Intersection capacity was analyzed for three intersections: Main Street/5th Street, Main Street/10th Street, and McLoughlin/10th Street. Under existing (2001) conditions, all of the intersections operate at level of service (LOS) C or better during the AM and PM peak hours, except Main Street/10th Street, which operates at LOS E during the PM peak. Level of service D is the current City standard for signalized intersections. The impact analysis concluded that, with Scenarios 2 through 5, the intersections would continue to operate at LOS C or better, with the exception of Main Street/10th Street, which would remain at LOS E during the PM peak.

¹ The applicant may convert the existing 2,000-square-foot building to office space; the Transportation Impact Analysis evaluated a 5,000-square-foot office building to be conservative and allow development flexibility.

The impact analysis also addressed future (2018) impacts. The analysis included 2018 traffic volumes forecasted in the City's Transportation System Plan (TSP), as well as TSP-identified improvements to the transportation system. The analysis added project traffic (Scenarios 2 through 5) and concluded that, with either scenario, all of the analyzed intersections would operate at LOS D or better.

Based on the analysis, office uses allowed under the proposed rezone would not significantly affect, and are therefore consistent with, the capacity or level of service of key intersections in the area. Site plan review for other uses allowed in the Commercial district could require additional traffic impact analysis and may prohibit more intense uses on the site. (See recommended Condition of Approval #4).

The transportation impact analysis recommends eliminating direct access to 5th Street because of inadequate sight distance. At least 300 feet of clear sight distance should be provided to the McLoughlin tunnel; the distance between Main Street and the tunnel is approximately 200 feet. In addition, ODOT has submitted comment that the access spacing standard on 5th Street (Highway 99E) is 400 feet. In order to meet ODOT access spacing standards and improve sight distance, direct site access to 5th Street should be prohibited. Also, to improve safety at the Main/5th street intersection, the site access on Main Street should be located as far south as possible. Because of the site dimensions and location, it is not possible to meet ODOT access spacing standards on both street frontages and still provide site access. Because Main Street is vacated just south of the site, traffic volumes are much less on Main Street than on 5th Street; therefore, access on Main Street is preferred. See recommended Condition of Approval #1.

When site redevelopment is proposed, landscaping and vegetation should be reviewed to ensure adequate intersection sight distance. See recommended Condition of Approval #2.

This standard is met.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)

Finding: The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed zone change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section IV of this staff report.

- (c) 17.68.025 Zoning changes for land annexed into the city.
A. Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area
B. Applications for these rezonings

Finding: The subject site is within the city limits. This criterion is not applicable.

- (d) 17.68.030 Public hearing.
A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

A. Quasi-judicial reviews shall be subject to the requirements in Sections 17.50.210 through 17.50.250. (Note: the section numbers cited in the Code are incorrect and should be Sections 17.50.120 through .160.)
B. Legislative reviews shall be subject to the requirements in Section 17.50.260. (Note: the section number cited in the Code is incorrect; it should be 17.50.170.) (Ord. 91-1007 §1(part), 1991: prior code §11-12-3)

Finding: According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference with City staff on August 15, 2001. The Pre-Application Conference Summary is attached as Exhibit 1. There is no neighborhood association for the project area, but the applicant made a presentation to the Oregon City Downtown Association on December 11, 2001. At that meeting, the applicant informed the Downtown Association of the proposed rezone and possible future redevelopment of the site. The Downtown Association expressed support for the proposal, as indicated in a letter from the chairperson, attached in Exhibit 10.

The applicant submitted application on November 20, 2001. The application was deemed complete on December 19, 2002. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for March 11, 2002. The final hearing is scheduled for March 20, 2002. Notice of the hearing was issued on December 19, 2001, more than 20 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160. The property owner will be required to execute a covenant to meet the requirements of Section 17.50.150. See recommended Condition of Approval #3.

This standard is met.

- (e) 17.68.040 Approval by the commission
If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That public hearing has been scheduled for March 20, 2002. This standard is met.

- (f) 17.68.050 Conditions.
In granting a change in zoning classification to any property, the commission may attach such conditions and requirements to the zone change as the commission deems necessary in the public interest, in the nature of, but not limited to those listed in Section 17.56.010:
A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50-.330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Conditions of Approval are attached per the requirements of this section. The applicant will be required to comply with the applicable standards for acceptance of conditions.

- (g) 17.68.060 Filing of an application
Applications for amendment or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50. (Ord. 91-1007 §1(part), 1991: prior code §11-12-6)

Finding: The applicant has submitted the appropriate application forms and fees. This criterion is met.

IV. CONSISTENCY WITH COMPREHENSIVE PLAN

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

- (A.) **Citizen Participation**
Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: The City's process includes public notice, public hearings, and neighborhood association meetings. Public notice was mailed on December 19, 2001. On November 19, 2001, the applicant sent letters to the Citizen Involvement Committee Council (CICC), McLoughlin Neighborhood Association, Canemah Neighborhood Association, the Downtown Association, and the Chamber of Commerce apprising them of their application and indicating the applicant would be available to meet with each group to discuss the application. The applicant met with the Downtown Association on December 11, 2001.

- (a) Policy #1
Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: There is no neighborhood association for the area in which the subject site is located. As noted above, the applicant sent letters to the McLoughlin and Canemah neighborhood associations, as well as the CICC, Oregon City Downtown Association, and Chamber of Commerce. The applicant subsequently met with the Downtown Association, which submitted comment in support of the proposal.

- (b) Policy #2
Provide neighborhood groups and citizens with accurate and current information on policies, programs and development proposals that affect their area; institute a feedback mechanism to answer questions from the public.

Finding: The notice, meeting, and public hearings related to the proposal demonstrate consistency with this policy. In addition, this staff report and the file containing project information are available for public review.

(c) Policy #4

Encourage citizen participation in all functions of government and land-use planning.

Finding: Citizen participation has been encouraged through mailing notice of the proposal and the public hearings, and through posting the project site with notice of the proposal.

(B.) Housing

Goal: Provide for the planning, development and preservation of a variety of housing types at a range of price and rents.

Finding: The proposal does not affect existing housing or residential-zoned land, nor does it propose providing housing or changing the land use designation to allow residential development on the subject site. The subject site's location adjacent to a heavy industrial use renders it inappropriate for residential development. Therefore, the Housing policies of the Comprehensive Plan are not applicable to the proposal.

(C.) Commerce and Industry

Goal: Maintain a healthy and diversified economic community for the supply of goods, services and employment opportunity.

Finding: The subject site is limited in size and options for heavy industrial use. The proposed CBD zoning would provide greater opportunity for a viable commercial use and associated employment opportunities.

(a) Policy #1

As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential customers. Particular attention will focus on relieving congestion on McLoughlin Boulevard (Highway 99E) and Cascade Highway/Molalla Avenue (Highway 213).

Finding: The subject site is located on 5th Street/McLoughlin Boulevard (Highway 99E). The site currently has access to both 5th Street and Main Street. To address this policy, staff recommends eliminating the direct access to 5th Street, thereby reducing potential traffic conflicts and congestion that could occur as vehicles enter and exit the subject site.

(b) Policy #2

Use of mass transit will be encouraged between residential and employment areas through coordination with Tri-Met and local employers.

Finding: The subject site is near the No. 33 Tri-Met bus route, making it convenient for employees and clients to reach a future commercial use on the site. The site is at the edge of the CBD district, and sidewalks and crosswalks are available to allow pedestrians to safely reach the site from the bus route. The intersection of 5th and Main streets is controlled with a traffic signal to provide for safe pedestrian crossings.

(d) Policy #5:

Promote expansion of industrial development within the community's ability to provide adequate facilities and services.

Finding: Oregon City Public Works and Engineering have reviewed the proposal and have indicated that no changes are necessary to existing utilities (water, sanitary sewer, storm drainage) as a result of the zone change. Other services are adequate to serve the site. However, service adequacy will need to be reviewed through site plan review for the specific use(s) proposed in the future. Improvements may be required at that time. City Public Works and Engineering comments are attached as Exhibits 5 and 6.

Although changing the zoning of the subject site removes the property from the City's inventory of industrial land, the property is better suited to a commercial use. The 0.47-acre property is too small to accommodate most industrial uses, which tend to be land extensive. This is especially true of heavy industrial uses for which the M-2 district is designated. Further, the property faces a commercial zone, so the buffer requirement of Section 17.38.040.D applies. The Zoning Code requires a buffering yard of at least 25 feet on the side facing the CBD district (5th Street frontage). The buffer effectively reduces the available usable area of the subject site by roughly 4,000 square feet, further limiting industrial development potential. Re-zoning the site to CBD would allow the site to be used more effectively, as many commercial uses tend to not require large areas of land.

Because the site is not well-suited to industrial development, it is not necessarily appropriate to promote industrial development on the site. The proposal is consistent with this policy.

(e) Policy #8

Encourage continued retail growth by:

- a. *Designating land for retail use in areas along or near major arterials and transit lines.*
- b. *Developing and implementing a Downtown improvement plan to help Downtown retain its position as a major retail district.*

Finding: Retail use may be allowed in the CBD district, and the site is on a major arterial and near a transit line. The proposal would expand the CBD, supporting the position of downtown as a major retail district. The proposal is consistent with this policy.

(f) Policy #11

The following policies shall govern the location, siting and design of new Commercial, Limited Commercial, Office, Industrial and Campus Industrial areas:

- a. *Commercial*
 - (1) *Commercial districts are intended to serve the retail, service, and office needs of the greater Oregon city area.*

Finding: Re-zoning the subject site is consistent with this policy because it would expand the existing downtown commercial district, which serves the greater Oregon City area and nearby West Linn. The site could be used for a small business that would occupy its own building, be centrally located for customers, and take advantage of its proximity to other downtown businesses.

- (2) *Commercial districts should offer good visibility and access and should be located along major arterials and transit lines.*

Finding: Re-zoning the subject site is consistent with this policy because it would expand the existing downtown commercial district, which serves the greater Oregon City area and nearby West Linn. The site could be used for a small business that would occupy its own building, be centrally located for customers, and take advantage of its proximity to other downtown businesses.

(2) Commercial districts should offer good visibility and access and should be located along major arterials and transit lines.

Finding: The site is located on a major arterial (Highway 99E) and near a transit line (Tri-Met number 33). Sidewalks and the local street grid make it accessible to pedestrians and bicyclists. It has good visibility at its location at Main and 5th streets. The proposal is consistent with this policy.

(3) Commercial districts should result in concentrated groupings of retail, service, and office uses.

Finding: The site is adjacent to the CBD district, which encompasses a concentrated grouping of retail, service, and office uses. Re-zoning the site to CBD would expand the downtown core and provide more commercial space with which to diversify the current mix of uses. The proposal is consistent with this policy.

(4) Commercial districts that result in numerous small lots with individual street access points shall be discouraged.

Finding: The proposed zone change, with conditions, is consistent with this policy. No additional lots would be created. The site would not be an isolated commercial lot but would expand the downtown commercial district. The site currently has access to both 5th and Main streets; however, the 5th Street access should be eliminated to be consistent with this policy and to address safety concerns. See recommended Condition of Approval #1.

(5) Design review standards, including aesthetic signing, should be developed for the commercial areas of the City with particular attention given to the entrances into the community.

Finding: Design review standards are applicable to development on the subject site. Future development on the site would be subject to site plan and design review prior to approval.

(6) Uses in Commercial districts shall be designed to protect surrounding residential properties.

Finding: The site is not adjacent or proximate to residential properties. This policy is not applicable.

(D.) Historic Preservation

Goal: Encourage the preservation and rehabilitation of homes and other buildings of historical and architectural significance in Oregon City.

Finding: The proposal does not affect a historic or architecturally significant site or building. The project is not in a historic district and is separated from the nearest historic

district (McLoughlin) by topography. This goal and related policies are not applicable to the proposal.

(E.) Natural Resources, Natural Hazards

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

Finding: The subject site is an a highly urbanized area. The site itself is developed and, with the exception of a small area of landscaping, is covered by impervious surfaces. The site is not within a water resources area. The proposal to rezone the site from M-2 to CBD would not significantly change the amount of development allowed, only the type. Uses permitted in the CBD district tend to create less air and water pollution than industrial uses permitted in the M-2 district. Natural resource (e.g., timber, aggregate) extraction would not be permitted in the CBD district. The proposal is consistent with this goal.

(a) Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: This policy is not directly applicable to the proposal. Local, regional, state, and federal regulations related to water and air pollution will be addressed when site development is proposed.

(b) Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: The subject site is not within a wildlife habitat area, as identified in the Comprehensive Plan, nor is it located within a water resource area. It is in a highly urbanized area and is an already developed lot. Commercial uses allowed in the CBD district would not likely discharge pollutants or otherwise have a detrimental effect on fish and wildlife.

The site is in the Willamette South Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts are significant. The site drains directly to the Willamette River. Erosion and water quality controls are critical for future development/redevelopment of the site, and storm water quality improvements may be required at the time of future development.

The proposal is consistent with this policy.

(c) Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. The proposal is consistent with this policy.

(d) Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: No new development is proposed at this time. Within the CBD district, site plan and design review would be required prior to new development on the site, which will comply with this policy.

- (e) Policies adopted through Ordinance 90-1031
Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: Uses allowed in the CBD district would be expected to comply with DEQ standards and regulations, in compliance with this policy.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: Future site development will be reviewed through site plan and design review, ensuring compliance with this policy.

(F.) Growth and Urbanization

Goal: Preserve and enhance the natural and developed character of Oregon City and its urban growth area.

Finding: The proposal will affect less than one-half acre of land within the city. The proposal would add the subject site to the adjacent CBD district. Because of its nature, scale, and location, the proposed rezone would preserve the natural and developed character of Oregon City and is, therefore, consistent with this goal.

(G.) Energy Conservation

Goal: Plan urban land development which encourages public and private efforts toward conservation of energy.

Finding: Rezoning the subject site is consistent with the goal of energy conservation. The site is adjacent to the city's CBD, which contains amenities for pedestrians, bicyclists, and transit riders. Once the site is redeveloped, employees and clients could take advantage of such alternative forms of transportation, which save energy over automobiles. Also, the site's downtown location would allow employees and clients to attend to other errands or business needs in the same trip, saving vehicle miles traveled.

- (a) Policy #4
Encourage the re-use of the existing building stock.

Finding: The proposal is consistent with this policy because the existing building on the subject site can be remodeled and re-used as an office or retail building. The applicant has indicated that building re-use will be considered in plans for site redevelopment.

(H.) Community Facilities

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

Finding: Most of the Community Facilities policies direct the City to conduct certain actions and are not relevant to the proposal. Therefore, they are not addressed individually in this staff report.

Rezoning the property is consistent with the goal and the objectives of its policies because future site development will utilize existing public facilities. Service adequacy will be reviewed through site plan review prior to future site development, and improvements may be required at that time.

(I.) Parks and Recreation

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

Finding: The proposal does not affect any existing or planned parks or recreation areas. The proposal does not affect residential growth in the City. Therefore, the Parks and Recreation policies are not applicable.

(J.) Willamette River Greenway

Goal: Maintain the adopted Greenway Boundary and required procedures to ensure the continued environmental and economic health of the Willamette River.

Finding: The subject site is within the Willamette River Greenway Boundary, but it lies outside of the Conditional Use (or Compatibility Review) Boundary identified in the Comprehensive Plan. The proposal would not affect the Greenway Boundary, and future site development would be reviewed in accordance with adopted procedures and standards. It is, therefore, consistent with the Greenway goal.

Policies #12 through #16 are specific to land within the Conditional Use Boundary and, therefore, are not applicable.

(b) Policy #4

Major scenic views, drives and sites of the Greenway will be preserved.

Finding: The subject site is visible from the McLoughlin Promenade, atop the bluffs. Rezoning the site would not alter views of the river from the Promenade. Existing zoning allows structures of up to six stories, or 70 feet, high. Proposed zoning allows structures of up to six stories, or 75 feet, high. The height limitation difference is small enough that it would not be perceptible to a person viewing the site from the Promenade. Commercial uses allowed in the CBD district typically do not emit steam or other vapors from smokestacks, which may be associated with some uses allowed in the M-2 district.

The proposal will not affect scenic drives (e.g., McLoughlin Boulevard) and sites of the Greenway.

The proposal is consistent with this policy.

(c) Policy #7

New development within the flood plain will be restricted to development which does not does not endanger life or property in the event of a flood..

Finding: The subject site is outside of the 100-year flood plain indicated on the Flood Insurance Rate Map, Community-Panel Number 410021 0001 B, and on the Flood Plain Map in the Oregon City Comprehensive Plan. This policy is not applicable.

(d) Policy #11

Industrial use along the Willamette River will continue to provide employment opportunities.

Finding: The proposal would remove approximately one-half-acre of industrially zoned land from the City's land base. This would be a minor effect. Furthermore, the site has not been used for industrial purposes for many years.

The proposal is consistent with this policy.

(K.) Transportation

Goal: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Finding: The applicant has submitted a Transportation Impact Analysis that demonstrates four possible scenarios for the proposed rezone's potential impact on the City's transportation systems. Those scenarios would not have a significant negative effect on local roadways and intersections. Site plan review for other uses allowed in the zone could require additional traffic impact analysis and may prohibit more intense uses on the site (see recommended Condition #4). ODOT has reviewed the proposal and has submitted a letter indicating the agency has no concerns with the uses analyzed in the transportation impact analysis. The letter is included as Exhibit 9.

(a) Policy #2

The City will consider restricting on-street parking on major arterials, and on-street parking will be prohibited on new major arterials.

Finding: No parking is currently provided along 5th Street in front of the subject site and none is proposed. The proposal is consistent with this policy.

(b) Policy #3

The provision for adequate off-street parking will be mandatory for all new building construction and remodeling projects, if appropriate.

Finding: No new building construction or remodeling is proposed at this time. This policy will be addressed through site plan and design review at the time site development is proposed. The site is large enough to accommodate a commercial building, landscaping, and required parking.

(c) Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Existing sidewalks are similar to those throughout downtown Oregon City and are adequate to accommodate pedestrian traffic. Sidewalks included in future site redevelopment will be constructed to City standards.

- (d) Policy #8
Sidewalks will be provided at the minimum along one side of every arterial and collector.

Finding: Sidewalks currently exist along both sides of Main and 5th streets, and no sidewalks would be removed as a result of the proposal. This policy is met.

- (e) Policy #12
Aesthetic improvements will be undertaken on Highway 99E as funding becomes available.

Finding: Rezoning the site could encourage site redevelopment and may result in more aesthetic development on the site. The existing structure (a former service station) was not developed in accordance with current City design standards. Future redevelopment would be subject to site plan and design review, creating opportunities for a more visually pleasing structure, as well as landscaping and other improvements.

- (L.) Comprehensive Plan Map
Goal: Maintain and review the Comprehensive Plan Map as the official long-range planning guide for land use development of the City by type, density and location.

Finding: The proposal is for a zone change. The applicant also requests an amendment to the Comprehensive Plan Map, to change the plan designation from Industrial to Commercial. The proposed plan map amendment is addressed in a separate staff report.

- (a) Policy #1
The Comprehensive Plan Map will determine the maximum zoning classification that may be applied to a specific site, based on the following 11 land use classifications:
- a. *Parks [P]*
 - b. *Public and Quasi-Public [QP]*
 - c. *Low Density Residential [LR]*
 - d. *Medium Density Residential [MR]*
 - e. *Medium Density Residential [MR/MHP]*
 - f. *McLoughlin Conditional Residential [MCR]*
 - g. *High Density Residential [HR]*
 - h. *Limited Office [O]*
 - i. *Limited Commercial [LC]*
 - j. *Commercial [C]*
 - k. *Industrial [I]*

Finding: The applicant requests concurrent review to change the Comprehensive Plan Map designation to Commercial (C). With prior approval of the separate Plan Map amendment, the CBD zoning will be consistent with this policy. Refer to Oregon City Case File Number PZ 01-02.

- (b) Policy #2
Proposed amendments to the Comprehensive Plan Map will follow City administrative procedures for a change of zoning district. The burden of proof for such a change is placed on the petitioner seeking such an action. The applicant must show that the requested change is (1) consistent and supportive of the appropriate Comprehensive Plan Goals and Policies, (2) compatible with land use patterns established by the

Comprehensive Plan Map, (3) in the public interest to grant the petition, and (4) that the interest is best served by granting the petition at this time and at the requested locations. Rezoning may be considered concurrently with the request for modification of the Comprehensive Plan Map designation.

Finding: The applicant has addressed the plan map amendment criteria in their application. See Case File Number PZ 01-02.

V. ZONING EVALUATION

In this section, the existing use is evaluated as to its conformance with the existing and proposed zoning designations. The purpose is to determine: 1) whether the existing use, legal lots, and development conform with the current regulations of the CBD zone; 2) whether the requested zone change would result in a non-conforming situation in the event that the existing land use is not changed following approval of the zone change; and 3) whether the existing use, legal lots, and development conform with the current regulations of the M-2 zone in the event that the proposed zone change is not approved

The proposed zoning designation is CBD. CBD development and use standards are in Chapter 17.34 of the Zoning Code. The existing zoning designation is M-2. Chapter 17.38 contains the M-2 development and use standards.

(A.) Chapter 17.34 CBD Central Business District

(a) 17.34.020 Permitted uses

Permitted uses in the CBD district are all general commercial uses which are defined as:

- A. Uses permitted in the C general commercial district;*
- B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside of the required yard; further provided that such wall or fence shall not be used for advertising purposes:*
 - 1. Retail feed or fuel yard;*
 - 2. Retail lumber and building yard, excluding concrete mixing.*
- C. Downtown Association outdoor craft/farmers' market*

Finding: The C district is designated to allow general commercial uses "designed to serve the city and the surrounding area." The list of permitted uses in the C district includes "service stations or public garages." The City recognizes that the list of permitted commercial uses is not all-inclusive, and that uses akin to listed permitted uses may also be permitted in the zone.

The primary use of the site, at present, is to park taxis and delivery vehicles used by the taxi service. It is also used for minor vehicle maintenance (e.g., oil changes) for the taxi service vehicles (i.e., it does not serve the general public). The taxi service itself is based at another location in Oregon City—it is not adjacent to the subject site.

The taxi parking and maintenance area is not characteristic of a commercial use, and none of the listed permitted uses in the C/CBD zones specifically allow parking that is not associated

with the primary use. The vehicle service activities, though typical of the types of activities conducted at a service station, do not comprise the primary use of the site. In addition, the vehicle service activities are not provided to the general public and thus do not meet the definition of either a "service station" or "public garage." Therefore, the existing use is not permitted outright in the zone.

(b) 17.34.030 Conditional uses

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

- A. *Uses listed in Section 17.56.030;*
- B. *Public recycle drop/receiving center.*

Finding: Section 17.56.030 lists "parking lots not in conjunction with a primary use" as a use allowed with a conditional use permit. The site is used primarily as a taxi parking or storage area. Taxis are temporarily stored on-site, but the parking is not in conjunction with the primary use because it is in a separate part of the city. Minor vehicle services (e.g., oil changes) are performed on-site within the existing building. The primary parking/storage use is a conditional use in the CBD zone. The secondary service use is not similar to listed conditional uses in the CBD zone and is, therefore, not permitted in the zone.

(c) Dimensional standards

- A. *Minimum lot area. Buildings hereafter built or used partially for dwelling purposes shall comply with the dimensional standards in the RA-2 multi-family dwelling district; otherwise, no minimum lot area is required;*

Finding: Because the existing use is not used for dwelling purposes, it complies with the lot area standard. No minimum lot area is required.

- B. *Maximum building height, six stories, not to exceed seventy-five feet;*

Finding: The existing one-story building is in compliance with this standard.

- C. *Minimum required setbacks:*
 - 1. *Front yard, no minimum depth,*
 - 2. *Interior side yard, no minimum width,*
 - 3. *Corner side yard, no minimum width,*
 - 4. *Rear yard, no minimum depth.*

Finding: There are no minimum or maximum setbacks in the CBD district; therefore, the existing building is in compliance.

D. *Design Guidelines*

All uses in this zone shall be subject to design review and be consistent with the design guidelines as provided by the Downtown Oregon City Building Improvement Handbook prepared by Goebel, Ragland Architects, dated November, 1980, and on file with the city recorder.

Finding: Future uses in the CBD are subject to site plan and design review and must be consistent with the design guidelines of the Downtown Oregon City Building Improvement Handbook.

(B.) Chapter 17.38 M-2 Heavy Industrial District

(a) 17.38.020 Permitted uses

Uses are permitted in the M-2 district are:

A. The following are permitted if enclosed within a building:

Carpenter shop and wood product manufacture, excluding planing mill and lumber mill

Commercial or industrial laundry

Distributing, wholesaling and warehousing, excluding explosives and substances which are an undue hazard to the public health, welfare and safety

Electroplating, machine or welding shop

Existing industrial uses not requiring a conditional use permit under Section 17.56.030

Foundry casting lightweight non-ferrous metals

Frozen food lockers

Ice or cold storage plant

Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited)

Photo engraving

Veterinary or pet hospital, kennel or hatchery

B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge no less than six feet in height located outside of the required yard; further provided that such wall or fence shall not be used for advertising purposes:

Concrete mixing and sales

Contractor's equipment yard

Draying, trucking and automobile freighting yard

Retail feed or fuel yard

Retail lumber and building material yard

Small boat yard for the building and repair of boats not exceeding sixty-five feet in length

Finding: The primary use of the site, at present, is to park taxis and delivery vehicles used by the taxi service. It is also used for minor vehicle maintenance (e.g., oil changes) for the taxi service vehicles (i.e., it does not serve the general public). The taxi service itself is based at another location in Oregon City—it is not adjacent to the subject site.

The taxi parking and maintenance area is not characteristic of an industrial use, and none of the listed permitted uses in the M-2 zone specifically allow parking that is not associated with the primary use. Vehicle maintenance or service uses are also not listed as permitted uses in the zone. Therefore, the existing use is not permitted outright in the zone.

(b) 17.38.030 Conditional uses

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

Freighting or railroad terminal and facilities

Heavy industrial uses, defined as all uses not permitted or conditional in the M-1 light industrial district, provided that such uses do not present an undue hazard to the public health, welfare and safety. Wrecking yards are not permitted

Plants or facilities engaged in resource recovery as defined in Section 8.20.020

Finding: Section 17.56.030 lists “parking lots not in conjunction with a primary use” as uses allowed with a conditional use permit. The site is used primarily as a taxi parking or storage area. Taxis are temporarily stored on-site, but the parking is not in conjunction with the primary use because it is in a separate part of the city. Minor vehicle services (e.g., oil changes) are performed on-site within the existing building. The primary parking/storage use is a conditional use in the M-2 zone. The secondary service use is not listed as a conditional use in the M-2 zone and, therefore, may not be permitted with a conditional use permit. The City has no record of a conditional use permit for the existing use, so it is an illegal, non-conforming use of the site.

- (c) 17.38.040 *Dimensional standards*
Dimensional standards in the M-2 district are:
A. *Minimum lot area, minimum not required;*

Finding: Because there is no minimum lot area, the existing site complies with this standard.

- B. *Maximum building height, six stories, not to exceed seventy feet;*

Finding: The existing one-story building is in compliance with this standard.

- C. *Minimum required setbacks:*
1. *Front yard, ten feet minimum depth,*
2. *Interior side yard, no minimum,*
3. *Corner side yard, ten feet minimum width,*
4. *Rear yard, ten feet minimum depth;*

Finding: The site plan submitted by the applicant indicates the existing building is set back 53 feet from Main Street (front yard), 10 feet from the property line to the south (interior side yard), 75 feet from 5th Street (corner side yard), and 77 feet from the 5th Street/Highway 99 right-of-way to the east (rear yard). The 5th Street frontage is curved; at its closest point, the building is 52 feet from the 5th Street right-of-way. This standard is met.

- D. *Buffer zone. If a use in this zone abuts or faces a residential or commercial zone, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.*

Finding: The site faces a commercial zone (CBD) across 5th Street. As described above, the yard along 5th Street ranges from 52 to 75 feet, which complies with this standard. However, very little landscaping is provided. A previous land use decision related to the previous service station on the site (Site Plan and Design Review, Casefile SP 90-06) required a minimum of 10 percent of the lot area to be developed, but that decision was issued prior to adoption of the current Zoning Code and the buffer zone requirement.

VI. RECOMMENDED CONCLUSION AND DECISION

The proposed zone change, with implementation of the recommended conditions of approval, is consistent with all applicable criteria of the zoning ordinance and Comprehensive Plan.

VI. RECOMMENDED CONCLUSION AND DECISION

The proposed zone change, with implementation of the recommended conditions of approval, is consistent with all applicable criteria of the zoning ordinance and Comprehensive Plan.

City staff recommends approval of the applicant's proposal, with the conditions of approval listed in Section VIII.

VII. EXHIBITS

The following exhibits are attached to this staff report.

1. Pre-Application Notes
2. Application Form
3. Applicant's Narrative, Drawings, and Supplemental Letter
4. Building Official comments
5. Public Works – Operations comments
6. Public Works – Engineering comments
7. Traffic Engineer comments
8. Fire Chief comments
9. ODOT comments
10. Public comments
11. Applicant's Transportation Impact Analysis and Supplemental Letter

VIII. RECOMMENDED CONDITIONS OF APPROVAL

1. To ensure adequate sight distance and address ODOT access spacing requirements, direct access to 5th Street (Highway 99E) shall be eliminated. Access to Main Street shall be located as far to the south as feasible. These access changes will be required prior to issuance of a business license and/or site plan and design review approval.
2. Prior to site redevelopment, landscaping shall be reviewed through site plan and design review to ensure adequate sight distance is maintained at the intersection of 5th and Main streets.
3. A covenant shall be executed by the property owner to meet the requirements of Zoning Code Section 17.50.150.
4. The transportation impact analysis reviewed for this staff report analyzed office uses on the subject site. Intensity of use and other uses allowed in the CBD district that are proposed for the site may require additional transportation impact analysis. Additional traffic impact analysis will be required for all site plan and design review applications. Some uses may be prohibited if proposed traffic mitigation is insufficient.

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City of Oregon City

Pre-Application Conference Summary

Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:

- (A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
- (B) A pre-application conference is required for all land use permits.
- (C) Time Limit: A pre-application conference is valid for a period of **six (6) months**.
- (D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice.

NOTE: The subsequent application may be submitted to any member of the Planning Staff.

DATE: 8/15/01
 APPLICANT: Tesco Corporation
 SITE ADDRESS: _____
 PROPERTY DESCRIPTION: _____
 STAFF: _____ ZONING: _____
 PROPOSED USE/ACTIVITY: _____
 INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

No proposal for re-building at this time -

1. PLANNING

- A. Setbacks/Zoning: M-2/Industrial
- B. Design Review Standards (check list attached): _____
 1) Parking Requirements: _____
 2) Landscaping: _____
- C. Signing: _____
- D. Other: _____

2. ENGINEERING

- A. Grading: _____
- B. Drainage: _____
- C. Sanitary Sewer: Utilities Connected provided a DEQ
- D. Water: pollution control manholes closure permit
- E. Right-of-Way Dedication/Easements: _____
 Street Improvements (including continuation of existing streets within subdivisions):
No access off 5th St; access off Main St; creates a queing
- G. Special Analysis (traffic study, geotechnical study, EIS): address site parking; contact with Blue Acron
- H. Development Impact Statement required with Subdivision applications: John Reed 1. TED (4)

3. BUILDING

- A. Proposed Construction Type: _____
- B. Number of Stories: _____
- C. Square Footage: _____
- D. Number of Buildings: _____
- E. Type of Occupancy: _____
- F. Fire Sprinklers: _____
- G. Valuation (estimate): \$ _____
- H. Fire/Life Safety Required: Yes _____ No _____

4. FIRE

- A. Fire Flow Requirements (gallons per minute): _____
- B. Location/Number of Hydrants: _____
- C. Access Requirements: _____
- D. Other: _____

5. FEES/PERMITS

- A. Design Review: _____
- B. Plan Check/Building Permit/State 5% Surcharge: _____
- C. System Development Charges (SDC): _____
- 1) Sanitary Sewer: _____
- 2) Water: _____
- 3) Storm Drainage: _____
- 4) Transportation: _____
- 5) Parks: _____
- D. Engineering 5% Technical Fee (based on improvements): _____
- E. Grading Permit: _____
- F. Right-of-Way Permit: _____
- G. Land Use Application(s): _____

TOTAL ESTIMATED FEES: \$ _____

OTHER COMMENTS:

- Establish which non-conforming use - structure provisions
- Need to establish the type of use

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

01 DEC 11 AM 8:51

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 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 checked="" 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 # 2001-05 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Laurie Wall, AICP

PROPERTY OWNER (if different): Tosco Corporation, c/o Dan Baldwin

PHYSICAL ADDRESS OF PROPERTY: 202 Fifth Street, Oregon City, OR

DESCRIPTION: TOWNSHIP: 2 RANGE: 2E SECTION: 31BD TAX LOT(S): 100 & 200

PRESENT USE OF PROPERTY: Taxi cab business

PROPOSED LAND USE OR ACTIVITY: Plan amendment and zone change from Industrial (M2)
to Commercial (CBD).

DISTANCE AND DIRECTION TO INTERSECTION:

0

CLOSEST INTERSECTION: Main St. & Pacific Hwy.

PRESENT ZONING: M2

TOTAL AREA OF PROPERTY: 20,480 sq. ft.

Land Divisions

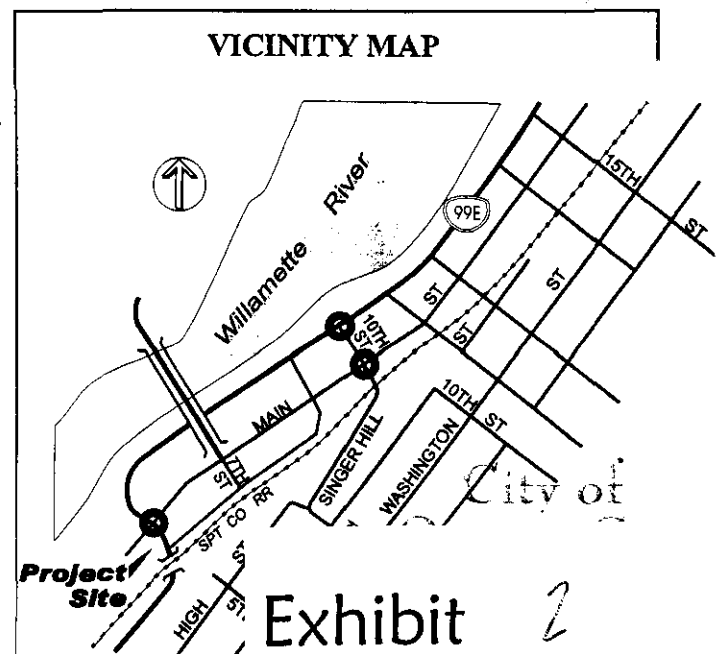
PROJECT NAME: _____

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



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: Laurie Wall, Laurie Wall

MAILING ADDRESS: Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3500

CITY: Portland STATE: OR ZIP: 97204 PHONE: (503) 205-2374

PROPERTY OWNER SIGNATURE(S): Dan Baldwin Dan Baldwin

MAILING ADDRESS: Tosco Corporation, 3977 Leary Way, N.W.

CITY: Seattle STATE: WA ZIP: 98107 PHONE: (206) 706-2340

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

DATE SUBMITTED: _____

RECEIVED BY: _____

FEE PAID: _____

RECEIPT #: _____

Responses to the Approval Criteria for
Zone Change

Exhibit 3

Introduction

This introduction provides a brief description of the proposal to serve as the public notice for surrounding parties and other interested parties in compliance with item #7 of the City's "Instructions for Completing Land Use Applications."

The nearly half-acre site was formally used as a gas station. The tanks have been removed but the gas station building remains. We would like to rezone the site from Heavy Industrial (M-2) to Central Business District (CBD) because the site is too small for industrial purposes and the existing Central Business District is located directly across the street. This site, when redeveloped, will be a visual improvement, compatible with the character of the Central Business District and will provide a buffer to the industrial area to the southwest.

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

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

Response: See below.

Comprehensive Plan Goals:

A. Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Response: On November 19, 2001, we sent a letter to the appropriate contacts at the CICC, the McLoughlin Neighborhood Association, the Canemah Neighborhood Association, the Downtown Association, and the Chamber of Commerce apprising them of our application and letting them know of our availability to meet with them to discuss that application. To date, we have scheduled a December 11, 2001, informational meeting with the Downtown Association.

B. Housing

Not applicable.

C. Commerce and Industry

Goal: Maintain a healthy and diversified economic community for the supply of goods, services, and employment opportunity.

1. As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential

customers. Particular attention will focus on relieving congestion on McLoughlin Boulevard (Highway 99E) and Cascade Highway/Molalla Avenue (Highway 213).

Response: Not applicable.

2. Use of mass transit will be encouraged between residential and employment areas through coordination with Tri-Met and local employers.

Response: The placement of this property is near the number 33 Tri-Met bus line, making it convenient for employees and clients to use Tri-Met to reach a commercial establishment on the site. Because the property is at the edge of the downtown district, there are ample sidewalks and crosswalks to allow a pedestrian to safely reach the property from the bus route.

3. Industrial and commercial operations will meet local, regional, State and Federal water and air quality standards, as required by law.

Response: The commercial operation anticipated on the parcel is an office use, such as an insurance office or similar. There should be no water or air quality issues arising from the anticipated use.

4. Encourage new non-polluting industrial uses (such as those on the State's Target Industries list), particularly along Fir Street.

Response: Not applicable.

5. Promote expansion of industrial development within the community's ability to provide adequate facilities and services.

Response: Although changing the zoning of the subject property removes the property from the inventory of industrial land, the property is better suited to a commercial use. The property is too small to accommodate most kinds of industrial uses, as industrial uses tend to be land extensive. This is especially true of the kinds of heavy industrial uses contemplated for the M-2 District. Further, the property abuts and faces a commercial zone, so the buffer requirement of OCZC 17.38.040(D) applies. This subsection requires a buffering yard of at least twenty-five feet on the abutting side of the property. This effectively reduces the available usable area of the property even more. On the other hand, a change of zoning from M-2 to CBD would allow the site to be used more effectively, as many commercial uses tend to not require large amounts of land.

Changing the zoning of the property and allowing an office building would have the benefit of providing a buffer between the industrial use (paper plant) to the south of the property and the Central Business District commercial uses to the north of the property. Directly across the street from the property, to the west, is a multiple story office building housing the general offices of the paper plant. This building and use provide the same sort of buffer to the industrial use from the Central Business District that the office use of the subject property could be expected to provide.

6. Development of industrial areas will include planning for increased truck traffic, landscaping and buffers to separate industry from other land uses.

Response: Not applicable.

7. Permit industrial development in the flood plain and on landfills only when the structures are above the one-hundred year flood level or adequately protected, and when specific engineering studies determine structural adequacy on landfills.

Response: Not applicable.

8. Encourage continued retail growth by:

a. Designating land for retail use in areas along or near major arterials and transit lines.

Response: Retail uses are allowed in the Commercial Business District zone, and the site is along a major arterial and near a transit line. Therefore, the change of this property will support this policy.

b. Developing and implementing a Downtown improvement plan to help Downtown retain its position as a major retail district.

Response: Not applicable

9. The City will continue to encourage the retention of Clackamas County as a major employer inside the City.

Response: Not applicable.

10. Continue an on-going review of City regulations and procedures affecting business operation, development and expansion in order to reduce staff review time and financial constraints.

Response: Not applicable.

11. The following policies shall govern the location, siting and design of new Commercial, Limited Commercial, Office Industrial and Campus Industrial areas:

a. Commercial

(1) Commercial districts are intended to serve the retail, service, and office needs of the greater Oregon City area.

Response: Changing the zoning of the subject property is consistent with this policy, because the anticipated office use on the property would serve the needs of the greater Oregon City area. The property is adjacent to the existing Central Business District for the city. Allowing an office use to locate on the site would provide additional office space for a small business that wishes to own its own building, be centrally located for its clients, and take

advantage of the symbiotic relationship that exists in a downtown environment. Adding such a use to the already diverse set of businesses in city's central core will enhance the district. The business would likely serve clients from all over Oregon City and neighboring West Linn. The business would be accessible to those driving from other parts of the local area, as it will have its own parking lot, and those taking transit, as it is near to a Tri-Met line.

(2) Commercial districts should offer good visibility and access and should be located along major arterials and transit lines.

Response:

(i) Visibility: Changing the zoning of the subject property is consistent with this policy, because the downtown commercial business district is already a readily visible section of the city, and the property itself is readily visible from both Main Street and Highway 99E. Because it is already on the edge of the downtown core, adding the subject property to the central business district would be a natural extension of the downtown area, and the property would benefit from the visibility of the downtown area as a whole.

(ii) Access: Changing the zoning of the property is also consistent with this policy, because the site is readily accessible to transit riders, bicyclists, pedestrians, and those in automobiles. The site is very near a bus line, has plenty of pedestrian amenities from the adjacent central business district, and is accessible from Main Street and Highway 99E by car. There are also a number of regional bicycle routes identified by Metro through the downtown core and near the property.

(iii) Location: The site is located along a major arterial, Highway 99E, and a transit line, Tri-Met line number 33, thus making a zone change of the site compatible with the comprehensive plan.

(3) Commercial districts should result in concentrated groupings of retail, service, and office uses.

Response: Changing the zoning of the property is consistent with this policy, because the property is adjacent to the downtown core, which is a concentrated grouping of retail, service, and office uses. Adding the subject property to that core will expand the core in a logical direction and provide more office space with which to diversify the current use mix.

(4) Commercial districts that result in numerous small lots with individual street access points shall be discouraged.

Response: Changing the zoning of the property is consistent with this policy, because the property will remain 20,480 square feet and access will be limited to one driveway onto Main Street. The parking lot will be upgraded and reconfigured such that any access onto Highway 99E will be closed.

(5) Design review standards, including aesthetic signing, should be developed for the commercial areas of the City with particular attention given to the entrances into the community.

Response: Not applicable. This site will be subject to design review prior to the issuance of a building permit for redevelopment. We have, however, submitted a conceptual plan showing how the site plan/design review criteria can be met in an attractive and complementary way.

(6) Uses in Commercial districts shall be designed to protect surrounding residential properties.

Response: Not applicable. There are no surrounding residential properties.

b. Limited Commercial

Response: Not applicable.

c. Office

Response: Not applicable.

d. Industrial

Response: Not applicable.

e. Campus Industrial

Response: Not applicable.

D. Historic Preservation

Not applicable.

E. Natural Resources & Natural Hazards

Not applicable.

F. Growth and Urbanization

Not applicable.

G. Energy Conservation

Goal: Plan urban land development which encourages public and private efforts towards conservation of energy.

Response: Rezoning the subject property is consistent with the overall goal of energy conservation, because the property is situated adjacent to the existing commercial business district with all of its attendant amenities for transit riders, bicyclists, and pedestrians. Employees and clients will be able to take advantage of these alternative forms of transportation, which save energy over automobiles. Further, because the property is near to the central business district, those employed at and visiting the office on the re-zoned property will be able

to take care of other errands or business needs in the same trip. Likewise, persons employed at or attending to business in other parts of the Commercial Business District can walk to this site.

The rezoning is also consistent with this goal because the existing building on the site can be remodeled and used as an office structure, rather than demolishing the building and constructing a brand new one.

H. Community Facilities

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

Response: Rezoning the property is consistent with the overall policies contained in this goal, because the development on the site will utilize existing public facilities in its operation and will not require any extensions of service, facility upgrades or any other public facility expenditures. In fact, the new commercial use is likely to use less of the existing public facilities than an industrial use.

I. Parks and Recreation

Not applicable.

J. Willamette River Greenway

Goal: Maintain the adopted Greenway Boundary and required procedures to ensure the continued environmental and economic health of the Willamette River.

1. The City will continue utilizing the conditional use process requiring review of any change of use within 150 feet of the normal low water line of the Willamette River.

Response: Not applicable. The subject property is not within 150 feet of the normal low water line of the Willamette River.

2. Forested land in the Greenway will be protected through site plan review and planned unit development options. Development of non-forested land will be encouraged prior to development of forested land.

Response: Not applicable.

3. The significant fisheries resource of the Willamette River will be maintained by discouraging activities such as gravel extraction, removal of bankside vegetation, stream course diversion, filling and pollution.

Response: Not applicable.

4. Major scenic views, drives and sites of Greenway will be preserved.

Response: Not applicable.

5. Existing and proposed facilities such as substations and power line towers will be landscaped.

Response: Not applicable.

6. The natural environment surrounding the Willamette River will be preserved.

Response: Not applicable.

7. New development within the flood plain will be restricted to development which does not endanger life or property in the event of a flood.

Response: Not applicable. This property is not within the 100 year flood plain.

8. City parks along the Willamette River will be preserved.

Response: Not applicable.

9. Public and private recreational development will be encouraged on sites suitable for the proposed uses.

Response: Not applicable.

10. Canemah is designated as an Historic District to encourage preservation and restoration of significant buildings and sites.

Response: Not applicable.

11. Industrial use along the Willamette River will continue to provide employment opportunities.

Response: Not applicable.

12. Publicly owned land will be maintained as open space. Landscaping and beautification efforts will be undertaken in this area.

Response: Not applicable. Site not within conditional use boundary.

13. The walkway between the McLoughlin House and Canemah along Highway 99E will be extended to Clackamette Park as funding becomes available. The walkway will include pedestrian amenities.

Response: Not applicable. Site not within conditional use boundary.

14. A bikeway will be combined with the above-mentioned walkway as funds become available.

Response: Not applicable. Site not within conditional use boundary.

15. The State Department of Transportation will be encouraged to repair and maintain the Oregon City-West Linn Bridge along with maintenance of the I-205 Bridge.

Response: Not applicable. Site not within conditional use boundary.

16. Owners of private land in the Greenway will be encouraged to landscape and undertake other beautification efforts.

Response: Not applicable. Site not within conditional use boundary.

K. Transportation

Goal: Improve the systems movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Response: See attached Transportation Impact Analysis.

1. The requirements stipulated in the Manual on Uniform Traffic Control Devices and the Oregon Supplement will be followed when installing all new traffic control devices and signing required for construction and maintenance work.

Response: Not applicable.

2. The City will consider restricting on-street parking on major arterials, and on-street parking will be prohibited on new major arterials.

Response: Not applicable.

3. The provision for adequate off-street parking will be mandatory for all new building construction, and remodeling projects, if appropriate.

Response: Rezoning the property is consistent with this policy, because adequate off-street parking will be provided for the new use. There is ample space on-site to accommodate the building, landscaping, and all of the required parking.

4. Curb cuts for vehicle use along new or redeveloped arterial streets will be discouraged.

Response: Not applicable. However, redevelopment will result in the closure of two existing curb exits on 99E.

5. New developments will include sidewalks in their design, where needed.

Response: Sidewalks currently exists along the Main Street and Highway 99E frontages.

6. Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Response: All sidewalks included in the redevelopment of the site will be constructed to City of Oregon City Zoning Code specifications.

7. Use of additional easements or underground utilities for utility poles will be encouraged.

Response: Not applicable.

8. Sidewalks will be provided at the minimum along one side of every arterial and collector.

Response: Sidewalks currently exist along both the Main Street and Highway 99E frontages. It may be better to remove the sidewalk along Highway 99E, however, as that frontage is not really amenable to a sidewalk. The property ends into an adjacent tunnel that has no pedestrian access through it. There is a sidewalk along the other side of Highway 99E, so the requirements of this policy would be met in the event the sidewalk along Highway 99E on our property was removed, thus meeting the requirements of this policy.

9. Sidewalks will be constructed near schools within the City, and where an existing major thoroughfare is near the school, school crossing signals with pedestrian-actuated buttons will be provided.

Response: Not applicable.

10. Extension of the I-205 bikeway South to Oregon City will be considered.

Response: Not applicable.

11. Local public transportation services and transit routes that connect Oregon City to the proposed transit improvement on the McLoughlin Boulevard corridor will be encouraged by the City.

Response: Not applicable.

12. Aesthetic improvements will be undertaken on Highway 99E as funding becomes available.

Response: Not applicable.

13. Improvements will be made on Singer Hill as funding becomes available in order to have Singer Hill replace Washington Street as the primary traffic route through McLoughlin Neighborhood.

Response: Not applicable.

14. The bikeway on South End Road will be extended to South End School as funding becomes available.

Response: Not applicable.

15. An extension from Lawton Road to 99E will be considered to provide sufficient access between the City and Highway.

Response: Not applicable.

16. As funding becomes available, the City will develop a three-block long connection between Eluria and Magnolia Streets.

Response: Not applicable.

17. Tri-Met will be encouraged to create a multi-modal transportation system which will encourage systems other than automobile usage.

Response: Not applicable.

18. Tri-Met will be encouraged to relate mass transit to: high and low density development, needs of low-income and limited mobility persons, and to utilize existing rights-of-way wherever possible.

Response: Not applicable.

19. The City will maintain a commitment to a metropolitan-wide public transportation system.

Response: Not applicable.

20. The City will cooperate with Tri-Met to improve and expand the public transportation system for Oregon City.

Response: Not applicable.

21. Operation of municipal elevator will be continued and connect with any future transit system.

Response: Not applicable.

22. Expansion of rail facilities will relate to areas of industrial land use.

Response: Not applicable.

23. Light rail public transit should be encouraged and a transit station near Oregon City Shopping Center developed when funds are available.

Response: Not applicable.

24. Reinstatement of passenger transportation along the Willamette River between Oregon City and Portland will be examined and encouraged in the future.

Response: Not applicable.

25. Policies of Ordinance No. 92-1002 – Not applicable.

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

Response: The public facilities and services currently available to the site are presently capable of supporting the uses allowed by the CBD zoning classification.

1. Water: According to Eli Deberry, City of Oregon City Public Works, there is a 10-inch cast iron sewer main, laid in the 1970s, that runs along Main Street, which is adequate capacity for our proposal. Mr. Deberry said that there is also a 4-inch ductile main on the opposite side of Fifth Street from the property.

2. Sewer: According to Chuck Carter, City of Oregon City, Public Works, there is an 8-inch sewer line that runs down Main Street along the property, an 8-inch line that runs along the adjacent railroad tracks, and an 18-inch line that runs along Highway 99E in front of the property. Mr. Carter stated that this is adequate capacity, especially in light of this request to down-zone the property. Mr. Carter said that he does not have any information with respect to the condition of the sewer lines, but since this application is not for a more intense zone, but a less intense one, and the future use of the site probably will not be much different than it is currently, the condition of the sewer lines should be adequate.

3. Stormwater: Mr. Carter stated that there is an 8-inch stormwater line that runs down Fifth Street with a catch basin on the corner of the property. There is a 6-inch line from the catch basin to a manhole. Mr. Carter stated that this is adequate capacity. Mr. Carter also stated that he does not have any information with respect to the condition of the stormwater lines, but since this application is not for a more intense zone, but a less intense one, and the future use of the site probably will not be much different than it is currently, the condition of the stormwater system should be adequate.

4. Transportation: See attached Transportation Impact Analysis.

5. Schools: Not applicable.

6. Police: The site is well served by both the State Police, as Highway 99E is a state highway, and the City of Oregon City police department.

7. Fire: Mr. Deberry said that the existing water facilities are adequate to serve the fire protection needs of the property.

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

Response: See attached Transportation Impact Analysis.

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

Response: Not applicable.

MILLER NASH LLP
ATTORNEYS AT LAW

Miller Nash LLP
3500 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, OR 97204-3699
(503) 224-6868
(503) 224-0155 fax

4400 Two Union Square
601 Union Street
Seattle, WA 98101-2332
(206) 622-8484
(206) 622-7486 fax

1100 Riverview Tower
800 Washington Street
Post Office Box 694
Vancouver, WA 98668-0894
(360) 699-4771
(360) 694-8413 fax

Kelly S. Hossaini
khossaini@millernash.com
(503) 205-2332 direct line

March 1, 2002

VIA FACSIMILE AND U.S. MAIL

Ms. Kristina McKenzie
David Evans and Associates, Inc.
2828 S.W. Corbett Avenue
Portland, Oregon 97201

Subject: 202 Fifth Street Rezoning Request - Application No. ZC 01-05

Dear Kristina:

I am in receipt of your March 1, 2002, e-mail application regarding the above-referenced application. Following is additional information we are submitting to clarify how we have satisfied certain City of Oregon City Comprehensive Plan application requirements you have noted, and how we have satisfied Zoning Code section 17.68.020(C). I would note that the Comprehensive Plan items you have cited, and we have addressed here, are application requirements and not approval criteria.

With respect to Comprehensive Plan Maintenance and Update, application requirements (A) through (E) we submit the following responses:

(A) A description of the specific change proposed, including the legal property description: As stated in our application form, we are requesting a comprehensive plan amendment and zone change from Heavy Industrial (M-2) to Central Business District (CBD) for property located at 202 Fifth Street, Oregon City. A legal description of this property was sent previously.

(B) A statement of the reasons for the proposed change: As stated in the introduction section of our Responses to the Approval Criteria for Comprehensive Plan Amendment (Responses), we are requesting the zone change to make the property more usable and productive in the community. The small size of the property makes it inappropriate as a viable candidate for a heavy industrial use, but the small size of the property is appropriate for allowed uses under a CBD designation. The property's proximity to adjacent CBD zoning serves to increase even further the property's viability for a CBD use.

MILLER NASH LLP
ATTORNEYS AT LAW

Ms. Kristina McKenzie

- 2 -

March 1, 2002

(C) A factual statement of how the proposed change meets a community need or Comprehensive Plan policy: In our submitted Responses, we separately addressed each applicable comprehensive plan policy and detailed how each of those policies are met through the zone change request. Please refer to that narrative for factual statements of how the proposed change meets each comprehensive plan policy that is applicable to our application.

Also in our submitted Responses, we addressed Comprehensive Plan Maintenance and Update Criteria 2, which requires a statement as to the public need to be fulfilled by the particular change being proposed. Please refer to that response.

(D) A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties: In our submitted Responses, we separately addressed each applicable comprehensive plan policy under each of the comprehensive plan goals that address community facilities, natural resources, and transportation. Our responses in that narrative are responsive to this application requirement, as they detail how the proposed change will affect the enumerated concerns. With our application we also submitted a Traffic Impact Analysis that details how the proposed change will affect the transportation system. Please refer to those documents.

The effect of the proposed change on adjacent properties is addressed as part of our submitted Responses, as many of the approval criteria are, at least to some degree, concerned with that effect. In general, however, the proposed change will have a positive or neutral effect on adjacent properties. With respect to the impact of the proposed change on the adjacent CBD-zoned properties, the proposed change is to the same zoning designation, so the effect would be a positive one, in that CBD uses tend to be compatible with each other and a CBD use on the subject property would provide an additional buffer from the nearby industrial use. With respect to the impact of the proposed change on the adjacent M-2 zoned properties, the affect will be neutral, as the M-2 properties are already in close proximity with CBD-zoned properties, and over the years the uses have proved to be compatible.

(E) A statement of how the proposed change complies with LCDC Goals: This statement is contained in our submitted Responses. In effect, the proposed change conforms to the State Planning Goals by virtue of conforming to the City's comprehensive plan goals and policies, as we have shown in our submitted Responses. We are not proposing a change to the text of the goals or policies of the comprehensive plan; we are only proposing a plan map designation change that conforms to the goals and policies of the comprehensive plan. For this reason, addressing the State Planning Goals in this application is unnecessary. The goals and policies of the comprehensive plan have been properly acknowledged by LCDC, and the State Planning Goals are applied through acknowledged local government comprehensive plans. Once acknowledgment takes place, the goals themselves are no longer applicable.

With respect to Zoning Code Section 17.68.020(C), addressing the effects of the proposed change on the City's transportation system, we direct you to the Traffic Impact

MILLER | NASH LLP
ATTORNEYS AT LAW

Ms. Kristina McKenzie

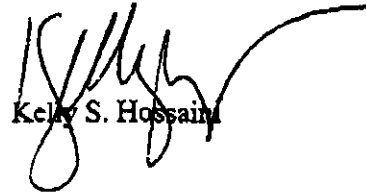
- 3 -

March 1, 2002

Analysis we have submitted as part of our application. All of the information contained in that document is relevant to 17.68.020(C) and details the impacts of the proposed change, and how those impacts meet this approval criterion.

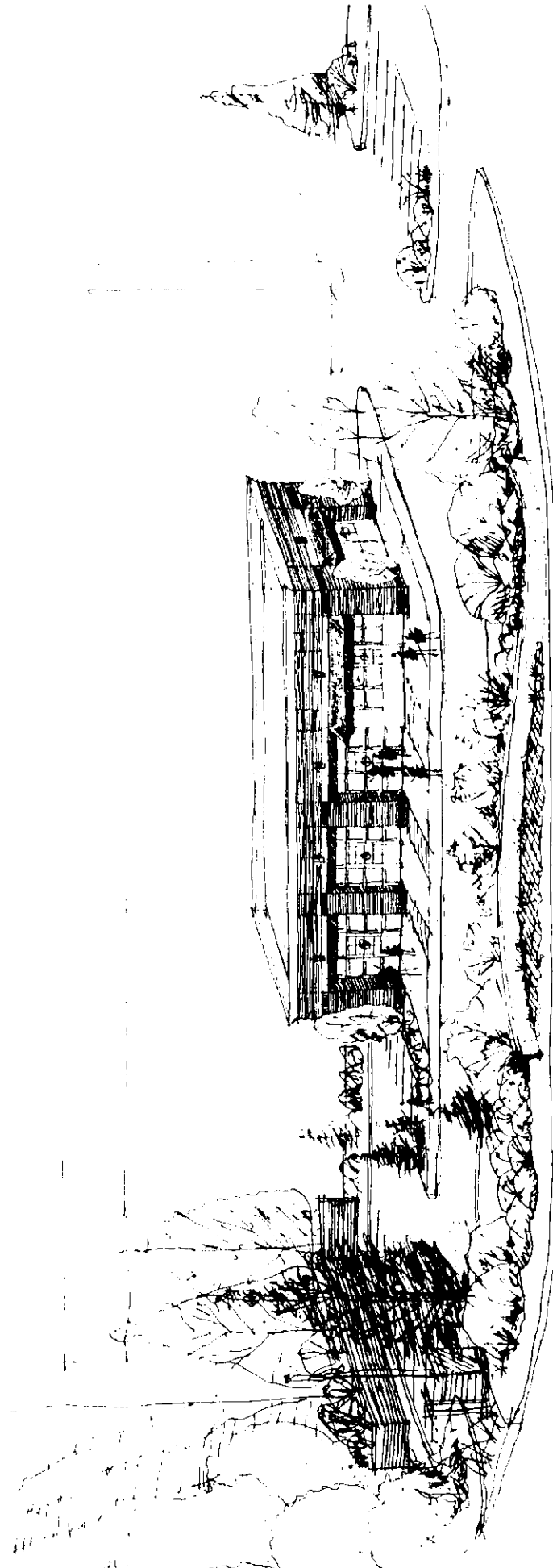
Please let me know if you have any further questions.

Very truly yours,



Kelly S. Hossain

cc: Christina Robertson



PERSPECTIVE

OCTOBER 2001

SERVICE STATION REMODEL
OREGON CITY, OREGON

jirja

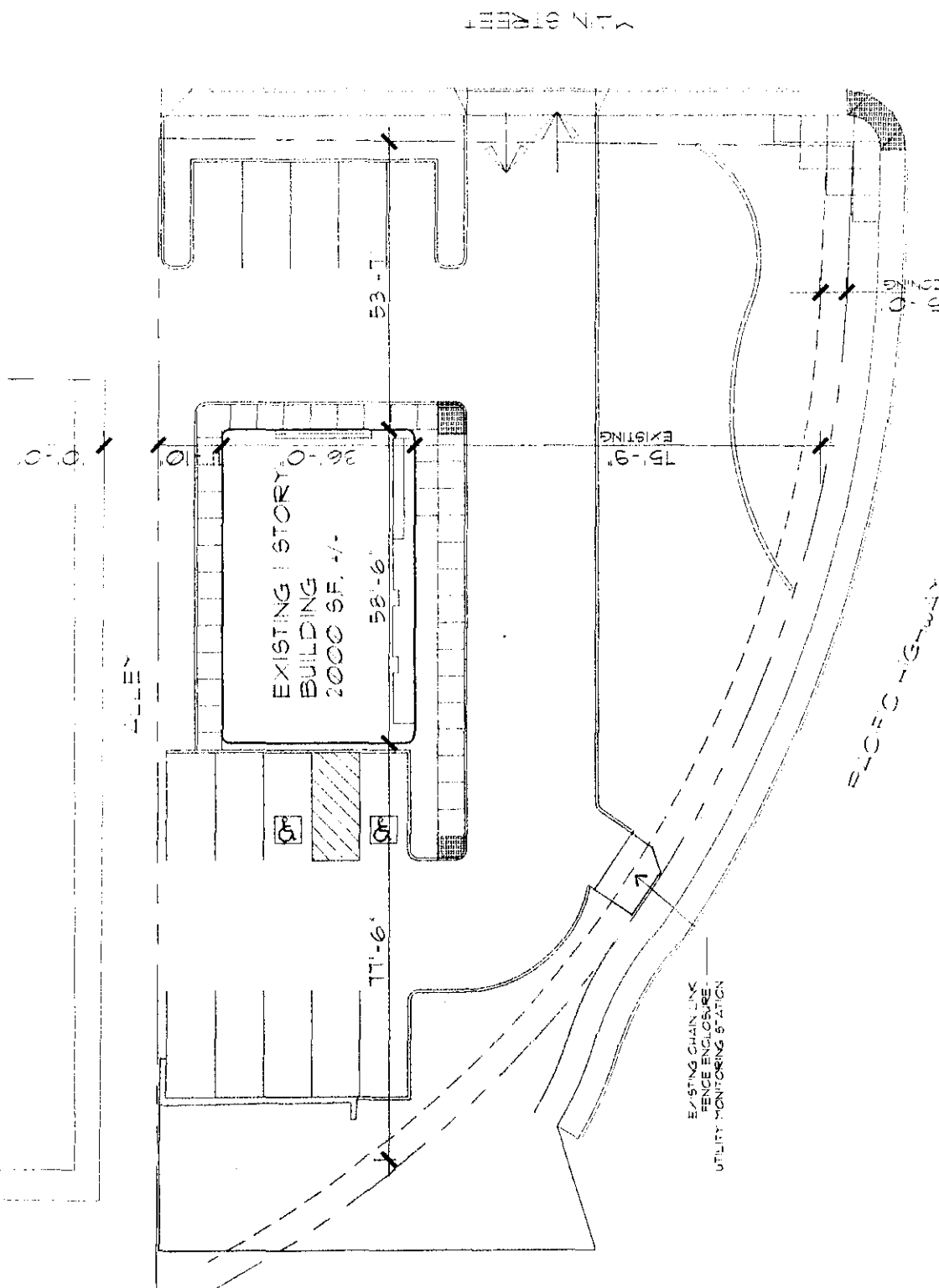
JON R. JURGENS & ASSOCIATES, INC.
ARCHITECTURE | PLANNING

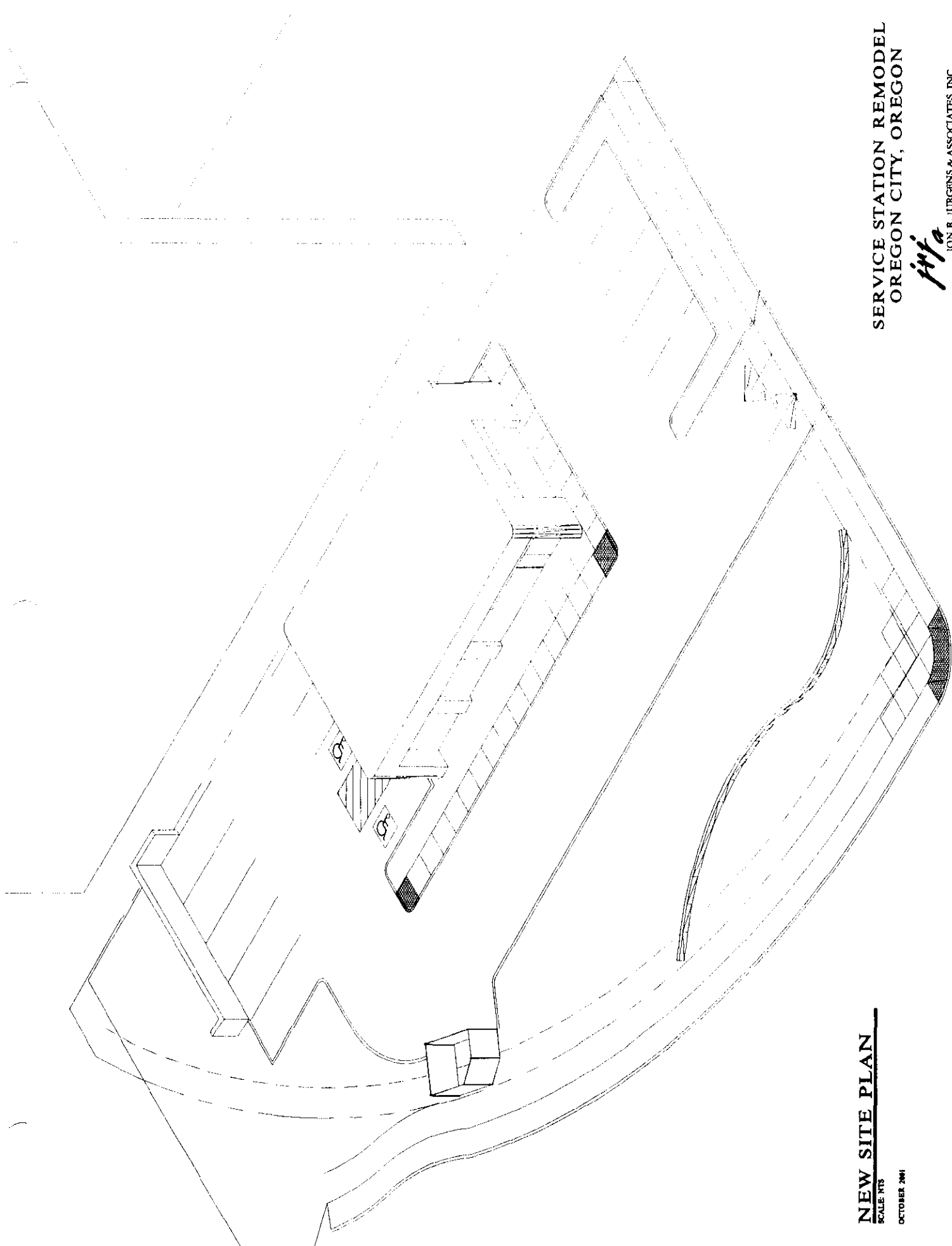
**SERVICE STATION REMODEL
OREGON CITY, OREGON**

Wife

ION R. URGEN'S & ASSOCIATES, INC.

09C71-15-15 - 24 NOV 86 - 2000





SERVICE STATION REMODEL
OREGON CITY, OREGON

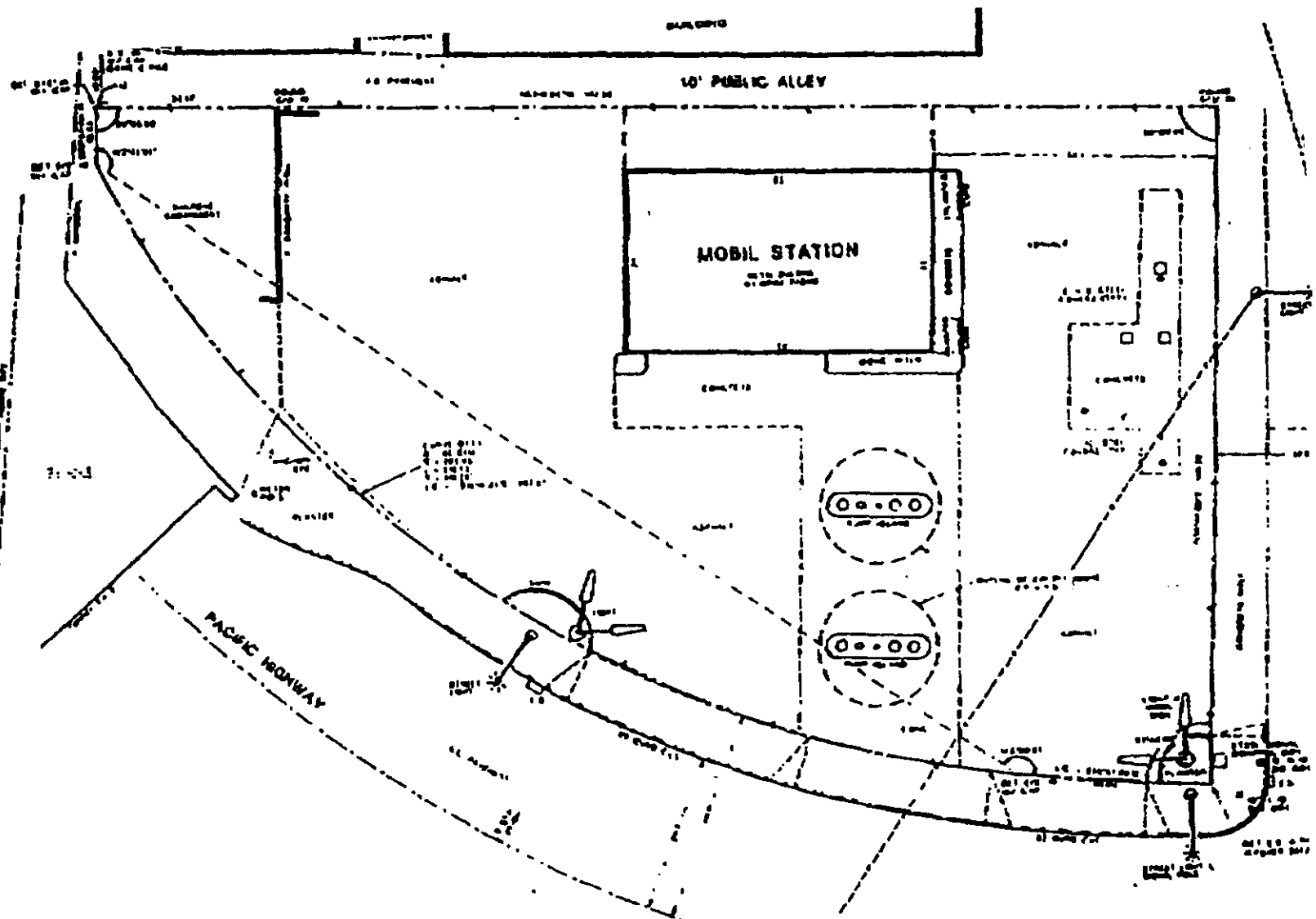
jrja

JOHN R. JURGINS & ASSOCIATES, INC.
ARCHITECTS PLANNERS

NEW SITE PLAN

SCALE: NTS

OCTOBER 2001



EXISTING PLAN

OCTOBER 2001

**SERVICE STATION REMODEL
OREGON CITY, OREGON**

JRJA

JON R. JURGENS & ASSOCIATES, INC.
ARCHITECTS/ENGINEERS

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 657-7892

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- ☐ N.A. LAND USE CHAIR
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- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

Christina Robertson
Planning Department

COMMENTS DUE BY: February 18, 2002

HEARING DATE: PC: 3-10-02/ CC:3-20-02
HEARING BODY: Staff Review___ PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

ZC 01-05, PZ 01-02

Christina Robertson

Laurie Wall, Miller Nash LLP

The applicant is proposing to amend the City of Oregon City Comprehensive Plan Map from "Industrial" to "Commercial". The applicant is also proposing to amend the Zoning Map from "M2"-Heavy Industrial to "CBD"-Central Business District for the property listed below.

LOCATION:

202 Fifth Street, Clackamas County Map #2-2E-3BD TL 100 and 200

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

☒

The proposal does not
conflict with our interests.

☐

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

☐

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

☐

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

Signed
Title

AA
B.O

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

Exhibit 4

planning

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 657-7892

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RETURN COMMENTS TO:

Christina Robertson
Planning Department

COMMENTS DUE BY: February 18, 2002

HEARING DATE: PC: 3-10-02/ CC:3-20-02
HEARING BODY: Staff Review ___ PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

ZC 01-05, PZ 01-02
Christina Robertson
Laurie Wall, Miller Nash LLP
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202 Fifth Street, Clackamas County Map #2-2E-3BD TL 100 and 200

LOCATION:

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_____ 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 completeness and review:

SEE ATTACHED

Signed
Title

Christina Robertson
PW'S OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAT

Exhibit 5

MEMORANDUM
City of Oregon City

DATE: February 11, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number ZC 01-05, PZ 01-02

Name/Address: 202 Fifth St.

Propose to amend Heavy Industrial to Central Business District for property

Water:

Existing Water Main Size = 6"

Existing Location = Fifth St.

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

Extension required? Yes No X

Looping required? Yes No X Per Fire Marshal

From:

To:

New line size = 8"

Backflow Preventor required? Yes X No

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 2/11/2002

Consult Water Master Plan. I would appreciate it if my name is used that they get the comments right. The attached Responses to the Approval Criteria for Comprehensive Plan Amendment has erroneous remarks:

For instance, on page 12, B1 Water: There is a 10-inch WATER main on Main Street, not a sewer main as stated. I do not know about sewer lines. According to our computer map, there is a 4" on Fifth Street and according to the base map it is a 6". I do not know what type of water pipe was used.

And on page 12, B7 Fire: I would not make the comment that "the existing water facilities are adequate to serve the fire protection needs of this property." It is up to the Fire Marshal to determine fire protection, not me. Closer examination for accuracy of quotations in this packet should be utilized.

MEMORANDUM
City of Oregon City

DATE: 2/5/02
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-02
NAME: 202 5th Street

Sanitary Sewer: N/A

Existing Sewer Main Size= _____

Existing Location= _____

Existing Lateral being reused? Yes _____ No _____

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No _____ Yes _____

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes _____ No _____

Recommended Easement Width _____ feet

Sanitary Sewer additional comments? No _____ Yes x Initial CC

no changes appear necessary to the existing utilities

MEMORANDUM
City of Oregon City

DATE: 2/5/02
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-01
NAME: _____

Storm Sewer: N/A

Existing Line Size= _____ inch None Existing _____

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes _____ No _____

From: _____

To: _____

Detention and treatment required? _____

On site water resources: None known _____ Yes _____

Storm Department additional comments?: No _____ Yes X Initial CC

no changes appear necessary to the rxisting utilities

MEMORANDUM
City of Oregon City

DATE: Feb. 6, 2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-02
NAME: 202 5th St.

Streets: N/A

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	_____

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City _____ County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

See Department additional comments No X _____ Yes _____ Initial P.I. _____

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
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- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

Christina Robertson
Planning Department

COMMENTS DUE BY: February 18, 2002

HEARING DATE: PC: 3-10-02/ CC:3-20-02
HEARING BODY: Staff Review___ PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

ZC 01-05, PZ 01-02
Christina Robertson
Laurie Wall, Miller Nash LLP
The applicant is proposing to amend the City of Oregon City Comprehensive Plan Map from "Industrial" to "Commercial". The applicant is also proposing to amend the Zoning Map from "M2"-Heavy Industrial to "CBD"-Central Business District for the property listed below.
LOCATION: 202 Fifth Street, Clackamas County Map #2-2E-3BD TL 100 and 200

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

The proposal does not
conflict with our interests.

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

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

*The following items are missing and are
needed for completeness and review:*

Signed _____
Title _____

Senior Engineer
2/28/02

Exhibit 6

OPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

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 type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input checked="" 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 # P201-02 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Laurie Wall, AICP

PROPERTY OWNER (if different): Tosco Corporation, c/o Dan Baldwin

PHYSICAL ADDRESS OF PROPERTY: 202 Fifth Street, Oregon City, OR

DESCRIPTION: TOWNSHIP: 2 RANGE: 2E SECTION: 31BD TAX LOT(S): 100 & 200

PRESENT USE OF PROPERTY: Taxi cab business

PROPOSED LAND USE OR ACTIVITY:

Plan amendment and zone change from Industrial (M2) to Commercial (CBD).

DISTANCE AND DIRECTION TO INTERSECTION:

0

CLOSEST INTERSECTION: Main St. & Pacific Hwy.

PRESENT ZONING: M2

TOTAL AREA OF PROPERTY: 20,480 sq. ft.

Land Divisions

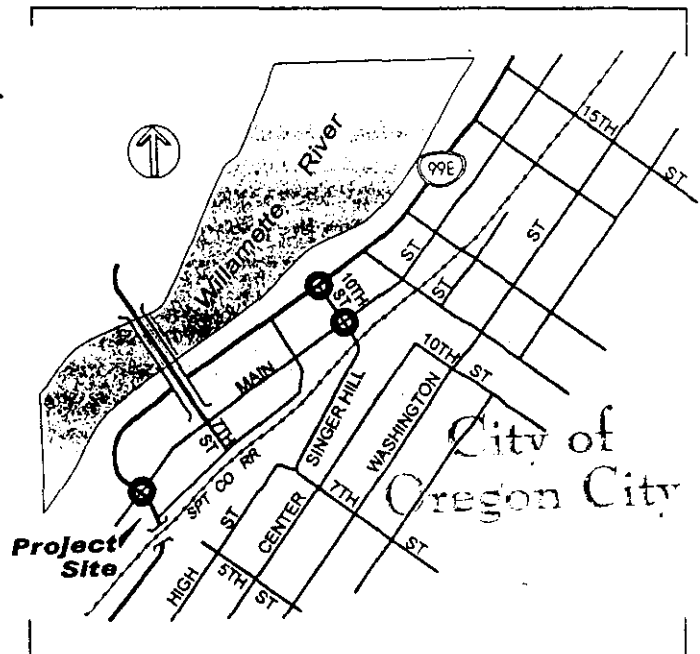
PROJECT NAME: _____

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



ANALYSIS AND FINDINGS

The applicant has proposed a zone change for the property located at the southeast corner of the intersection of 5th Street (Hwy. 99E) at Main Street from Heavy Industrial to Central Business District. Applicant is proposing to redevelop the site from a gas station to a commercial business such as an insurance office or similar.

Staff recommends approval of the proposed zone change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 10-inch water main in Main Street, and an existing 4-inch water main along the northern side of 5th Street.

Future development of this property will require a new 8-inch water main in 5th Street to replace the existing 4-inch water main.

SANITARY SEWER.

There is an existing 8-inch sanitary sewer main in Main Street, and an existing 18-inch sanitary sewer main along 5th Street.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Willamette South Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains directly to the Willamette River. The site is not located within the Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will not require storm water detention because of it's close vicinity to the Willamette River. Future storm water quality improvements may be required depending on the development.

DEDICATIONS AND EASEMENTS.

Main Street is classified as a Local Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 42 to 54 feet. Currently, Main Street appears to have a 60-foot wide ROW along the project site's frontage.

5th Street is classified as a Major Arterial in the Oregon City Transportation System Plan, which requires a ROW width of 64 to 124 feet. Currently, 5th Street appears to have a ROW width that varies along the project site's frontage from approximately 70 feet at the western edge to approximately 185 feet at the eastern edge. 5th Street is also known as Hwy. 99E. Hwy. 99E is under Oregon Department of Transportation (ODOT) jurisdiction.

Future development of this property will not require dedication of ROW along Main Street. Future dedication of ROW along Hwy. 99E may be required to meet ODOT requirements.

STREETS.

Main Street is classified as a Local Street in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, Main Street appears to have a pavement width of approximately 60 feet.

5th Street is classified as a Major Arterial in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, 5th Street appears to have a pavement width of approximately 48 feet. 5th Street is also known as Hwy. 99E. Hwy. 99E is under Oregon Department of Transportation (ODOT) jurisdiction.

Future development of this property will require half street improvements along the site frontage with Main Street to meet City requirements, and highway improvements along the site frontage with Hwy. 99E to meet ODOT requirements.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by DKS Associates and dated October 2001, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself, however, the study based traffic generation on the proposed use and not on the highest possible traffic generator for the proposed zone.

Conditions:

1. Applicant shall revise traffic impact analysis using the highest traffic generator for the proposed zone, and resubmit to the City for review.

March 4, 2002

Ms. Christina Robertson
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF SUPPLEMENTAL TRAFFIC IMPACT STUDY INFORMATION
 OREGON CITY 5TH STREET – ZC 01-05
 TOSCO PROPERTY**

Dear Ms. Robertson:

In response to your request, David Evans and Associates, Inc. has reviewed the supplemental Traffic Impact Analysis (TIA) information prepared by DKS Associates for the Oregon City/5th Street rezone study of the Tosco property. The supplemental information was submitted on the afternoon of March 1, 2002 in response to comments prepared by DEA in review of the Draft TIS.

1. Relative Impacts

I raised the issue that there may other uses such as retail that could result in a greater impact to the surrounding transportation system relative to the worst case development level presented by the applicant. In response, the applicant reanalyzed the Main St./5th St. intersection assuming both an 8-vehicle fueling position gas station and a 3,000 square foot fast food with drive through restaurant on the proposed site.

The applicant's assumptions are reasonable and I concur with their analysis indicating that overall intersection operations would diminish negligibly based on the varied land use assumptions. With that said, assuming the zone change is allowed, the applicant could pursue more intense levels of use than presented in their subsequent analysis. If and when that occurs, any future reuse of the parcel that would generate a higher number of trips relative to the applicant's assumptions with a 5,000 square foot general office building, should be captured by a subsequent traffic analysis at that time. Overall, I find that the issue of whether a reasonable worst-case land use has been analyzed is resolved.

2. Traffic Volumes

I raised the issue that the applicant did not correctly calculate PM peak hour trip generation under the rezoning scenarios. This finding was based on the fact the report cites use of the 6th edition of ITE Trip Generation. In reality, the applicant used the preceding 5th edition of ITE to calculate PM peak hour trips because the regression equation used to generate trips is more appropriate for smaller office sizes. I concur with the applicant's methods.

Exhibit 7

Ms. Christina Robertson

March 4, 2002

Page 2 of 3

3. Signal Warrant Analysis

The applicant's analysis indicates that the Main St./10th St. intersection is currently operating at LOS F conditions and that the PM peak hour warrant is met today and under all subsequent build scenarios. I concur that this warrant is met today based on operations of the southbound intersection approach, not based on those of the northbound intersection approach as described by the applicant. A decision regarding a zone change will not affect the need for a signal, it may simply accelerate the need. I agree that the applicant should pay a proportionate share of this mitigation through payment of systems' development charges.

The City's Transportation System Plan (TSP) does identify a need to signalize the Main St./10th St. intersection and construct a southbound exclusive left-turn lane by year 2020. The southbound approach operates at LOS F today. Interim measures prior to signalization, such as constructing the southbound left-turn lane may be needed as off-site improvements associated with this zone change.

4. Year 2018 Traffic Operation Analysis

I raised the issue that a determination of year 2018 traffic operations could not be made due to inconsistencies in the year 2018 traffic volumes developed by the applicant. The applicant responded that year 2018 volumes used in their analysis were supplied by the City's TSP consultant. The primary inconsistency stemmed from the fact that the applicant's study indicated that traffic leaving the Main St./10th St. intersection northbound toward McLoughlin Street is approximately 750 vehicles per hour (vph), yet the volume shown to arrive at the McLoughlin/Main St. intersection is less than 300 vph.

In response, the applicant increased the traffic volume at the McLoughlin/Main St. intersection to account for the traffic arriving from the Main St./10th St. intersection. All trips were added as westbound right turns. This resulted in a change from LOS B (presented in the original TIA) to LOS D, which remains within City standards. I concur with the applicant's methods. Although the intersection LOS appears acceptable, the higher volume increases the westbound right-turn design queue from 12 vehicles (300 feet) as presented in the original study to 28 vehicles (700 feet) under the revised analysis. The block spacing along 10th Street between McLoughlin and Main St. is approximately 250 feet based on a map review. This suggests that traffic spillover will be a concern in year 2018 regardless of a zone change approval. The zone change would contribute to this situation, but not cause it.

The City is encouraged to ask their TSP consultant to address the volume discrepancy noted herein and to note/review the potential traffic stacking issue noted herein.

Ms. Christina Robertson

March 4, 2002

Page 3 of 3

With exception of analyzing traffic signal warrants appropriately, it is my finding that the applicant has reasonably addressed the transportation issues raised upon review of the original draft TIA. Traffic impacts associated with the proposed land use and assumed reasonable worst case land use are not expected to substantially diminish the operations of the surrounding transportation system relative to background levels that are estimated to exist in the near-term and in 2018.

These findings are specific to the proposed land use (5,000 square foot general office building) and assumed reasonable worst case land use (36,000 square foot general office building) presented by the applicant as a basis to make a zone change decision. Further traffic analysis may be needed in a subsequent site plan and design review process as the proposed development becomes more final.

If you have any questions or need any further information concerning this review, please call me at 223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Mike Baker, PE

Senior Transportation Engineer

MJBA:

o:\project\o\orct0009\correspo\ZC01-05.doc



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 1

123 NW Flanders

Portland, OR 97209-4037

(503) 731-8200

FAX (503) 731-8259

FILE CODE:

February 19, 2002

PLA9-2B -3

ODOT Case No: 1358

City of Oregon City
Planning Department
PO Box 351
Oregon City, OR 97045-0021

Attn: Christina Robertson

Subject: **ZC 01-05/PZ01-02: Service Station**
Fifth Street (OR 99E) and Main Street (OR 43)

Dear Ms. Robertson,

We have reviewed the applicant's proposal for a comprehensive plan/zoning map amendment from heavy industrial to central business district for a 20,000 sq. foot site that is developed with a gas station. The site is adjacent to Fifth Street (OR 99E) and Main Street (OR 43). ODOT has permitting authority for these facilities¹ and an interest in ensuring that the potential land uses allowed by the proposed zoning would be compatible with the safe and efficient operation of the highways.

ODOT Standards

According to the Oregon Highway Plan (1999), OR 99E (Fifth Street) is classified a Regional Urban highway. The posted speed in this section is 30 miles per hour. Based on speed and classification, the access spacing standard is 400 ft. The mobility standard is 1.1 volume to capacity (v/c) ratio in the Oregon City Regional Center. Main Street in this section is also an ODOT facility, the termination of OR 43. It has a District Urban highway classification, with the same access and mobility standards as OR 99E.

ODOT Review

Upon reviewing the Transportation Impact Analysis (TIA) for the proposed office development and rezone (completed by DKS Associates, October 2001), Kate Freitag, Traffic Section, ODOT Region 1 has the following comments:

The proposal in question is to rezone two lots that are located on the southeast corner of Main Street (OR 43) and 5th Street/McLoughlin Blvd (OR 99E). The lots are currently zoned for heavy industrial uses. The proposal would rezone the lots to CBD commercial.

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_7?

Two ODOT intersections were analyzed in the TIA: 99E/5th Street at Main Street and 99E at 10th Street. Both intersections are currently signalized. The analysis showed that even under worst-case development, the mobility standard will not be exceeded for either the total traffic conditions for both the AM and PM peak hours or the 2018 total traffic conditions for the PM peak hour.

The intersection of Main Street at 10th Street was shown to be failing under the existing conditions, with the conditions worsening with development. This is a City intersection, but it is less than 300' from the 99E/10th Street intersection. Due to the close proximity of the two intersections, ODOT has concerns that installing a signal at Main Street/10th Street could cause operational problems to the signal at the 99E/10th Street intersection. If the Main Street/10th Street intersection is to be signalized in the future, careful analysis should be done to ensure that the signal would not queue traffic back into the highway intersection. The City should coordinate with the ODOT signal manager if signalization of the Main Street/10th Street intersection is ever considered.

In summary, ODOT has no concerns with the proposal. The ODOT facilities can adequately serve the additional traffic from the potential worst case development. If the intersection of Main Street/10th Street is to be signalized, the City should coordinate with the ODOT signal manager to ensure the safe and efficient operation of all affected intersections.

If the subject property redevelops in the future, ODOT will review specific transportation impacts and site access to both highways.

Please contact me at (503) 731-8282 if you have questions regarding this case.

Sincerely,


Sonya Kazen,
Assoc. Planner

Cc: Kathleen Freitag, Traffic, ODOT Region 1
Loretta Kieffer, Access Coordinator, ODOT District 2B

OREGON CITY DOWNTOWN ASSOCIATION



1810 Washington Street ♦ Oregon City, Oregon 97045

RECEIVED

DEC 19 2001

MILLER NASH, LLP
RECEIVED

December 19, 2001

Ms. Laurie Wall
c/o Miller Nash, LLP
3500 U.S. Bancorp Tower
111 SW Fifth Avenue
Portland, Oregon 97204

Dear Ms. Wall:

At the December 11th meeting of the Oregon City Downtown Association a presentation was heard for the rezoning and possible future use of the southeast corner of 99E and Main Street in Oregon City. Approximately 15 members were present and the support for your request to the City was unanimous.

Sincerely,

Sheila Wiitanen
Chairperson

Exhibit 9



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

January 2, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

ROBERT D. VAN BROCKLIN
Direct Dial (503) 294-9660
email rdvanbrocklin@stoel.com

Ms. Christina Robertson
Assistant Planner
City of Oregon City ("City")
320 Warner Milne Road
Oregon City, OR 97045

**Re: Tosco Corporation Proposed Plan and Zone Map Amendment
Application (File No. PZ 01-02, ZC 01-05)**

Dear Ms. Robertson:

This office represents Blue Heron Paper Company ("Blue Heron") in the above-referenced application. Blue Heron owns and operates a paper production facility immediately adjacent to the applicant's property. Blue Heron has not had an opportunity to thoroughly review the application and, thus, cannot fully comment on it at this time. In recognition of the January 3, 2002 deadline for submitting evidence and argument for inclusion in the City's staff report on the application, however, we hereby submit these initial comments on behalf of Blue Heron. Blue Heron intends to provide additional comment on the application prior to and at the public hearings on the application.

Tosco Corporation proposes to amend the City's Comprehensive Plan Map designation on its property from industrial to commercial. Tosco also proposes to change the Zone Map designation on the property from M2-Heavy Industrial to Central Business District ("CBD"). For the following reasons, Blue Heron opposes these proposed changes and urges the City to maintain the existing plan and zone map designations on the property.

Oregon City Zoning Code ("Zoning Code") 17.68.020 requires that a zone change:

1. Be consistent with the goals and policies of the comprehensive plan;
2. Satisfy the requirement that the existing public facilities and services (including water, sewer, storm drainage, transportation, schools, police

Oregon
Washington

Exhibit 9



Ms. Christina Robertson
January 2, 2002
Page 2

and fire protection) be capable of serving the uses allowed in the zone, or that such services can be made available prior to issuing a certificate of occupancy;

3. Satisfy the requirement that the land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district; and,
4. Comply with the statewide planning goals if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Blue Heron will submit comment regarding the goals and policies of the comprehensive plan and the statewide planning goals in a separate letter.

With respect to the public facilities and services requirements of Zoning Code 17.68.020, we submit that the existing transportation facilities and services are inadequate to support the full range of uses allowed in the CBD zone in addition to the existing industrial uses in the area. Zoning Code 17.34.020 provides that the permitted uses in the CBD zone include "uses permitted in C general commercial district." Those uses are set forth at Zoning Code 17.32.020 and include art stores, bakeries, banks, barber shops, book stores, confectionery stores, department stores, drug stores, grocery stores, hotels, motels, business and professional offices, clinics and services stations. Blue Heron believes that many, if not all, of these uses are incompatible with the Blue Heron paper production facility, and would establish an irrational land use pattern in the area.

The entrance to Blue Heron's facility is immediately adjacent to the Tosco property. More than 1,000 heavy trucks enter and exit the Blue Heron facility each month. These trucks carry large, heavy loads of wood chips, wastepaper, and finished paper products. Locating any auto-dependent commercial use on the Tosco property would create conflicts between auto and truck traffic. The truck traffic entering and exiting Blue Heron's facility and the car traffic and parking at a commercial use on the Tosco property would create congestion and traffic safety problems in the area. The existing rail use in the area further complicates the area's traffic patterns and supports a denial of the application in order to avoid placing more traffic in the area. For these reasons, the existing transportation facilities are not capable of supporting the commercial uses allowed in the CBD zone at the Tosco location. There is neither the transportation function, capacity or level of service to accommodate both Blue Heron's industrial use and the commercial uses permitted in the CBD zone. We also question whether such a proposal complies with the state's transportation planning rule.



Ms. Christina Robertson
January 2, 2002
Page 3

In addition to traffic impact, commercial uses immediately adjacent to permitted industrial uses may create conflicts due to industrial noise. Although industrial noise volumes at Blue Heron are in compliance with all applicable noise standards, locating a commercial use like a professional office or motel immediately adjacent to Blue Heron's facility is likely to result in complaints by the new commercial user about Blue Heron's operations. Commercial uses should not be allowed within an industrial sanctuary because they frequently lead to incompatible operations.

Again, we have not had the opportunity to thoroughly review the application, or to assess the various comprehensive plan goals and policies, or the statewide planning goals, which must be considered in assessing the application. We look forward to providing comments on these and other issues prior to and during the public hearings process. The traffic impacts of permitting a wide range of commercial uses at this location, and the incompatibility between such uses and Blue Heron's existing industrial use, taken alone, however, supports a conclusion by the City to deny the application.

Thank you for the opportunity to comment on the application.

Very truly yours,

Robert D. Van Brocklin

RVB:mlb

cc: Mr. Mike Siebers (*via facsimile*)
Mr. J. Mark Morford

DKS Associates

1400 SW 5th Avenue, Suite 500
Portland, OR 97201
PH: (503) 243-3500
FX: (503) 243-1934

March 1, 2002

FAX TRANSMITTAL

Number of Pages (including cover): **10**

To: Christina Robertson, City of Oregon City

Fax #: 503-657-3339

From: Chris Maciejewski

Charge #: P01245

COMMENTS:

Here is a copy of our response to the City's comments on the January 2002 5th Street (Tosco site) traffic impact analysis report. Please call to request on original copy.

Exhibit 10

DKS Associates

1400 SW 5th Avenue, Suite 500
Portland, OR 97201
Phone: (503) 243-3500
Fax: (503) 243-1934

March 1, 2002

Laurie Wall
c/o Miller, Nash, Wiener, Hager & Carlsen LLP
111 SW Fifth Avenue
3500 U.S. Bancorp Tower
Portland, OR 97204-3699

**Subject: Response to City Comments on the January 2, 2002 Oregon City Fifth Street
(Tosco Site) TIA Final Report**

P01245

Dear Laurie:

We have received and reviewed the City of Oregon City comments to our January 2002 report¹. The additional information requested in the letter is addressed in the following response. The additional information and analysis prepared for this response letter does not change our findings for the proposed project as stated in our January, 2002 Final Report.

1. The applicant did not correctly calculate PM peak hour trip generation for the office uses.

The trip generation for the proposed general office use and the worst case general office use (ITE Code 710) was calculated using *ITE Trip Generation 5th Edition* equations. ITE has published a more recent trip generation manual with a revised equation for calculating office use trips². However, the 5th Edition equations provide a more reasonable estimation of trip generation for office uses less than 70,000 square feet. Therefore, the trip generation published in the January 2002 report was not revised as part of this response.

2. Retail land uses allowed with the proposed rezone could result in greater impact on the surrounding transportation system than the worst-case office use.

The worst case development analyzed in the January, 2002 report was a general office use of 36,000 square feet. This land use was chosen for the worst case scenario, as it would have the largest trip impact on the transportation system among the allowed uses. The City comments state that a retail land use such as a gas station or fast-food restaurant could have a greater impact (more trip generation). Table 1 lists a comparison of trip generation scenarios including office, gas station, and fast food. As shown in the table, the retail uses do have a larger trip attraction. However, the

¹ Comments prepared by Mike Baker, P.E., David Evans and Associates received February 28, 2002.

² *ITE Trip Generation (6th Edition)*, Institute of Transportation Engineers, 1997.

March 1, 2002
Laurie Wall
Page 2 of 3

high percentage of pass-by trips associated with the retail uses results in these uses actually adding less new net trips to the surrounding transportation system.

The study intersection adjacent to the site (Main Street/McLoughlin) would be impacted by the pass-by trips, as they would be shifted from through trips on McLoughlin to turning movements onto/from Main Street. The worst-case scenario level of service was recalculated at this intersection to incorporate the additional worst-case trip generation alternatives. Table 2 lists the results of the additional capacity calculations at this intersection. As shown in the table, the worst-case site trip generation increase would not significantly impact the operation of the intersection.

Table 1: Worst Case Scenario Trip Generation Comparison

	Daily	AM Total	AM Pass By %	AM In Net	AM Out Net	PM Total	PM Pass By %	PM In Net	PM Out Net
General Office ITE 710 36 KSF	610	83	0%	74	9	88	0%	15	73
Gas Station w/ Convenience Store ITE 845 8 Fueling Positions	1,302	80	62%	15	15	108	56%	24	24
Fast Food w/ Drive-Thru ITE 834 3 KSF	1,488	149	49%	39	37	100	50%	26	24

Source: ITE Trip Generation (6th Edition).

Table 2: Worst Case Scenario Capacity Calculation Comparison (Main Street/McLoughlin)

Scenario	AM Peak			PM Peak		
	Delay	LOS	V/C	Delay	LOS	V/C
General Office - 36 KSF	10.0	A	0.61	25.9	C	0.91
Fast Food w/ Drive-Thru - 3 KSF	10.5	B	0.61	-		
Gas Station w/ Convenience Store - 8 Fueling Positions	-			26.8	C	0.91

Signalized Intersection LOS:

Delay = Average vehicle delay in peak hour for entire intersection

V/C = Volume to Capacity Ratio

LOS = Level of Service

3. The signal warrant analysis should be revised at Main Street/10th Street.

We agree that the signal warrant analysis should be revised to include the correct minor street volumes. The revised calculations are attached. In the January 2002 report it was stated that the intersection met signal warrants during both the AM and PM peak hours. The revised calculations show that the signal meets peak hour volumes warrants only during the PM peak hour. This does not change our recommendation that the intersection could be mitigated with additional lanes of signalization. The intersection has been identified for a signal in the City's Transportation System Plan (TSP), which will be constructed when full MUTCD warrants are met and funding is available.

March 1, 2002
Laurie Wall
Page 3 of 3

4. The 2018 volume forecasts should be reviewed and revised.

We agree that the volumes forecasted on 10th Street between Main Street and McLoughlin are inconsistent. The volumes used in the January 2002 report were supplied by the City's TSP consultant. Revisions to these forecasts should be addressed by City Staff and the TSP consultant. However, for the purpose of this report the intersection capacity at 10th Street/McLoughlin was recalculated to include the additional westbound volumes from 10th Street/Main Street (see attached). As shown in the calculation, the intersection will operate at acceptable levels with the additional traffic volume.

This letter includes the additional information and analysis requested by the City of Oregon City to complete the traffic impact analysis for the proposed site. Based on the additional items discussed in this letter, our findings for the site from the January 2002 report are unchanged. Please contact Chris Maciejewski or me with any questions.

Sincerely,

DKS Associates
A Corporation



Carl D. Springer, P.E.
Project Manager

Worst Case General Office

MITIG8 - PM Peak Total - Wofri Mar 1, 2002 11:18:06

Page 1-1

PM Peak Total - Worst Case

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)*****
Intersection #1 Main/99E

Cycle (sec):	70	Critical Vol./Cap. (X):	0.901
Loss Time (sec):	10 (Y+R = 4 sec)	Average Delay (sec/veh):	25.9
Optimal Cycle:	88	Level Of Service:	C

Approach:	North Bound	South Bound	East Bound	West Bound
Movement:	L - T - R	L - T - R	L - T - R	L - T - R
Control:	Permitted	Permitted	Permitted	Permitted
Rights:	Include	Include	Include	Include
Min. Green:	0 4 0	0 4 0	0 0 0	0 0 0
Lanes:	0 0 1 0 0	0 0 1 0 0	0 1 0 1 0	0 1 0 1 0

Volume Module:												
Base Vol:	17	16	15	442	9	27	16	1114	13	5	817	14
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	17	16	15	442	9	27	16	1114	13	5	817	14
Added Vol:	36	26	11	0	5	0	0	0	7	2	0	0
PasserByVol:	0	0	0	2	0	0	0	5	0	0	5	0
Initial Fut:	53	42	26	444	14	27	16	1119	20	7	822	14
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
PHF Volume:	54	43	27	453	14	28	16	1141	20	7	838	14
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	54	43	27	453	14	28	16	1141	20	7	838	14
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	54	43	27	453	14	28	16	1141	20	7	838	14

Saturation Flow Module:												
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.69	0.69	0.69	0.63	0.63	0.63	0.87	0.87	0.87	0.85	0.85	0.85
Lanes:	0.43	0.35	0.22	0.91	0.03	0.06	0.03	1.94	0.03	0.02	1.95	0.03
Flow Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Capacity Analysis Module:												
Vol/Sat:	0.09	0.09	0.09	0.42	0.42	0.42	0.36	0.36	0.36	0.27	0.27	0.27
Crit Moves:												
Croon/Cycle:	0.46	0.46	0.46	0.46	0.46	0.46	0.39	0.39	0.39	0.39	0.39	0.39
Volume/Cap:	0.21	0.21	0.21	0.90	0.90	0.90	0.90	0.90	0.90	0.67	0.67	0.67
Delay/Veh:	11.3	11.3	11.3	35.2	35.2	35.2	28.7	28.7	28.7	18.9	18.9	18.9
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.3	11.3	11.3	35.2	35.2	35.2	28.7	28.7	28.7	18.9	18.9	18.9
DesignQueue:	1	1	1	10	0	1	0	29	1	0	21	0

Worst Case Fast Food

MITIG8 - AM Peak Total - WoFri Mar 1, 2002 11:37:51

Page 1-1

AM Peak Total - Worst Case

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

Cycle (sec): 60 Critical Vol./Cap. (X): 0.614
 Loss Time (sec): 8 (Y+R = 4 sec) Average Delay (sec/veh): 10.5
 Optimal Cycle: 37 Level Of Service: B

 Approach: North Bound South Bound East Bound West Bound
 Movement: L - T - R L - T - R L - T - R L - T - R
 Control: Permitted Permitted Permitted Permitted
 Rights: Include Include Include Include
 Min. Green: 0 4 0 0 4 0 0 0 0 0 0 0
 Lanes: 0 0 1 0 0 0 0 1 0 1 0 0

Volume Module:
 Base Vol: 18 1 0 141 11 14 4 399 22 8 888 0
 Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Initial Bse: 18 1 0 141 11 14 4 399 22 8 888 0
 Added Vol: 36 26 11 0 28 0 0 0 37 11 0 0
 PasserByVol: 0 0 0 1 0 0 0 2 0 0 2 0
 Initial Fut: 54 27 11 142 39 14 4 401 59 19 890 0
 User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 PHF Adj: 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90 0.90
 PHF Volume: 60 30 12 158 43 16 4 446 66 21 989 0
 Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0
 Reduced Vol: 60 30 12 158 43 16 4 446 66 21 989 0
 PCF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 Final Vol.: 60 30 12 158 43 16 4 446 66 21 989 0

Saturation Flow Module:
 Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900
 Adjustmet: 0.53 0.53 0.53 0.62 0.62 0.62 0.71 0.71 0.71 0.77 0.77 0.95
 Lanes: 0.59 0.29 0.12 0.73 0.20 0.07 0.01 1.73 0.26 0.04 1.96 0.00
 Final Sat.: 595 298 119 856 233 87 21 2332 345 60 2847 0

Capacity Analysis Module:
 Vol/Sat: 0.10 0.10 0.10 0.18 0.18 0.18 0.19 0.19 0.19 0.35 0.35 0.00
 Crit Moves: ****
 Green/Cycle: 0.30 0.30 0.30 0.30 0.30 0.30 0.57 0.57 0.57 0.57 0.57 0.00
 Volume/Cap: 0.34 0.34 0.34 0.61 0.61 0.61 0.34 0.34 0.34 0.61 0.61 0.00
 Delay/Veh: 17.0 17.0 17.0 21.2 21.2 21.2 7.1 7.1 7.1 9.4 9.4 0.0
 User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00
 AdjDel/Veh: 17.0 17.0 17.0 21.2 21.2 21.2 7.1 7.1 7.1 9.4 9.4 0.0
 DesignQueue: 1 1 0 4 1 0 0 7 1 0 15 0

Worst Case Gas Station

MITIG8 - PM Peak Total - WoFri Mar 1, 2002 11:40:15

Page 1-1

PM Peak Total - Worst Case

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

Cycle (sec): 70 Critical Vol./Cap. (X): 0.909
 Loss Time (sec): 10 (Y+R = 4 sec) Average Delay (sec/veh): 26.8
 Optimal Cycle: 91 Level Of Service: C

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	4	0	0	4	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	1	0	0	1	0	1	0

Volume Module:

Base Vol:	17	16	15	442	9	27	16	1114	13	5	817	14
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	17	16	15	442	9	27	16	1114	13	5	817	14
Added Vol:	26	20	8	0	20	0	0	0	26	8	0	0
PassesByVol:	0	0	0	2	0	0	0	5	0	0	5	0
Initial Fut:	43	36	23	444	29	27	16	1119	39	13	822	14
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
PHF Volume:	44	37	23	453	30	28	16	1141	40	13	838	14
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	44	37	23	453	30	28	16	1141	40	13	838	14
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	44	37	23	453	30	28	16	1141	40	13	838	14

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.70	0.70	0.70	0.64	0.65	0.65	0.87	0.87	0.87	0.81	0.81	0.81
Lanes:	0.42	0.36	0.22	0.89	0.06	0.05	0.03	1.90	0.07	0.03	1.94	0.03
Final Sat.:	560	471	293	1085	72	67	44	3151	110	46	2997	50

Capacity Analysis Module:

Vol/Sat:	0.08	0.08	0.08	0.42	0.42	0.42	0.36	0.36	0.36	0.28	0.28	0.28
Crit Moves:				****			****					
Green/Cycle:	0.46	0.46	0.46	0.46	0.45	0.45	0.40	0.40	0.40	0.40	0.40	0.40
Volume/Cap:	0.17	0.17	0.17	0.91	0.91	0.91	0.91	0.91	0.91	0.70	0.70	0.70
Delay/Veh:	11.3	11.3	11.3	36.4	36.4	36.4	29.4	29.4	29.4	19.4	19.4	19.4
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.3	11.3	11.3	36.4	36.4	36.4	29.4	29.4	29.4	19.4	19.4	19.4
DesignQueue:	1	1	0	10	1	1	0	29	1	0	21	0

Adjusted 2018

MITIG8 - 2018 w/ worst case Fri Mar 1, 2002 14:32:57

Page 1-1

2018 PM Peak - Base

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

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*****
Intersection #3 10th/99E
*****
Cycle (sec):      120      Critical Vol./Cap. (X):      0.952
Loss Time (sec):  13 (Y+R = 4 sec) Average Delay (sec/veh):  35.9
Optimal Cycle:    160      Level Of Service:      D
*****
Approach:      North Bound      South Bound      East Bound      West Bound
Movement:      L - T - R      L - T - R      L - T - R      L - T - R
-----
Control:      Protected      Protected      Split Phase      Split Phase
Rights:      Include      Include      Include      Ovl
Min. Green:    0  0  0      0  0  0      0  0  0      0  0  0
Lanes:      0  0  1  1  0      1  0  2  0  0      0  0  0  0  0      1  0  0  0  1
-----
Volume Module:
Base Vol:      0 1200  125  550 1540  0      0  0  0      12  0  722
Growth Adj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00
Initial Bse:    0 1200  125  550 1540  0      0  0  0      12  0  722
Added Vol:      0  26   9      0  5   0      0  0  0      2  0  0
PasserByVol:    0  0   0      0  0   0      0  0  0      0  0  0
Initial Fut:    0 1226  134  550 1545  0      0  0  0      14  0  722
User Adj:      1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00
PHF Adj:      1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00
PHF Volume:    0 1226  134  550 1545  0      0  0  0      14  0  722
Reduct Vol:     0  0   0      0  0   0      0  0  0      0  0  0
Reduced Vol:    0 1226  134  550 1545  0      0  0  0      14  0  722
PCE Adj:      1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00
MLF Adj:      1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00
Final Vol.:    0 1226  134  550 1545  0      0  0  0      14  0  722
-----
Saturation Flow Module:
Sat/Lane:      1900 1900  1900  1900 1900  1900 1900  1900  1900 1900  1900
Adjustment:    1.00 0.90  0.90  0.93 0.93  1.00  1.00 1.00  1.00 0.94 1.00  0.84
Lanes:        0.00 1.80  0.20  1.00 2.00  0.00  0.00 0.00  0.00 1.00 0.00  1.00
Final Sat.:    0 3084  337  1769 3538  0      0  0  0      1787  0  1599
-----
Capacity Analysis Module:
Vol/Sat:      0.00 0.40  0.40  0.31 0.44  0.00  0.00 0.00  0.00 0.01 0.00  0.45
Crit Moves:      ****      ****      ****
Green/Cycle:    0.00 0.42  0.42  0.33 0.74  0.00  0.00 0.00  0.00 0.15 0.00  0.47
Volume/Cap:     0.00 0.95  0.95  0.95 0.59  0.00  0.00 0.00  0.00 0.05 0.00  0.95
Delay/Veh:      0.0 47.8  47.8  65.5  7.3   0.0   0.0 0.0  0.0 44.0 0.0  52.0
User DelAdj:    1.00 1.00  1.00  1.00 1.00  1.00  1.00 1.00  1.00 1.00 1.00  1.00
AdjDel/Veh:     0.0 47.8  47.8  65.5  7.3   0.0   0.0 0.0  0.0 44.0 0.0  52.0
DesignQueue:    0  53   6      27  30   0      0  0  0      1  0  28
*****

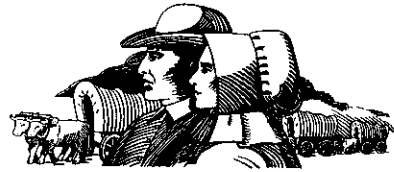
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CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT March 4, 2002

Complete: December 19, 2001
120-Day: n/a

FILE NO.: PZ 01-02

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: March 11, 2002
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

**APPLICANT/
OWNER** Tosco Corporation
contact: Dan Baldwin
3977 Leary Way, NW
Seattle, WA 98107
(206) 706-2340

**APPLICANT'S
REPRESENTATIVE** Laurie Wall, AICP
Miller Nash LLP
3600 US Bancorp Tower
111 SW Fifth Ave.
Portland, OR 97204-3699
(503) 224-5858

REQUEST: Comprehensive Plan Amendment from Industrial to
Commercial

LOCATION: 202 5th Street, Oregon City
2 2E 31BD, Tax Lots 100 and 200

REVIEWER: Kristina Gifford McKenzie, Consulting Sr. Planner,
David Evans and Associates, Inc.
Christina Robertson, Assistant Planner, City of Oregon City
Jay Toll, Senior Engineer, City of Oregon City

RECOMMENDATION: Staff recommends approval of this application and the
recommended conditions of approval. The planning
commission shall render the initial decision on all Type IV
permit applications. If the planning commission denies the

Type IV application, that decision is final unless appealed to the city commission in accordance with Section 17.50.190. If the planning commission recommends approval of the application, that recommendation is forwarded to the city commission. City commission decision is the city's final decision on the Type IV application.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT CHRISTINA ROBERTSON IN THE PLANNING DIVISION OFFICE AT 657-0891.

I. PROPOSED PROJECT

The applicant, Tosco Corporation, seeks approval for an amendment to the Oregon City Comprehensive Plan Map. The amendment would change the Plan Map designation of their property from Industrial to Commercial.

The applicant has submitted a concurrent application for a zone change from Heavy Industrial (M-2) to Central Business District (CBD). The zone change would allow commercial uses on the subject site.

The Plan Map amendment must be approved prior to consideration of the zone change application.

The applicant has also submitted site plans indicating that the existing service station building on the site could be remodeled for use as a one-story office building. Parking and access could be reconfigured, and the site could be landscaped. However, an application for site plan and design review has not yet been submitted.

II. FACTS

A. Location and Current Use

The subject site is at 202 5th Street, on the southeast corner at the intersection of 5th and Main streets in Oregon City.

The 0.47-acre site, comprising two tax lots (TL 100 and TL 200) was previously used as a service station. According to the applicant, the tanks have been removed, but the service station building remains on the site. It is currently used as a parking and maintenance area for a taxi service.

Zoning of the subject site is M-2, Heavy Industrial. Permitted uses are primarily industrial (e.g., manufacturing, storage, processing, distributing) and limited retail (feed or fuel yard, lumber, building materials). The taxi parking/maintenance area is not a permitted use in the M-2 zone. The site may be used as a parking area with a conditional use permit; however, the vehicle service activities are not listed as permitted outright or conditionally in the zone. The City has no record of a conditional use permit being granted for the existing use; therefore, it is an illegal, non-conforming use. A service station would no longer be permitted on the site due to earlier loss of its non-conforming status.

B. Surrounding Zoning and Land Uses

Surrounding land uses are industrial and commercial. Surrounding zoning is M-2 and CBD.

Immediately south and southwest of the subject site is the Blue Heron Paper Company mill, a heavy industrial use. Across Main Street, to the west, is Blue Heron's two-story office building. Both the mill and office properties are zoned M-2 (Plan designation: Industrial). Across 5th Street, to the north and northeast, are commercial/retail uses, including a restaurant and bar, television repair shop, optician, and attorneys' offices. Those commercial uses comprise the southern part of Oregon City's central business district and are zoned CBD (Plan designation: Commercial). To the east is the Southern Pacific Railroad right-of-way; the

tracks are on an embankment. 5th Street/McLoughlin Boulevard crosses beneath the tracks through a tunnel. Both 5th and Main streets are part of the Oregon Department of Transportation (ODOT) highway system, identified as Highway 99E and Highway 43, respectively. South of 5th Street, however, Main Street is not a state highway.

The site has frontage on 5th Street and Main Street, both of which are public rights-of-way. Just southwest of the project site, Main Street has been vacated and has been incorporated into Blue Heron's property (Tax Lot 300)

C. Public Comment

Notice of the public hearing for the proposal was mailed on December 19, 2002. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

The City received letters from Sheila Wiitanen, representing the Oregon City Downtown Association, and Robert Van Brocklin, representing Blue Heron Paper Company. Ms. Wiitanen indicated that the Downtown Association is in favor of the applicant's proposal. Mr. Van Brocklin, an attorney with Stoel Rives LLP, indicated that Blue Heron Paper Company is not in support of the proposal. Blue Heron Paper Company believes that commercial uses that would be allowed if the Plan Map amendment and zone change are approved would be incompatible with the paper production facility. Blue Heron is concerned about potential conflicts between truck traffic (i.e., trucks entering and exiting the paper mill) and automobile traffic. Blue Heron is also concerned that a commercial use may result in complaints about noise from Blue Heron's operations.

III. DECISION-MAKING CRITERIA:

The relevant criteria are in Chapter O of the Comprehensive Plan.

A. Comprehensive Plan, Chapter O, "Comprehensive Plan Maintenance and Update"

The method of plan maintenance should be evaluated according to the following criteria:

- (1) *Does the proposed change conform with State Planning Goals and local goals and policies?*

Finding: The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. Once acknowledgement occurs, the statewide planning goals themselves are not longer applicable unless a change in the Plan text is proposed or a Goal Exception is required. The applicant does not propose a change to the text of the goals or policies of the Comprehensive Plan.

The applicable Comprehensive Plan goals and policies are addressed in Section IV of this staff report. The proposal is consistent with the applicable Plan goals and policies.

- (2) *Is there a public need to be fulfilled by the change?*

Finding: The proposal would provide more space for commercial uses in downtown Oregon City. It is adjacent to the central commercial district and therefore encourages a compact development pattern. Because of its proximity to existing commercial uses, the site is readily accessible to workers and customers of other downtown businesses, who could walk or drive to the site. The site is also near existing transit service. A public need for a centrally located, compact, accessible, commercial area is met by the proposal.

The subject site is less than one-half acre in size—too small for many industrial uses—and, therefore, would likely be underutilized if it remains designated for industrial uses. The subject site is more likely to redevelop with a commercial use than an industrial use in the future. Redevelopment would likely increase the property value and benefit the City and public through increased tax revenues.

Because the general trends in the city, state, and national economies over the past 20 years have been away from manufacturing to service and retail employment, it is reasonable to assume that there is currently more demand for commercial than industrial land.

(3) *Is the public need best satisfied by the particular change being proposed?*

Finding: Re-designating the site to Commercial would make more land available for commercial development.

Because of the physical constraints on downtown Oregon City (bluffs and river), there are few areas in which the central business district may expand. The site has good transportation access, as well as visibility on a major arterial (5th Street/Highway 99E) and, therefore, is well-suited for commercial uses.

(4) *Will the change adversely affect the public health, safety and welfare?*

Finding: The proposal would not affect the public health, safety and welfare. Service providers have indicated that existing facilities are adequate to support the proposed change, and traffic impacts would be minimal. Future site development will be subject to site plan and design review to ensure that specific development plans will not adversely affect health, safety, and welfare.

(5) *Does the factual information base in the Comprehensive Plan support the change?*

Finding: The Comprehensive Plan (1982) identifies a need for approximately 629 acres within the city limits for commercial and industrial uses, with a nearly equal split between the two use categories. The proposal would affect less than one-half acre of land, changing it from industrial to commercial designation. Therefore, it would not effectively alter the land use make-up of the city and is consistent with the factual information in the Plan.

(6) *The plan change application shall include the following, to be provided by the applicant:*

(a) *A description of the specific change proposed, including the legal property description;*

Finding: The applicant has provided a narrative describing their proposed change, as well as a legal description of the property. The applicant has also supplied graphics showing a potential development plan for the subject site, though no specific development is currently

proposed. Application materials are attached as Exhibits 2 and 3. The applicant seeks a Comprehensive Plan Map amendment to change the site's designation from Industrial to Commercial, and a concurrent zone change from M-2 to CBD.

(b) A statement of reasons for the proposed change;

Finding: The applicant has indicated that the primary reason for the Plan Map amendment and zone change is that the subject site is not well suited for industrial uses due to its small size. The site's size and location, adjacent to the central business district and along a major arterial, make the site better suited for commercial development. The applicant submits that re-designating the site would make the property more usable and productive in the community.

(c) A factual statement of how the proposed change meets a community need or Comprehensive Plan policy;

The applicant has submitted a statement of how the proposal meets a public need, under item #2 of the Comprehensive Plan Maintenance and Update Criteria on page 1 of their Plan Map Amendment application narrative. The applicant submits that the public need fulfilled by the proposed change is the provision of more commercial office space in the downtown core. The applicant has also submitted a narrative demonstrating how the proposal meets applicable policies of the Comprehensive Plan. See Exhibit 3 and Section IV of this staff report.

(d) A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties;

The applicant has submitted, in their concurrent application for a zone change (ZC 01-05) a response to Section 17.68.020.B, which addresses the capability of public facilities and services. Because the proposal is on an already developed site, no effect to natural resources is expected, as discussed in the findings related to the Natural Resources Goal of the Comprehensive Plan. The applicant has submitted a transportation analysis study describing effects to the local transportation system.

In a letter dated March 1, 2002 (see Exhibit 3), the applicant states that the proposal would have a neutral or positive effect on adjacent properties. The proposal would have a beneficial effect on adjacent Commercial properties because commercial uses tend to be compatible with each other, and a commercial use on the subject site would buffer the commercial business district from the nearby industrial use (Blue Heron Paper). The applicant submits that the proposal would have a neutral effect on adjacent Industrial properties, as those properties are already in close proximity with Commercial properties and, over the years, the uses have proved to be compatible.

(e) A statement of how the proposed change complies with LCDC Goals.

Finding: The applicant submitted a statement of how the proposal complies with applicable goals and policies of the Comprehensive Plan. Because the Plan implements the LCDC goals and has been acknowledged by LCDC, there is no need to address the statewide planning goals themselves.

IV. CONSISTENCY WITH COMPREHENSIVE PLAN

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(1) *Citizen Participation*

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: The City's process includes public notice, public hearings, and neighborhood association meetings. Public notice was mailed on December 19, 2001. On November 19, 2001, the applicant sent letters to the Citizen Involvement Committee Council (CICC), McLoughlin Neighborhood Association, Canemah Neighborhood Association, the Downtown Association, and the Chamber of Commerce apprising them of their application and indicating the applicant would be available to meet with each group to discuss the application. The applicant met with the Downtown Association on December 11, 2001.

(a) *Policy #1*

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: There is no neighborhood association for the area in which the subject site is located. As noted above, the applicant sent letters to the McLoughlin and Canemah neighborhood associations, as well as the CICC, Oregon City Downtown Association, and Chamber of Commerce. The applicant subsequently met with the Downtown Association, which submitted comment in support of the proposal.

(b) *Policy #2*

Provide neighborhood groups and citizens with accurate and current information on policies, programs and development proposals that affect their area; institute a feedback mechanism to answer questions from the public.

Finding: The notice, meeting, and public hearings related to the proposal demonstrate consistency with this policy. In addition, this staff report and the file containing project information are available for public review.

(c) *Policy #4*

Encourage citizen participation in all functions of government and land-use planning.

Finding: Citizen participation has been encouraged through mailing notice of the proposal and the public hearings, and through posting the project site with notice of the proposal.

(2) *Housing*

Goal: Provide for the planning, development and preservation of a variety of housing types at a range of price and rents.

Finding: The proposal does not affect existing housing or residential-zoned land, nor does it propose providing housing or changing the land use designation to allow residential development on the subject site. The subject site's location adjacent to a heavy industrial use

Finding: The proposal does not affect existing housing or residential-zoned land, nor does it propose providing housing or changing the land use designation to allow residential development on the subject site. The subject site's location adjacent to a heavy industrial use renders it inappropriate for residential development. Therefore, the Housing policies of the Comprehensive Plan are not applicable to the proposal.

(3) *Commerce and Industry*

Goal: Maintain a healthy and diversified economic community for the supply of goods, services and employment opportunity.

Finding: The subject site is limited in size and options for heavy industrial use. The proposed Commercial designation would provide greater opportunity for a viable commercial use and associated employment opportunities.

(d) *Policy #1*

As funds and opportunities become available, transportation access to industrial and commercial areas shall be improved to facilitate flow of goods and increase potential customers. Particular attention will focus on relieving congestion on McLoughlin Boulevard (Highway 99E) and Cascade Highway/Molalla Avenue (Highway 213).

Finding: The subject site is located on 5th Street/McLoughlin Boulevard (Highway 99E). The site currently has access to both 5th Street and Main Street. To address this policy, staff recommends eliminating the direct access to 5th Street, thereby reducing potential traffic conflicts and congestion that could occur as vehicles enter and exit the subject site.

(e) *Policy #2*

Use of mass transit will be encouraged between residential and employment areas through coordination with Tri-Met and local employers.

Finding: The subject site is near the No. 33 Tri-Met bus route, making it convenient for employees and clients to reach a future commercial use on the site. The site is at the edge of the central business district, and sidewalks and crosswalks are available to allow pedestrians to safely reach the site from the bus route. The intersection of 5th and Main streets is controlled with a traffic signal to provide for safe pedestrian crossings.

(f) *Policy #3*

Industrial and commercial operations will meet local, regional, State and Federal water and air quality standards, as required by law.

Finding: This policy is related to specific use(s) of the site and will be determined through site plan review.

(g) *Policy #5:*

Promote expansion of industrial development within the community's ability to provide adequate facilities and services.

Finding: Oregon City Public Works and Engineering have reviewed the proposal and have indicated that any upgrades necessary to existing utilities (water, sanitary sewer, storm drainage) can be made in conjunction with future site plan and design review application. The

Although changing the Plan Map designation of the subject site removes the property from the City's inventory of industrial land, the property is better suited to a commercial use. The 0.47-acre property is too small to accommodate most industrial uses, which tend to be land extensive. Because the site faces a Commercial district, buffer requirements for industrial uses further reduce the useable site area and limit industrial development potential. Re-designating the site to Commercial would allow the site to be used more effectively, as many commercial uses tend to not require large areas of land.

Because the site is not well-suited to industrial development, it is not necessarily appropriate to promote industrial development on the site. The proposal is consistent with this policy.

(h) Policy #8

Encourage continued retail growth by:

- a. *Designating land for retail use in areas along or near major arterials and transit lines.*
- b. *Developing and implementing a Downtown improvement plan to help Downtown retain its position as a major retail district.*

Finding: Retail use may be allowed in the Commercial district, and the site is on a major arterial and near a transit line. The proposal would expand the central business district, supporting the position of downtown as a major retail district. The proposal is consistent with this policy.

(i) Policy #11

The following policies shall govern the location, siting and design of new Commercial, Limited Commercial, Office, Industrial and Campus Industrial areas:

a. *Commercial*

- (1) *Commercial districts are intended to serve the retail, service, and office needs of the greater Oregon city area.*

Finding: Re-designating the subject site is consistent with this policy because it would expand the existing downtown commercial district, which serves the greater Oregon City area and nearby West Linn. The site could be used for a small business that would occupy its own building, be centrally located for customers, and take advantage of its proximity to other downtown businesses.

- (2) *Commercial districts should offer good visibility and access and should be located along major arterials and transit lines.*

Finding: The site is located on a major arterial (Highway 99E) and near a transit line (Tri-Met number 33). Sidewalks and the local street grid make it accessible to pedestrians and bicyclists. It has good visibility at its location at Main and 5th streets. The proposal is consistent with this policy.

- (3) *Commercial districts should result in concentrated groupings of retail, service, and office uses.*

Finding: The site is adjacent to the central business district, which encompasses a concentrated grouping of retail, service, and office uses. Re-designating the site to Commercial would expand the downtown core and provide more commercial space with which to diversify the current mix of uses. The proposal is consistent with this policy.

- (4) *Commercial districts that result in numerous small lots with individual street access points shall be discouraged.*

Finding: The proposed Plan Map amendment, with conditions, is consistent with this policy. No additional lots would be created. The site would not be an isolated commercial lot but would expand the downtown commercial district. The site currently has access to both 5th and Main streets; however, the 5th Street access should be eliminated to be consistent with this policy and to address safety concerns. Site landscaping should be reviewed to ensure adequate site distance at the intersection of 5th and Main. See recommended Conditions of Approval #1 and #2.

- (5) *Design review standards, including aesthetic signing, should be developed for the commercial areas of the City with particular attention given to the entrances into the community.*

Finding: Design review standards are applicable to development on the subject site. Future development on the site would be subject to site plan and design review prior to approval.

- (6) *Uses in Commercial districts shall be designed to protect surrounding residential properties.*

Finding: The site is not adjacent or proximate to residential properties. This policy is not applicable.

(4) *Historic Preservation*

Goal: Encourage the preservation and rehabilitation of homes and other buildings of historical and architectural significance in Oregon City.

Finding: The proposal does not affect a historic or architecturally significant site or building. The project is not in a historic district and is separated from the nearest historic district (McLoughlin) by topography. This goal and related policies are not applicable to the proposal.

(5) *Natural Resources, Natural Hazards*

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

Finding: The subject site is an a highly urbanized area. The site itself is developed and, with the exception of a small area of landscaping, is covered by impervious surfaces. The site is not within a water resources area. The proposal to re-designate the site from Industrial to Commercial would not significantly change the amount of development allowed, only the type. Commercial uses tend to create less air and water pollution than industrial uses. Natural resource (e.g., timber, aggregate) extraction would not be permitted in the Commercial district. The proposal is consistent with this goal.

(j) *Policy #1*

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: This policy is not directly applicable to the proposal. Local, regional, state, and federal regulations related to water and air pollution will be addressed when site development is proposed.

(k) Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: The subject site is not within a wildlife habitat area, as identified in the Comprehensive Plan, nor is it located within a water resource area. It is in a highly urbanized area and is an already developed lot. Commercial uses allowed in the Commercial district would not likely discharge pollutants or otherwise have a detrimental effect on fish and wildlife. It is consistent with this policy.

(l) Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. The proposal is consistent with this policy.

(m) Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: No new development is proposed at this time. Site plan review would be required prior to new development on the site, which will comply with this policy.

(n) Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations.

Finding: Future uses allowed in the Commercial district would be expected to comply with DEQ standards and regulations, in compliance with this policy.

All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: Future site development will be reviewed through site plan and design review, ensuring compliance with this policy.

(6) Growth and Urbanization

Goal: Preserve and enhance the natural and developed character of Oregon City and its urban growth area.

Finding: The proposal will affect less than one-half acre of land within the city. The proposal would add the subject site to the adjacent central business district. Because of its nature, scale, and location, the proposed Plan Map amendment would preserve the natural and developed character of Oregon City and is, therefore, consistent with this goal.

(7) *Energy Conservation*

Goal: Plan urban land development which encourages public and private efforts toward conservation of energy.

Finding: Re-designating the subject site is consistent with the goal of energy conservation. The site is adjacent to the city's central business district, which contains amenities for pedestrians, bicyclists, and transit riders. Once the site is redeveloped, employees and clients could take advantage of such alternative forms of transportation, which save energy over automobiles. Also, the site's downtown location would allow employees and clients to attend to other errands or business needs in the same trip, saving vehicle miles traveled.

(o) *Policy #4*

Encourage the re-use of the existing building stock.

Finding: The proposal is consistent with this policy because the existing building on the subject site can be remodeled and re-used as an office or retail building. The applicant has indicated that building re-use will be considered in plans for site redevelopment.

(8) *Community Facilities*

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

Finding: Most of the Community Facilities policies direct the City to conduct certain actions and are not relevant to the proposal. Therefore, they are not addressed individually in this staff report.

Re-designating the property is consistent with the goal and the objectives of its policies because future site development will utilize existing public facilities. Service providers have indicated that they have no concerns about the proposed Plan Amendment, although service adequacy would need to be reviewed through site plan review prior to future site development. Improvements may be required at that time.

(9) *Parks and Recreation*

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

Finding: The proposal does not affect any existing or planned parks or recreation areas. The proposal does not affect residential growth in the City. Therefore, the Parks and Recreation policies are not applicable.

(10) *Willamette River Greenway*

Goal: Maintain the adopted Greenway Boundary and required procedures to ensure the continued environmental and economic health of the Willamette River.

Finding: The subject site is within the Willamette River Greenway Boundary, but it lies outside of the Conditional Use (or Compatibility Review) Boundary identified in the Comprehensive Plan. The proposal would not affect the Greenway Boundary, and future site development would be reviewed in accordance with adopted procedures and standards. It is, therefore, consistent with the Greenway goal.

Policies #12 through #16 are specific to land within the Conditional Use Boundary and, therefore, are not applicable.

(p) Policy #4

Major scenic views, drives and sites of the Greenway will be preserved.

Finding: The subject site is visible from the McLoughlin Promenade, atop the bluffs. Re-designating the site would not alter views of the river from the Promenade. Existing zoning allows structures of up to six stories, or 70 feet, high. Proposed zoning allows structures of up to six stories, or 75 feet, high. The height limitation difference is small enough that it would not be perceptible to a person viewing the site from the Promenade. Commercial uses typically do not emit steam or other vapors from smokestacks, which may be associated with some industrial uses.

The proposal will not affect scenic drives (e.g., McLoughlin Boulevard) and sites of the Greenway.

The proposal is consistent with this policy.

(q) Policy #7

New development within the flood plain will be restricted to development which does not does not endanger life or property in the event of a flood..

Finding: The subject site is outside of the 100-year flood plain indicated on the Flood Insurance Rate Map, Community-Panel Number 410021 0001 B, and on the Flood Plain Map in the Oregon City Comprehensive Plan. This policy is not applicable.

(r) Policy #11

Industrial use along the Willamette River will continue to provide employment opportunities.

Finding: The proposal would remove approximately one-half-acre of industrially designated land from the City's land base. This would be a minor effect. Furthermore, the site has not been used for industrial purposes for many years.

The proposal is consistent with this policy.

(11) Transportation

Goal: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Finding: The applicant has submitted a Transportation Impact Analysis that demonstrates four possible scenarios for the proposed Plan Map amendment's potential impact on the City's transportation systems. Those scenarios would not have a significant negative effect on local roadways and intersections. Site plan review for other uses allowed in the Commercial district could require additional traffic impact analysis and may prohibit more intense uses on the site. ODOT has reviewed the proposal and has submitted a letter indicating the agency has no concerns with the uses analyzed in the transportation impact analysis. The letter is included in Exhibit 10. See recommended Condition of Approval #1.

- (s) Policy #2
The City will consider restricting on-street parking on major arterials, and on-street parking will be prohibited on new major arterials.

Finding: No parking is currently provided along 5th Street in front of the subject site and none is proposed. The proposal is consistent with this policy.

- (t) Policy #3
The provision for adequate off-street parking will be mandatory for all new building construction and remodeling projects, if appropriate.

Finding: No new building construction or remodeling is proposed at this time. This policy will be addressed through site plan and design review at the time site development is proposed. The site is large enough to accommodate a commercial building, landscaping, and required parking.

- (u) Policy #6
Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Existing sidewalks are similar to those throughout downtown Oregon City and are adequate to accommodate pedestrian traffic. Sidewalks included in future site redevelopment will be constructed to City standards.

- (v) Policy #8
Sidewalks will be provided at the minimum along one side of every arterial and collector.

Finding: Sidewalks currently exist along both sides of Main and 5th streets, and no sidewalks would be removed as a result of the proposal. This policy is met.

- (w) Policy #12
Aesthetic improvements will be undertaken on Highway 99E as funding becomes available.

Finding: Re-designating the site could encourage site redevelopment and may result in more aesthetic development on the site. The existing structure (a former service station) was not developed in accordance with current City design standards. Future redevelopment would be subject to site plan and design review, creating opportunities for a more visually pleasing structure, as well as landscaping and other improvements.

- (12) Comprehensive Plan Map
Goal: Maintain and review the Comprehensive Plan Map as the official long-range planning guide for land use development of the City by type, density and location.

Finding: The proposed Plan Map amendment does not alter the official status of the Plan Map. The applicant is requesting the Plan Map amendment concurrent with a zone change (Case File ZC 01-05) to ensure consistency between the Plan Map and zoning designation. The proposal is consistent with this goal.

(x) Policy #1

The Comprehensive Plan Map will determine the maximum zoning classification that may be applied to a specific site, based on the following 11 land use classifications:

- a. *Parks [P]*
- b. *Public and Quasi-Public [QP]*
- c. *Low Density Residential [LR]*
- d. *Medium Density Residential [MR]*
- e. *Medium Density Residential [MR/MHP]*
- f. *McLoughlin Conditional Residential [MCR]*
- g. *High Density Residential [HR]*
- h. *Limited Office [O]*
- i. *Limited Commercial [LC]*
- j. *Commercial [C]*
- k. *Industrial [I]*

Finding: The applicant requests changing the Comprehensive Plan Map designation to Commercial (C) and the zoning to CBD. With prior approval of the Plan Map amendment, the CBD zoning will be consistent with this policy. Refer to Oregon City Case File Number ZC 01-05.

(y) Policy #2

Proposed amendments to the Comprehensive Plan Map will follow City administrative procedures for a change of zoning district. The burden of proof for such a change is placed on the petitioner seeking such an action. The applicant must show that the requested change is (1) consistent and supportive of the appropriate Comprehensive Plan Goals and Policies, (2) compatible with land use patterns established by the Comprehensive Plan Map, (3) in the public interest to grant the petition, and (4) that the interest is best served by granting the petition at this time and at the requested locations. Rezoning may be considered concurrently with the request for modification of the Comprehensive Plan Map designation.

Finding: The applicant has addressed these criteria in their application. See Exhibit 3. City staff has made findings against these criteria in Section III of this report.

The administrative procedures for a change of zoning district are contained in Chapter 17.50 of the Zoning Code.

The applicant attended a pre-application conference with City staff on August 15, 2001. The Pre-Application Conference Summary is attached as Exhibit 1. There is no neighborhood association for the project area, but the applicant made a presentation to the Oregon City Downtown Association on December 11, 2001. At that meeting, the applicant informed the Downtown Association of the proposed rezone and possible future redevelopment of the site. The Downtown Association expressed support for the proposal, as indicated in a letter from the chairperson, attached in Exhibit 9.

The applicant submitted application on November 20, 2001. The application was deemed complete on December 19, 2002. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for March 11, 2002. The final hearing is scheduled for March 20, 2002. Notice of the hearing was issued on December 19, 2001, more than 20 days prior to the hearing, in accordance with Section 17.50.090(B).

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The staff report for the proposed zone change (Case File No. ZC 01-05) has been prepared in accordance with 17.50.120.C.

The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160. The property owner will be required to execute a covenant to meet the requirements of Section 17.50.150. See recommended Condition of Approval #3.

V. RECOMMENDED CONCLUSION AND DECISION:

The proposed Comprehensive Plan Map amendment, with implementation of the recommended conditions of approval, is consistent with all applicable criteria of the zoning ordinance and Comprehensive Plan.

City staff recommends approval of the applicant's proposal, with the conditions of approval listed in Section VIII.

VI. EXHIBITS

The following exhibits are attached to this staff report.

1. Pre-Application Notes
2. Application Form
3. Applicant's Narrative, Drawings, and Supplemental Letter
4. Building Official comments
5. Public Works – Operations comments
6. Public Works – Engineering comments
7. Traffic Engineer comments
8. ODOT comments
9. Public comments
10. Applicant's Transportation Impact Analysis and Supplemental Letter

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. To ensure adequate sight distance and address ODOT access spacing requirements, direct access to 5th Street (Highway 99E) shall be eliminated. Access to Main Street shall be located as far to the south as feasible. These access changes will be required prior to issuance of a business license and/or site plan and design review approval.
2. Prior to site redevelopment, landscaping shall be reviewed through site plan and design review to ensure adequate sight distance is maintained at the intersection of 5th and Main streets.
3. A covenant shall be executed by the property owner to meet the requirements of Zoning Code Section 17.50.150.

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City of Oregon City

Pre-Application Conference Summary

Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:

- (A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
- (B) A pre-application conference is required for all land use permits.
- (C) Time Limit: A pre-application conference is valid for a period of **six (6) months**.
- (D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice.

NOTE: The subsequent application may be submitted to any member of the Planning Staff.

DATE: 8/15/01

APPLICANT: Tesco Corporation

SITE ADDRESS: _____

PROPERTY DESCRIPTION: _____

STAFF: _____

ZONING: _____

PROPOSED USE/ACTIVITY: _____

INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

No proposal for re-building at this time -

1. PLANNING

A. Setbacks/Zoning: M-2/Industrial

B. Design Review Standards (check list attached): _____

1) Parking Requirements: _____

2) Landscaping: _____

C. Signing: _____

D. Other: _____

2. ENGINEERING

A. Grading: _____

B. Drainage: _____

C. Sanitary Sewer: _____

D. Water: _____

E. Right-of-Way Dedication/Easements: _____

Street Improvements (including continuation of existing streets within subdivisions):

G. Special Analysis (traffic study, geotechnical study, EIS): No access off 5th St; access off Main St; creates a queuing address site parking; contact with Blue Acorn

H. Development Impact Statement required with Subdivision applications

John R. [unclear] 1. TRD

(4)

3. BUILDING

- A. Proposed Construction Type: _____
B. Number of Stories: _____
C. Square Footage: _____
D. Number of Buildings: _____
E. Type of Occupancy: _____
F. Fire Sprinklers: _____
G. Valuation (estimate): \$ _____
H. Fire/Life Safety Required: Yes _____ No _____

4. FIRE

- A. Fire Flow Requirements (gallons per minute): _____
B. Location/Number of Hydrants: _____
C. Access Requirements: _____
D. Other: _____

5. FEES/PERMITS

- A. Design Review: _____
B. Plan Check/Building Permit/State 5% Surcharge: _____
C. System Development Charges (SDC):
1) Sanitary Sewer: _____
2) Water: _____
3) Storm Drainage: _____
4) Transportation: _____
5) Parks: _____
D. Engineering 5% Technical Fee (based on improvements): _____
E. Grading Permit: _____
F. Right-of-Way Permit: _____
G. Land Use Application(s): _____

TOTAL ESTIMATED FEES: \$ _____

OTHER COMMENTS:

- Establish which non-conforming use - structure provisions
- Need to establish the type of use

NOTICE TO APPLICANT:

A property owner may apply for any permit they wish for their property.

HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.

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 type="checkbox"/> Conditional Use | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Site Plan/Design Review | <input type="checkbox"/> Variance | <input checked="" type="checkbox"/> Plan Amendment |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Planned Development | <input checked="" 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 # P201-02 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Laurie Wall, AICP

PROPERTY OWNER (if different): Tosco Corporation, c/o Dan Baldwin

PHYSICAL ADDRESS OF PROPERTY: 202 Fifth Street, Oregon City, OR

DESCRIPTION: TOWNSHIP: 2 RANGE: 2E SECTION: 31BD TAX LOT(S): 100 & 200

PRESENT USE OF PROPERTY: Taxi cab business

PROPOSED LAND USE OR ACTIVITY:

Plan amendment and zone change from Industrial (M2) to Commercial (CBD).

DISTANCE AND DIRECTION TO INTERSECTION:

0

CLOSEST INTERSECTION: Main St. & Pacific Hwy.

PRESENT ZONING: M2

TOTAL AREA OF PROPERTY: 20,480 sq. ft.

Land Divisions

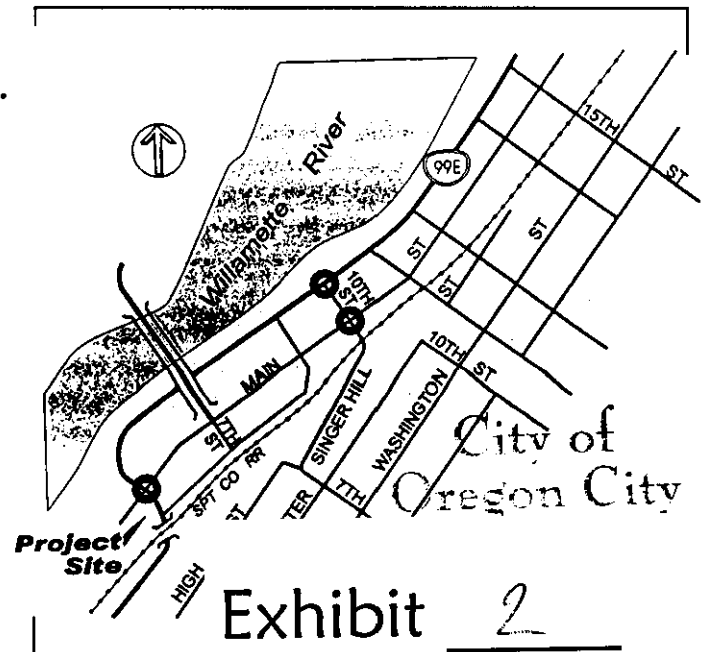
PROJECT NAME: _____

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



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.

Dan Baldwin
Real Estate Manager
Northwest Region

APPLICANT'S SIGNATURE: , Laurie Wall

MAILING ADDRESS: Miller Nash LLP, 111 S.W. Fifth Avenue, Suite 3500

CITY: Portland STATE: OR ZIP: 97204 PHONE: (503) 205-2374

PROPERTY OWNER SIGNATURE(S):  Dan Baldwin

MAILING ADDRESS: Tosco Corporation, 3977 Leary Way N.W.

CITY: Seattle STATE: WA ZIP: 98107 PHONE: (206) 706-2340

**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 #: _____

Responses to the Approval Criteria for Comprehensive Plan Amendment

Introduction

This introduction provides a brief description of the proposal to serve as the public notice for surrounding parties and other interested parties in compliance with item #7 of the City's "Instructions for Completing Land Use Applications."

The nearly half-acre site was formally used as a gas station. The tanks have been removed but the gas station building remains. We would like to rezone the site from Heavy Industrial (M-2) to Central Business District (CBD) because the site is too small for industrial purposes and the existing Central Business District is located directly across the street. This site, when redeveloped, will be a visual improvement, compatible with the character of the Central Business District and will provide a buffer to the industrial area to the southwest.

Comprehensive Plan Maintenance and Update Criteria. The criteria against which the plan amendment is evaluated are set forth as follows:

(1) Does the proposed change conform with State Planning Goals and local goals and policies?

Response: Our response to 17.68.020(A) will serve as our response to this criterion. For that response, we reviewed each City of Oregon City comprehensive plan goal and policy for applicability to our application, and addressed those found to be applicable. Our proposed change to the City's comprehensive plan map conforms to the goals and policies of that plan.

Our proposed change also conforms to the State Planning Goals by virtue of conforming to the City's comprehensive plan goals and policies. We are not proposing a change to the text of the goals or policies of the comprehensive plan; we are only proposing a plan map designation change that conforms to the goals and policies of the comprehensive plan. For this reason, addressing the State Planning Goals in this application is unnecessary. The goals and policies of the comprehensive plan have been properly acknowledged by LCDC, and the State Planning Goals are applied through acknowledged local government comprehensive plans. Once acknowledgment takes place, the goals themselves are no longer applicable.

(2) Is there a public need to be fulfilled by the particular change being proposed?

Response: The public need fulfilled by the change from M-2 to CBD is the provision of more commercial office space in the downtown core. Provision of commercial office space in the downtown core provides a better use of a small piece of property in that core, than does an industrial classification. The change will provide additional office space with adequate parking, and a buffer between existing industrial and office/retail uses. See responses to Comprehensive Plan Goal C, Commerce and Industry.

(3) Is the public need best satisfied by the particular change being proposed?

Response: The public need is best satisfied by the proposed change. See responses to Comprehensive Plan Goal C, Commerce and Industry.

(4) Will the change adversely affect public health, safety and welfare?

Response: The change will not adversely affect public health, safety and welfare. If the proposed plan amendment has any effect at all on these issues it will be a positive effect, because the change reduces the intensity of the property's use and changes the type of use in such a way as to be more compatible with the adjacent central business district area.

(5) Does the factual information base in the Comprehensive Plan support the change?

Response: The factual information base in the Comprehensive Plan supports the change, as evidenced by our responses in 17.68.020(A).

17.68.020 Criteria. The criteria for a comprehensive plan amendment are set forth as follows:

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

Response: See below.

Comprehensive Plan Goals:

A. Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Response: On November 19, 2001, we sent a letter to the appropriate contacts at the CICC, the McLoughlin Neighborhood Association, the Canemah Neighborhood Association, the Downtown Association, and the Chamber of Commerce apprising them of our application and letting them know of our availability to meet with them to discuss that application. To date, we have scheduled a December 11, 2001, informational meeting with the Downtown Association.

B. Housing

Not applicable.

C. Commerce and Industry

Goal: Maintain a healthy and diversified economic community for the supply of goods, services, and employment opportunity.



be expected to provide.

6. Development of industrial areas will include planning for increased truck traffic, landscaping and buffers to separate industry from other land uses.

Response: Not applicable.

7. Permit industrial development in the flood plain and on landfills only when the structures are above the one-hundred year flood level or adequately protected, and when specific engineering studies determine structural adequacy on landfills.

Response: Not applicable.

8. Encourage continued retail growth by:

a. Designating land for retail use in areas along or near major arterials and transit lines.

Response: Retail uses are allowed in the Commercial Business District zone, and the site is along a major arterial and near a transit line. Therefore, the change of this property will support this policy.

b. Developing and implementing a Downtown improvement plan to help Downtown retain its position as a major retail district.

Response: Not applicable

9. The City will continue to encourage the retention of Clackamas County as a major employer inside the City.

Response: Not applicable.

10. Continue an on-going review of City regulations and procedures affecting business operation, development and expansion in order to reduce staff review time and financial constraints.

Response: Not applicable.

11. The following policies shall govern the location, siting and design of new Commercial, Limited Commercial, Office Industrial and Campus Industrial areas:

a. Commercial

(1) Commercial districts are intended to serve the retail, service, and office needs of the greater Oregon City area.

Response: Changing the zoning of the subject property is consistent with this policy, because the anticipated office use on the property would serve the needs of the greater Oregon City area. The property is adjacent to the existing Central Business District for the city.

Allowing an office use to locate on the site would provide additional office space for a small business that wishes to own its own building, be centrally located for its clients, and take advantage of the symbiotic relationship that exists in a downtown environment. Adding such a use to the already diverse set of businesses in city's central core will enhance the district. The business would likely serve clients from all over Oregon City and neighboring West Linn. The business would be accessible to those driving from other parts of the local area, as it will have its own parking lot, and those taking transit, as it is near to a Tri-Met line.

(2) Commercial districts should offer good visibility and access and should be located along major arterials and transit lines.

Response:

(i) Visibility: Changing the zoning of the subject property is consistent with this policy, because the downtown commercial business district is already a readily visible section of the city, and the property itself is readily visible from both Main Street and Highway 99E. Because it is already on the edge of the downtown core, adding the subject property to the central business district would be a natural extension of the downtown area, and the property would benefit from the visibility of the downtown area as a whole.

(ii) Access: Changing the zoning of the property is also consistent with this policy, because the site is readily accessible to transit riders, bicyclists, pedestrians, and those in automobiles. The site is very near a bus line, has plenty of pedestrian amenities from the adjacent central business district, and is accessible from Main Street and Highway 99E by car. There are also a number of regional bicycle routes identified by Metro through the downtown core and near the property.

(iii) Location: The site is located along a major arterial, Highway 99E, and a transit line, Tri-Met line number 33, thus making a zone change of the site compatible with the comprehensive plan.

(3) Commercial districts should result in concentrated groupings of retail, service, and office uses.

Response: Changing the zoning of the property is consistent with this policy, because the property is adjacent to the downtown core, which is a concentrated grouping of retail, service, and office uses. Adding the subject property to that core will expand the core in a logical direction and provide more office space with which to diversify the current use mix.

(4) Commercial districts that result in numerous small lots with individual street access points shall be discouraged.

Response: Changing the zoning of the property is consistent with this policy, because the property will remain 20,480 square feet and access will be limited to one driveway onto Main Street. The parking lot will be upgraded and reconfigured such that any access onto Highway 99E will be closed.

11

(5) Design review standards, including aesthetic signing, should be developed for the commercial areas of the City with particular attention given to the entrances into the community.

Response: Not applicable. This site will be subject to design review prior to the issuance of a building permit for redevelopment. We have, however, submitted a conceptual plan showing how the site plan/design review criteria can be met in an attractive and complementary way.

(6) Uses in Commercial districts shall be designed to protect surrounding residential properties.

Response: Not applicable. There are no surrounding residential properties.

b. Limited Commercial

Response: Not applicable.

c. Office

Response: Not applicable.

d. Industrial

Response: Not applicable.

e. Campus Industrial

Response: Not applicable.

D. Historic Preservation

Not applicable.

E. Natural Resources & Natural Hazards

Not applicable.

F. Growth and Urbanization

Not applicable.

G. Energy Conservation

Goal: Plan urban land development which encourages public and private efforts towards conservation of energy.

Response: Rezoning the subject property is consistent with the overall goal of energy conservation, because the property is situated adjacent to the existing commercial

business district with all of its attendant amenities for transit riders, bicyclists, and pedestrians. Employees and clients will be able to take advantage of these alternative forms of transportation, which save energy over automobiles. Further, because the property is near to the central business district, those employed at and visiting the office on the re-zoned property will be able to take care of other errands or business needs in the same trip. Likewise, persons employed at or attending to business in other parts of the Commercial Business District can walk to this site.

The rezoning is also consistent with this goal because the existing building on the site can be remodeled and used as an office structure, rather than demolishing the building and constructing a brand new one.

H. Community Facilities

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

Response: Rezoning the property is consistent with the overall policies contained in this goal, because the development on the site will utilize existing public facilities in its operation and will not require any extensions of service, facility upgrades or any other public facility expenditures. In fact, the new commercial use is likely to use less of the existing public facilities than an industrial use.

I. Parks and Recreation

Not applicable.

J. Willamette River Greenway

Goal: Maintain the adopted Greenway Boundary and required procedures to ensure the continued environmental and economic health of the Willamette River.

1. The City will continue utilizing the conditional use process requiring review of any change of use within 150 feet of the normal low water line of the Willamette River.

Response: Not applicable. The subject property is not within 150 feet of the normal low water line of the Willamette River.

2. Forested land in the Greenway will be protected through site plan review and planned unit development options. Development of non-forested land will be encouraged prior to development of forested land.

Response: Not applicable.

3. The significant fisheries resource of the Willamette River will be maintained by discouraging activities such as gravel extraction, removal of bankside vegetation, stream course diversion, filling and pollution.

Response: Not applicable.

4. Major scenic views, drives and sites of Greenway will be preserved.

Response: Not applicable.

5. Existing and proposed facilities such as substations and power line towers will be landscaped.

Response: Not applicable.

6. The natural environment surrounding the Willamette River will be preserved.

Response: Not applicable.

7. New development within the flood plain will be restricted to development which does not endanger life or property in the event of a flood.

Response: Not applicable. This property is not within the 100 year flood plain.

8. City parks along the Willamette River will be preserved.

Response: Not applicable.

9. Public and private recreational development will be encouraged on sites suitable for the proposed uses.

Response: Not applicable.

10. Canemah is designated as an Historic District to encourage preservation and restoration of significant buildings and sites.

Response: Not applicable.

11. Industrial use along the Willamette River will continue to provide employment opportunities.

Response: Not applicable.

12. Publicly owned land will be maintained as open space. Landscaping and beautification efforts will be undertaken in this area.

Response: Not applicable. Site not within conditional use boundary.

13. The walkway between the McLoughlin House and Canemah along Highway 99E will be extended to Clackamette Park as funding becomes available. The walkway will include pedestrian amenities.

Response: Not applicable. Site not within conditional use boundary.

14

14. A bikeway will be combined with the above-mentioned walkway as funds become available.

Response: Not applicable. Site not within conditional use boundary.

15. The State Department of Transportation will be encouraged to repair and maintain the Oregon City-West Linn Bridge along with maintenance of the I-205 Bridge.

Response: Not applicable. Site not within conditional use boundary.

16. Owners of private land in the Greenway will be encouraged to landscape and undertake other beautification efforts.

Response: Not applicable. Site not within conditional use boundary.

K. Transportation

Goal: Improve the systems movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Response: See attached Transportation Impact Analysis.

1. The requirements stipulated in the Manual on Uniform Traffic Control Devices and the Oregon Supplement will be followed when installing all new traffic control devices and signing required for construction and maintenance work.

Response: Not applicable.

2. The City will consider restricting on-street parking on major arterials, and on-street parking will be prohibited on new major arterials.

Response: Not applicable.

3. The provision for adequate off-street parking will be mandatory for all new building construction, and remodeling projects, if appropriate.

Response: Rezoning the property is consistent with this policy, because adequate off-street parking will be provided for the new use. There is ample space on-site to accommodate the building, landscaping, and all of the required parking.

4. Curb cuts for vehicle use along new or redeveloped arterial streets will be discouraged.

Response: Not applicable. However, redevelopment will result in the closure of two existing curb exits on 99E.

5. New developments will include sidewalks in their design, where needed.

Response: Sidewalks currently exists along the Main Street and Highway 99E frontages.

6. Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Response: All sidewalks included in the redevelopment of the site will be constructed to City of Oregon City Zoning Code specifications.

7. Use of additional easements or underground utilities for utility poles will be encouraged.

Response: Not applicable.

8. Sidewalks will be provided at the minimum along one side of every arterial and collector.

Response: Sidewalks currently exist along both the Main Street and Highway 99E frontages. It may be better to remove the sidewalk along Highway 99E, however, as that frontage is not really amenable to a sidewalk. The property ends into an adjacent tunnel that has no pedestrian access through it. There is a sidewalk along the other side of Highway 99E, so the requirements of this policy would be met in the event the sidewalk along Highway 99E on our property was removed, thus meeting the requirements of this policy.

9. Sidewalks will be constructed near schools within the City, and where an existing major thoroughfare is near the school, school crossing signals with pedestrian-actuated buttons will be provided.

Response: Not applicable.

10. Extension of the I-205 bikeway South to Oregon City will be considered.

Response: Not applicable.

11. Local public transportation services and transit routes that connect Oregon City to the proposed transit improvement on the McLoughlin Boulevard corridor will be encouraged by the City.

Response: Not applicable.

12. Aesthetic improvements will be undertaken on Highway 99E as funding becomes available.

Response: Not applicable.

13. Improvements will be made on Singer Hill as funding becomes available in order to have Singer Hill replace Washington Street as the primary traffic route through McLoughlin Neighborhood.

Response: Not applicable.

14. The bikeway on South End Road will be extended to South End School as funding becomes available.

Response: Not applicable.

15. An extension from Lawton Road to 99E will be considered to provide sufficient access between the City and Highway.

Response: Not applicable.

16. As funding becomes available, the City will develop a three-block long connection between Eluria and Magnolia Streets.

Response: Not applicable.

17. Tri-Met will be encouraged to create a multi-modal transportation system which will encourage systems other than automobile usage.

Response: Not applicable.

18. Tri-Met will be encouraged to relate mass transit to: high and low density development, needs of low-income and limited mobility persons, and to utilize existing rights-of-way wherever possible.

Response: Not applicable.

19. The City will maintain a commitment to a metropolitan-wide public transportation system.

Response: Not applicable.

20. The City will cooperate with Tri-Met to improve and expand the public transportation system for Oregon City.

Response: Not applicable.

21. Operation of municipal elevator will be continued and connect with any future transit system.

Response: Not applicable.

22. Expansion of rail facilities will relate to areas of industrial land use.

Response: Not applicable.

23. Light rail public transit should be encouraged and a transit station near Oregon City Shopping Center developed when funds are available.

Response: Not applicable.

24. Reinstatement of passenger transportation along the Willamette River between Oregon City and Portland will be examined and encouraged in the future.

Response: Not applicable.

25. Policies of Ordinance No. 92-1002 – Not applicable.

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

Response: The public facilities and services currently available to the site are presently capable of supporting the uses allowed by the CBD zoning classification.

1. Water: According to Eli Deberry, City of Oregon City Public Works, there is a 10-inch cast iron sewer main, laid in the 1970s, that runs along Main Street, which is adequate capacity for our proposal. Mr. Deberry said that there is also a 4-inch ductile main on the opposite side of Fifth Street from the property.

2. Sewer: According to Chuck Carter, City of Oregon City, Public Works, there is an 8-inch sewer line that runs down Main Street along the property, an 8-inch line that runs along the adjacent railroad tracks, and an 18-inch line that runs along Highway 99E in front of the property. Mr. Carter stated that this is adequate capacity, especially in light of this request to down-zone the property. Mr. Carter said that he does not have any information with respect to the condition of the sewer lines, but since this application is not for a more intense zone, but a less intense one, and the future use of the site probably will not be much different than it is currently, the condition of the sewer lines should be adequate.

3. Stormwater: Mr. Carter stated that there is an 8-inch stormwater line that runs down Fifth Street with a catch basin on the corner of the property. There is a 6-inch line from the catch basin to a manhole. Mr. Carter stated that this is adequate capacity. Mr. Carter also stated that he does not have any information with respect to the condition of the stormwater lines, but since this application is not for a more intense zone, but a less intense one, and the future use of the site probably will not be much different than it is currently, the condition of the stormwater system should be adequate.

4. Transportation: See attached Transportation Impact Analysis.

5. Schools: Not applicable.

6. Police: The site is well served by both the State Police, as Highway 99E is a state highway, and the City of Oregon City police department.

7. Fire: Mr. Deberry said that the existing water facilities are adequate to serve the fire protection needs of the property.

MILLER | NASH LLP
ATTORNEYS AT LAW

Miller Nash LLP
3500 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, OR 97204-3699
(503) 224-5858
(503) 224-0155 fax

4400 Two Union Square
601 Union Street
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Vancouver, WA 98668-0890
(360) 699-4771
(360) 699-6413 fax

Kelly S. Hossaini
khossaini@millernash.com
(503) 205-2332 direct line

March 1, 2002

VIA FACSIMILE AND U.S. MAIL

Ms. Kristina McKenzie
David Evans and Associates, Inc.
2828 S.W. Corbett Avenue
Portland, Oregon 97201

Subject: 202 Fifth Street Rezoning Request - Application No. ZC 01-05

Dear Kristina:

I am in receipt of your March 1, 2002, e-mail application regarding the above-referenced application. Following is additional information we are submitting to clarify how we have satisfied certain City of Oregon City Comprehensive Plan application requirements you have noted, and how we have satisfied Zoning Code section 17.68.020(C). I would note that the Comprehensive Plan items you have cited, and we have addressed here, are application requirements and not approval criteria.

With respect to Comprehensive Plan Maintenance and Update, application requirements (A) through (E) we submit the following responses:

(A) A description of the specific change proposed, including the legal property description: As stated in our application form, we are requesting a comprehensive plan amendment and zone change from Heavy Industrial (M-2) to Central Business District (CBD) for property located at 202 Fifth Street, Oregon City. A legal description of this property was sent previously.

(B) A statement of the reasons for the proposed change: As stated in the introduction section of our Responses to the Approval Criteria for Comprehensive Plan Amendment (Responses), we are requesting the zone change to make the property more usable and productive in the community. The small size of the property makes it inappropriate as a viable candidate for a heavy industrial use, but the small size of the property is appropriate for allowed uses under a CBD designation. The property's proximity to adjacent CBD zoning serves to increase even further the property's viability for a CBD use.

MILLER NASH LLP
ATTORNEYS AT LAW

Ms. Kristina McKenzie

- 2 -

March 1, 2002

(C) A factual statement of how the proposed change meets a community need or Comprehensive Plan policy: In our submitted Responses, we separately addressed each applicable comprehensive plan policy and detailed how each of those policies are met through the zone change request. Please refer to that narrative for factual statements of how the proposed change meets each comprehensive plan policy that is applicable to our application.

Also in our submitted Responses, we addressed Comprehensive Plan Maintenance and Update Criteria 2, which requires a statement as to the public need to be fulfilled by the particular change being proposed. Please refer to that response.

(D) A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties: In our submitted Responses, we separately addressed each applicable comprehensive plan policy under each of the comprehensive plan goals that address community facilities, natural resources, and transportation. Our responses in that narrative are responsive to this application requirement, as they detail how the proposed change will affect the enumerated concerns. With our application we also submitted a Traffic Impact Analysis that details how the proposed change will affect the transportation system. Please refer to those documents.

The effect of the proposed change on adjacent properties is addressed as part of our submitted Responses, as many of the approval criteria are, at least to some degree, concerned with that effect. In general, however, the proposed change will have a positive or neutral effect on adjacent properties. With respect to the impact of the proposed change on the adjacent CBD-zoned properties, the proposed change is to the same zoning designation, so the effect would be a positive one, in that CBD uses tend to be compatible with each other and a CBD use on the subject property would provide an additional buffer from the nearby industrial use. With respect to the impact of the proposed change on the adjacent M-2 zoned properties, the affect will be neutral, as the M-2 properties are already in close proximity with CBD-zoned properties, and over the years the uses have proved to be compatible.

(E) A statement of how the proposed change complies with LCDC Goals: This statement is contained in our submitted Responses. In effect, the proposed change conforms to the State Planning Goals by virtue of conforming to the City's comprehensive plan goals and policies, as we have shown in our submitted Responses. We are not proposing a change to the text of the goals or policies of the comprehensive plan; we are only proposing a plan map designation change that conforms to the goals and policies of the comprehensive plan. For this reason, addressing the State Planning Goals in this application is unnecessary. The goals and policies of the comprehensive plan have been properly acknowledged by LCDC, and the State Planning Goals are applied through acknowledged local government comprehensive plans. Once acknowledgment takes place, the goals themselves are no longer applicable.

With respect to Zoning Code Section 17.68.020(C), addressing the effects of the proposed change on the City's transportation system, we direct you to the Traffic Impact

MILLER NASH_{LLP}
ATTORNEYS AT LAW

Ms. Kristina McKenzie

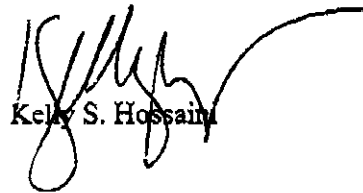
- 3 -

March 1, 2002

Analysis we have submitted as part of our application. All of the information contained in that document is relevant to 17.68.020(C) and details the impacts of the proposed change, and how those impacts meet this approval criterion.

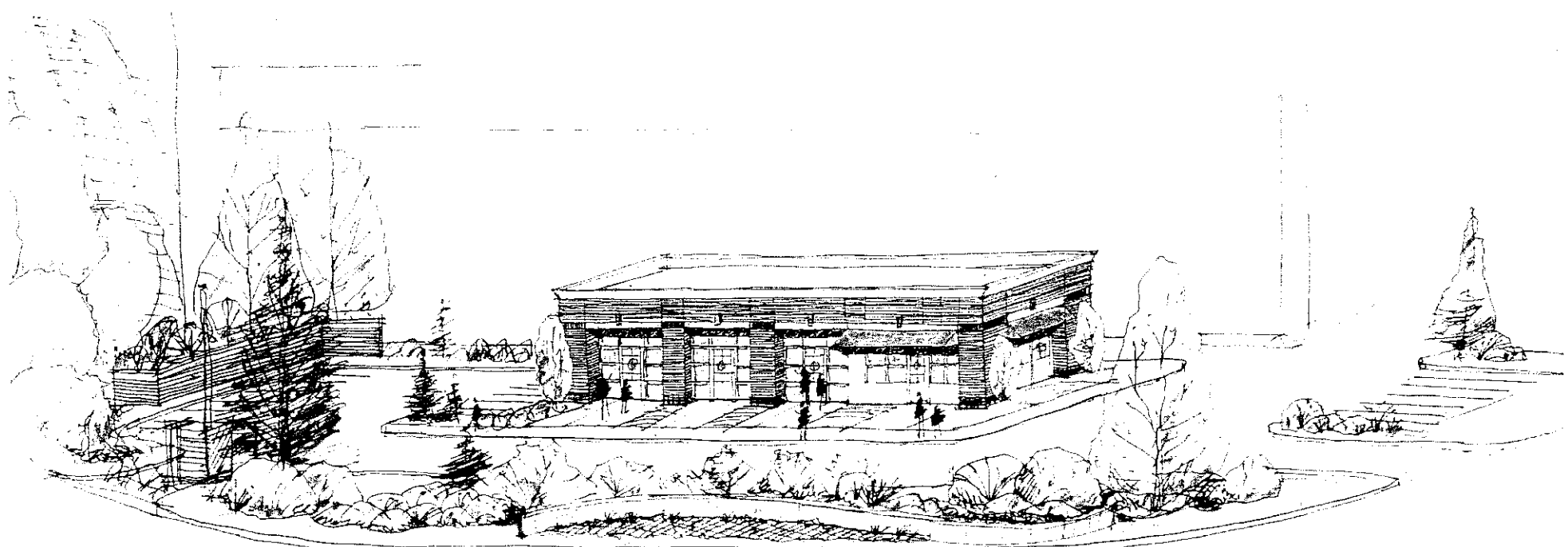
Please let me know if you have any further questions.

Very truly yours,



Kelly S. Hossain

cc: Christina Robertson



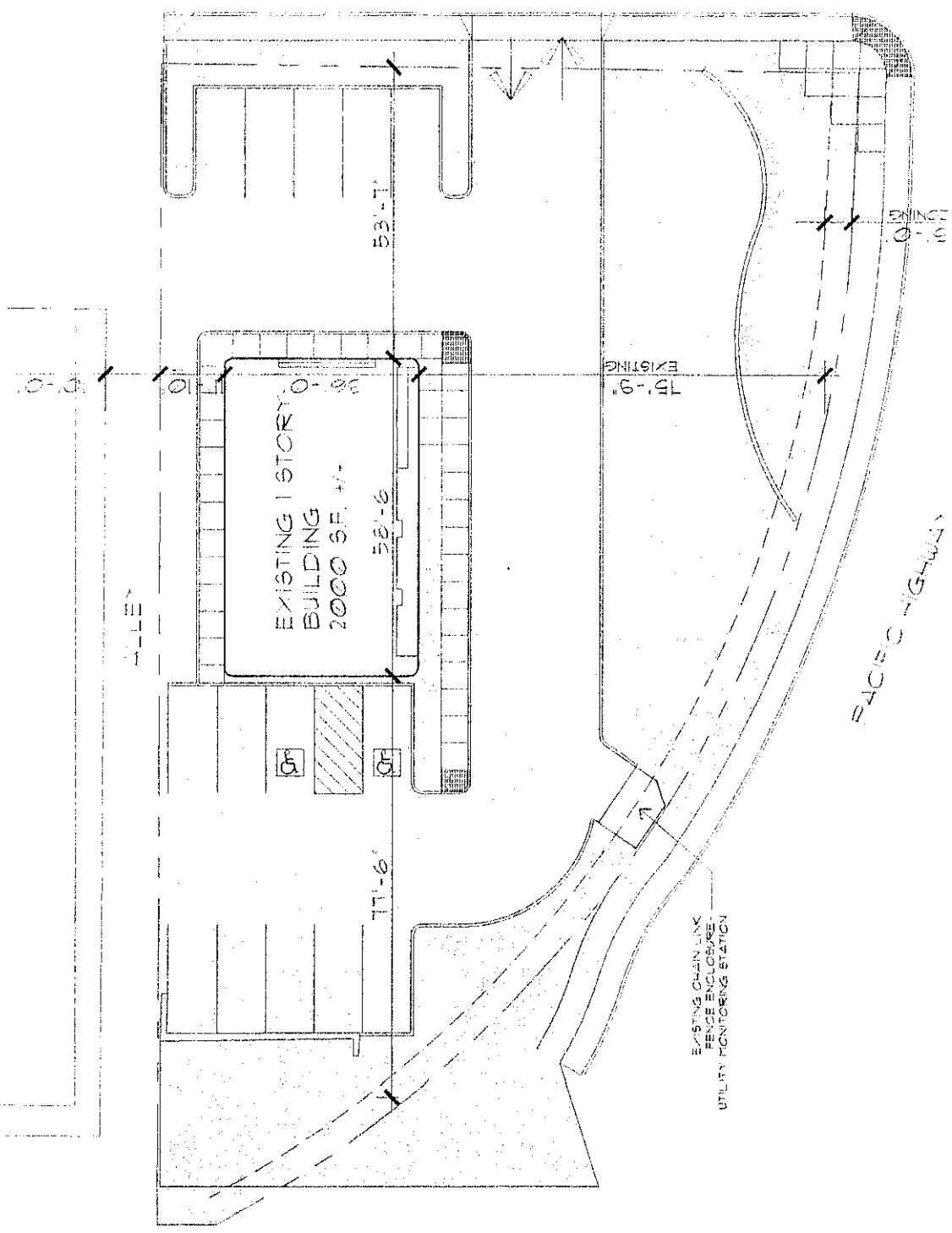
PERSPECTIVE

OCTOBER 2008

**SERVICE STATION REMODEL
OREGON CITY, OREGON**

jra

JON R. JURGENS & ASSOCIATES, INC.
ARCHITECTURE | PLANNING



11/16/2001

NEW SITE PLAN 

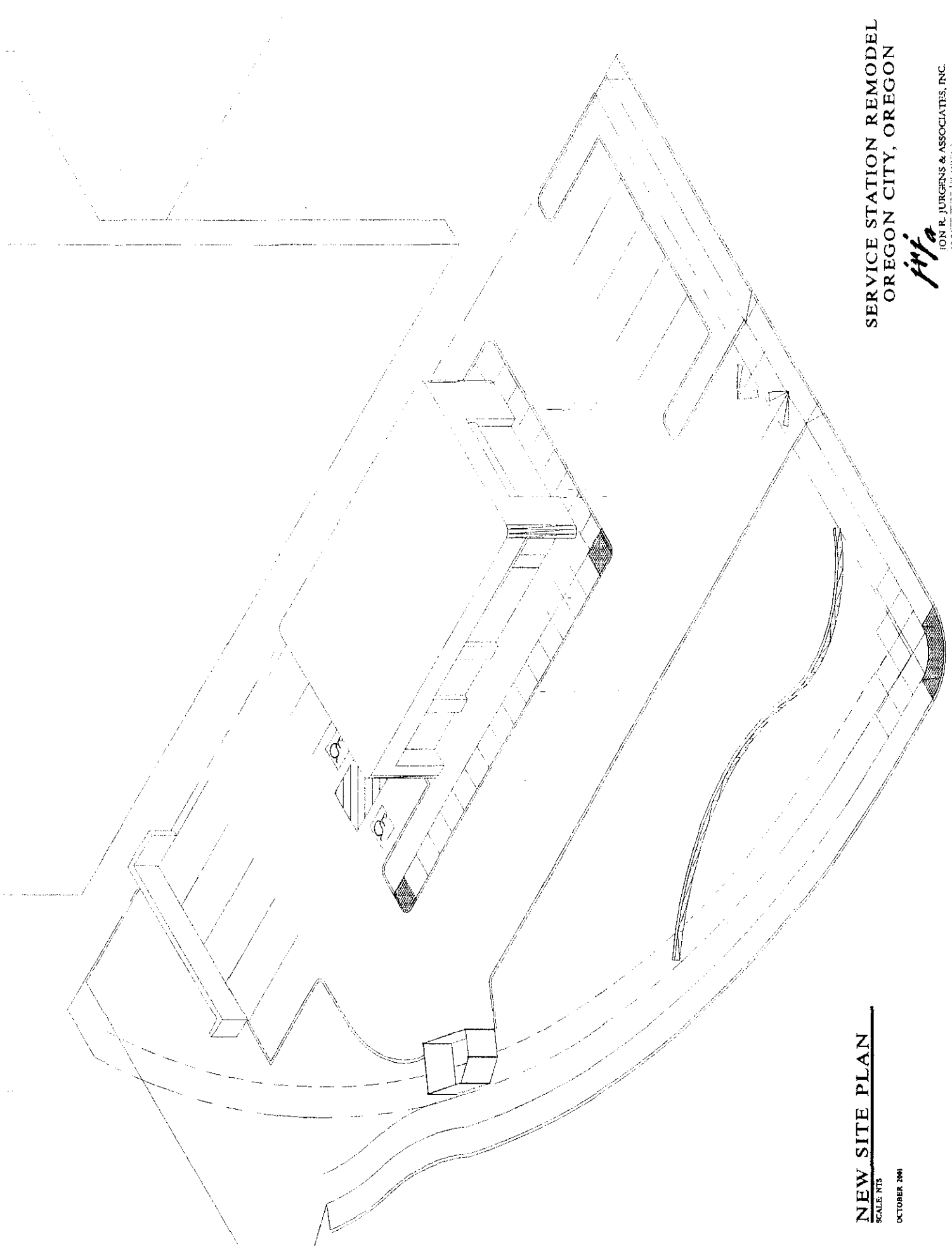
SCALE 1" = 30'

OCTOBER 2001

SERVICE STATION REMODEL
OREGON CITY, OREGON

mja

JOHN R. JURGENS & ASSOCIATES, INC.
ARCHITECTS



NEW SITE PLAN

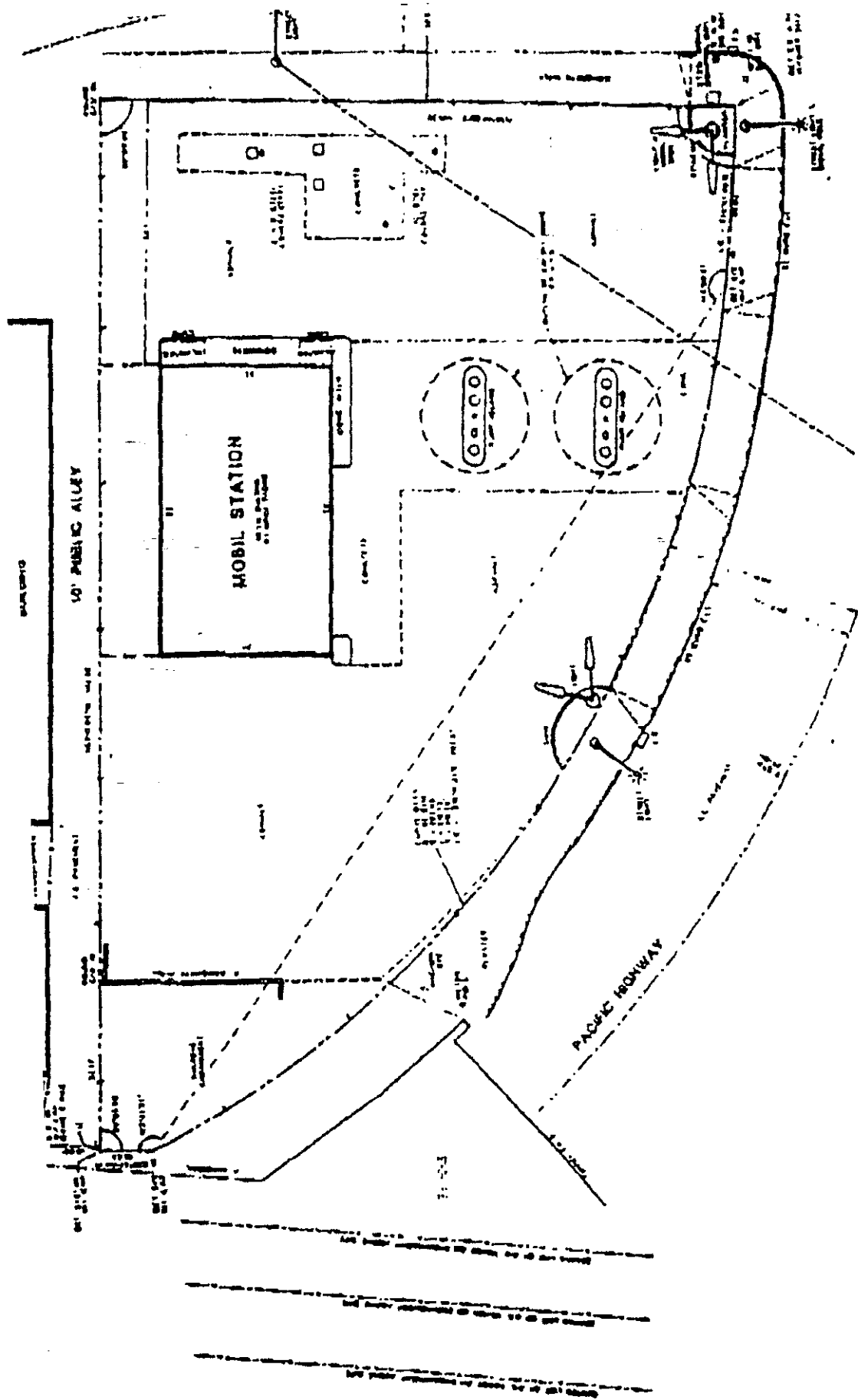
SCALE: NTS

OCTOBER 2001

**SERVICE STATION REMODEL
OREGON CITY, OREGON**

jrja

JOHN R. JURGENS & ASSOCIATES, INC.
ARCHITECTS & PLANNERS



EXISTING PLAN

OCTOBER 2001

JOHN R. HURGENS & ASSOCIATES, INC.
ARCHITECTS

hfa

CITY OF OREGON CITY - PLANNING DIVISION
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- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

COMMENTS DUE BY: February 18, 2002

~~Christina Robertson~~
Planning Department

HEARING DATE: PC: 3-10-02/ CC: 3-20-02
HEARING BODY: Staff Review PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:

ZC 01-05, PZ 01-02

PLANNER:

Christina Robertson

APPLICANT:

Laurie Wall, Miller Nash LLP

REQUEST:

The applicant is proposing to amend the City of Oregon City Comprehensive Plan Map from "Industrial" to "Commercial". The applicant is also proposing to amend the Zoning Map from "M2"-Heavy Industrial to "CBD"-Central Business District for the property listed below.

LOCATION:

202 Fifth Street, Clackamas County Map #2-2B-3BD TL 100 and 200

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

☒ The proposal does not conflict with our interests.

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

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

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

Signed

Title

BA
B.O

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

Exhibit 4

planning

CITY OF OREGON CITY - PLANNING DIVISION
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- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

Christina Robertson
Planning Department

COMMENTS DUE BY: February 18, 2002

HEARING DATE: PC: 3-10-02/ CC:3-20-02
HEARING BODY: Staff Review___ PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

ZC 01-05, PZ 01-02

Christina Robertson

Laurie Wall, Miller Nash LLP

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_____ 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 completeness and review:*

SEE ATTACHED

Signed
Title

Christina Robertson

PW & OPS MGR

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MAT

Exhibit 5

MEMORANDUM
City of Oregon City

DATE: February 11, 2002

TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number ZC 01-05, PZ 01-02

Name/Address: 202 Fifth St.

Propose to amend Heavy Industrial to Central Business District for property

Water:

Existing Water Main Size = 6"

Existing Location = Fifth St.

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

Extension required? Yes No X

Looping required? Yes No X Per Fire Marshal

From:

To:

New line size = 8"

Backflow Preventor required? Yes X No

Clackamas River Water lines in area? Yes No X

Easements Required? Yes → No

See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No Yes X Initial eli Date 2/11/2002

Consult Water Master Plan. I would appreciate it if my name is used that they get the comments right. The attached Responses to the Approval Criteria for Comprehensive Plan Amendment has erroneous remarks:

For instance, on page 12, B1 Water: There is a 10-inch WATER main on Main Street, not a sewer main as stated. I do not know about sewer lines. According to our computer map, there is a 4" on Fifth Street and according to the base map it is a 6". I do not know what type of water pipe was used.

And on page 12, B7 Fire: I would not make the comment that "the existing water facilities are adequate to serve the fire protection needs of this property." It is up to the Fire Marshal to determine fire protection, not me. Closer examination for accuracy of quotations in this packet should be utilized.

City of Oregon City

DATE: 2/5/02
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-02
NAME: 202 5th Street

Sanitary Sewer: N/A

Existing Sewer Main Size=

Existing Location=

Existing Lateral being reused?	Yes	No
--------------------------------	-----	----

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No Yes

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required?	Yes	No
---------------------	-----	----

Recommended Easement Width	feet
----------------------------	------

Sanitary Sewer additional comments?	No	Yes x	Initial CC
-------------------------------------	----	-------	------------

no changes appear necessary to the existing utilities

MEMORANDUM
City of Oregon City

DATE: 2/5/02
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-01
NAME: _____

Storm Sewer: N/A

Existing Line Size= _____ inch None Existing _____

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes _____ No _____

From: _____

To: _____

Detention and treatment required? _____

On site water resources: None known _____ Yes _____

Storm Department additional comments?: No _____ Yes X Initial CC

no changes appear necessary to the existing utilities

MEMORANDUM
City of Oregon City

DATE: Feb. 6, 2002
TO: Joe McKinney, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. ZC01-05, PZ01-02
NAME: 202 5th St.

Streets: N/A

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	_____

Additional Right Of Way Required? Yes _____ No _____

Jurisdiction:

City _____ County _____ State _____

Existing width = _____ feet

Required width = _____ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes _____ No _____

Transit Street? Yes _____ No _____ Line No= _____

See Department additional comments No X Yes _____ Initial P.I. _____

34

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- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

Christina Robertson
Planning Department

COMMENTS DUE BY: February 18, 2002

HEARING DATE: PC: 3-10-02/ CC:3-20-02
HEARING BODY: Staff Review___ PC: X CC: X

IN REFERENCE TO

FILE # & TYPE:
PLANNER:
APPLICANT:
REQUEST:

ZC 01-05, PZ 01-02

Christina Robertson

Laurie Wall, Miller Nash LLP

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The proposal does not
conflict with our interests.

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

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

*The following items are missing and are
needed for completeness and review:*

Signed
Title

See Attached
Senior Engineer
2/28/02

Exhibit 6

OPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

ANALYSIS AND FINDINGS

The applicant has proposed a zone change for the property located at the southeast corner of the intersection of 5th Street (Hwy. 99E) at Main Street from Heavy Industrial to Central Business District. Applicant is proposing to redevelop the site from a gas station to a commercial business such as an insurance office or similar.

Staff recommends approval of the proposed zone change as long as the following recommendations and conditions of approval are followed:

PROVISION OF PUBLIC SERVICES:

WATER.

There is an existing 10-inch water main in Main Street, and an existing 4-inch water main along the northern side of 5th Street.

Future development of this property will require a new 8-inch water main in 5th Street to replace the existing 4-inch water main.

SANITARY SEWER.

There is an existing 8-inch sanitary sewer main in Main Street, and an existing 18-inch sanitary sewer main along 5th Street.

Existing sanitary sewer facilities appear adequate for future development of this property.

STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.

This site is in the Willamette South Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains directly to the Willamette River. The site is not located within the Water Quality Resource Area Overlay District. Erosion and water quality controls are critical for the development of this site.

Future development of this property will not require storm water detention because of it's close vicinity to the Willamette River. Future storm water quality improvements may be required depending on the development.

DEDICATIONS AND EASEMENTS.

Main Street is classified as a Local Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 42 to 54 feet. Currently, Main Street appears to have a 60-foot wide ROW along the project site's frontage.

5th Street is classified as a Major Arterial in the Oregon City Transportation System Plan, which requires a ROW width of 64 to 124 feet. Currently, 5th Street appears to have a ROW width that varies along the project site's frontage from approximately 70 feet at the western edge to approximately 185 feet at the eastern edge. 5th Street is also known as Hwy. 99E. Hwy. 99E is under Oregon Department of Transportation (ODOT) jurisdiction.

Future development of this property will not require dedication of ROW along Main Street. Future dedication of ROW along Hwy. 99E may be required to meet ODOT requirements.

STREETS.

Main Street is classified as a Local Street in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. Currently, Main Street appears to have a pavement width of approximately 60 feet.

5th Street is classified as a Major Arterial in the Oregon City Transportation System Plan, which requires a pavement width of 24 to 98 feet. Currently, 5th Street appears to have a pavement width of approximately 48 feet. 5th Street is also known as Hwy. 99E. Hwy. 99E is under Oregon Department of Transportation (ODOT) jurisdiction.

Future development of this property will require half street improvements along the site frontage with Main Street to meet City requirements, and highway improvements along the site frontage with Hwy. 99E to meet ODOT requirements.

TRAFFIC AND TRANSPORTATION.

A traffic analysis for this site, prepared by DKS Associates and dated October 2001, was submitted to the City for review. The applicant's traffic study appears to have reasonable conclusions and recommendations regarding improvements to the site itself, however, the study based traffic generation on the proposed use and not on the highest possible traffic generator for the proposed zone.

Conditions:

1. Applicant shall revise traffic impact analysis using the highest traffic generator for the proposed zone, and resubmit to the City for review.

March 4, 2002

Ms. Christina Robertson
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF SUPPLEMENTAL TRAFFIC IMPACT STUDY INFORMATION
OREGON CITY 5TH STREET – ZC 01-05
TOSCO PROPERTY**

Dear Ms. Robertson:

In response to your request, David Evans and Associates, Inc. has reviewed the supplemental Traffic Impact Analysis (TIA) information prepared by DKS Associates for the Oregon City/5th Street rezone study of the Tosco property. The supplemental information was submitted on the afternoon of March 1, 2002 in response to comments prepared by DEA in review of the Draft TIS.

1. Relative Impacts

I raised the issue that there may other uses such as retail that could result in a greater impact to the surrounding transportation system relative to the worst case development level presented by the applicant. In response, the applicant reanalyzed the Main St./5th St. intersection assuming both an 8-vehicle fueling position gas station and a 3,000 square foot fast food with drive through restaurant on the proposed site.

The applicant's assumptions are reasonable and I concur with their analysis indicating that overall intersection operations would diminish negligibly based on the varied land use assumptions. With that said, assuming the zone change is allowed, the applicant could pursue more intense levels of use than presented in their subsequent analysis. If and when that occurs, any future reuse of the parcel that would generate a higher number of trips relative to the applicant's assumptions with a 5,000 square foot general office building, should be captured by a subsequent traffic analysis at that time. Overall, I find that the issue of whether a reasonable worst-case land use has been analyzed is resolved.

2. Traffic Volumes

I raised the issue that the applicant did not correctly calculate PM peak hour trip generation under the rezoning scenarios. This finding was based on the fact the report cites use of the 6th edition of ITE Trip Generation. In reality, the applicant used the preceding 5th edition of ITE to calculate PM peak hour trips because the regression equation used to generate trips is more appropriate for smaller office sizes. I concur with the applicant's methods.

Exhibit 7

Ms. Christina Robertson
March 4, 2002
Page 2 of 3

3. Signal Warrant Analysis

The applicant's analysis indicates that the Main St./10th St. intersection is currently operating at LOS F conditions and that the PM peak hour warrant is met today and under all subsequent build scenarios. I concur that this warrant is met today based on operations of the southbound intersection approach, not based on those of the northbound intersection approach as described by the applicant. A decision regarding a zone change will not affect the need for a signal, it may simply accelerate the need. I agree that the applicant should pay a proportionate share of this mitigation through payment of systems' development charges.

The City's Transportation System Plan (TSP) does identify a need to signalize the Main St./10th St. intersection and construct a southbound exclusive left-turn lane by year 2020. The southbound approach operates at LOS F today. Interim measures prior to signalization, such as constructing the southbound left-turn lane may be needed as off-site improvements associated with this zone change.

4. Year 2018 Traffic Operation Analysis

I raised the issue that a determination of year 2018 traffic operations could not be made due to inconsistencies in the year 2018 traffic volumes developed by the applicant. The applicant responded that year 2018 volumes used in their analysis were supplied by the City's TSP consultant. The primary inconsistency stemmed from the fact that the applicant's study indicated that traffic leaving the Main St./10th St. intersection northbound toward McLoughlin Street is approximately 750 vehicles per hour (vph), yet the volume shown to arrive at the McLoughlin/Main St. intersection is less than 300 vph.

In response, the applicant increased the traffic volume at the McLoughlin/Main St. intersection to account for the traffic arriving from the Main St./10th St. intersection. All trips were added as westbound right turns. This resulted in a change from LOS B (presented in the original TIA) to LOS D, which remains within City standards. I concur with the applicant's methods. Although the intersection LOS appears acceptable, the higher volume increases the westbound right-turn design queue from 12 vehicles (300 feet) as presented in the original study to 28 vehicles (700 feet) under the revised analysis. The block spacing along 10th Street between McLoughlin and Main St. is approximately 250 feet based on a map review. This suggests that traffic spillover will be a concern in year 2018 regardless of a zone change approval. The zone change would contribute to this situation, but not cause it.

The City is encouraged to ask their TSP consultant to address the volume discrepancy noted herein and to note/review the potential traffic stacking issue noted herein.

Ms. Christina Robertson
March 4, 2002
Page 3 of 3

With exception of analyzing traffic signal warrants appropriately, it is my finding that the applicant has reasonably addressed the transportation issues raised upon review of the original draft TIA. Traffic impacts associated with the proposed land use and assumed reasonable worst case land use are not expected to substantially diminish the operations of the surrounding transportation system relative to background levels that are estimated to exist in the near-term and in 2018.

These findings are specific to the proposed land use (5,000 square foot general office building) and assumed reasonable worst case land use (36,000 square foot general office building) presented by the applicant as a basis to make a zone change decision. Further traffic analysis may be needed in a subsequent site plan and design review process as the proposed development becomes more final.

If you have any questions or need any further information concerning this review, please call me at 223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

Mike Baker, PE
Senior Transportation Engineer

MJBA:
o:\project\o\orct0009\correspo\ZC01-05.doc



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Region 1

123 NW Flanders

Portland, OR 97209-4037

(503) 731-8200

FAX (503) 731-8259

FILE CODE:

February 19, 2002

PLA9-2B -3
ODOT Case No: 1358

City of Oregon City
Planning Department
PO Box 351
Oregon City, OR 97045-0021

Attn: Christina Robertson

Subject: **ZC 01-05/PZ01-02: Service Station**
Fifth Street (OR 99E) and Main Street (OR 43)

Dear Ms. Robertson,

We have reviewed the applicant's proposal for a comprehensive plan/zoning map amendment from heavy industrial to central business district for a 20,000 sq. foot site that is developed with a gas station. The site is adjacent to Fifth Street (OR 99E) and Main Street (OR 43). ODOT has permitting authority for these facilities¹ and an interest in ensuring that the potential land uses allowed by the proposed zoning would be compatible with the safe and efficient operation of the highways.

ODOT Standards

According to the Oregon Highway Plan (1999), OR 99E (Fifth Street) is classified a Regional Urban highway. The posted speed in this section is 30 miles per hour. Based on speed and classification, the access spacing standard is 400 ft. The mobility standard is 1.1 volume to capacity (v/c) ratio in the Oregon City Regional Center. Main Street in this section is also an ODOT facility, the termination of OR 43. It has a District Urban highway classification, with the same access and mobility standards as OR 99E.

ODOT Review

Upon reviewing the Transportation Impact Analysis (TIA) for the proposed office development and rezone (completed by DKS Associates, October 2001), Kate Freitag, Traffic Section, ODOT Region 1 has the following comments:

The proposal in question is to rezone two lots that are located on the southeast corner of Main Street (OR 43) and 5th Street/McLoughlin Blvd (OR 99E). The lots are currently zoned for heavy industrial uses. The proposal would rezone the lots to CBD commercial.

¹ OAR 734-051 website: http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734-051

OREGON CITY DOWNTOWN ASSOCIATION



1810 Washington Street ♦ Oregon City, Oregon 97045

RECEIVED

DEC 26 2001

MAIL ROOM
HALL 111

December 19, 2001

Ms. Laurie Wall
c/o Miller Nash, LLP
3500 U.S. Bancorp Tower
111 SW Fifth Avenue
Portland, Oregon 97204

Dear Ms. Wall:

At the December 11th meeting of the Oregon City Downtown Association a presentation was heard for the rezoning and possible future use of the southeast corner of 99E and Main Street in Oregon City. Approximately 15 members were present and the support for your request to the City was unanimous.

Sincerely,

Sheila Wiitanen
Chairperson

Exhibit 9



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.3380
fax 503.220.2480
www.stoel.com

January 2, 2002

VIA FACSIMILE AND FIRST CLASS MAIL

ROBERT D. VAN BROCKLIN
Direct Dial (503) 294-9660
email rdvanbrocklin@stoel.com

Ms. Christina Robertson
Assistant Planner
City of Oregon City ("City")
320 Warner Milne Road
Oregon City, OR 97045

**Re: Tosco Corporation Proposed Plan and Zone Map Amendment
Application (File No. PZ 01-02, ZC 01-05)**

Dear Ms. Robertson:

This office represents Blue Heron Paper Company ("Blue Heron") in the above-referenced application. Blue Heron owns and operates a paper production facility immediately adjacent to the applicant's property. Blue Heron has not had an opportunity to thoroughly review the application and, thus, cannot fully comment on it at this time. In recognition of the January 3, 2002 deadline for submitting evidence and argument for inclusion in the City's staff report on the application, however, we hereby submit these initial comments on behalf of Blue Heron. Blue Heron intends to provide additional comment on the application prior to and at the public hearings on the application.

Tosco Corporation proposes to amend the City's Comprehensive Plan Map designation on its property from industrial to commercial. Tosco also proposes to change the Zone Map designation on the property from M2-Heavy Industrial to Central Business District ("CBD"). For the following reasons, Blue Heron opposes these proposed changes and urges the City to maintain the existing plan and zone map designations on the property.

Oregon City Zoning Code ("Zoning Code") 17.68.020 requires that a zone change:

1. Be consistent with the goals and policies of the comprehensive plan;
2. Satisfy the requirement that the existing public facilities and services (including water, sewer, storm drainage, transportation, schools, police

Oregon
Washington



Ms. Christina Robertson

January 2, 2002

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and fire protection) be capable of serving the uses allowed in the zone, or that such services can be made available prior to issuing a certificate of occupancy;

3. Satisfy the requirement that the land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district; and,
4. Comply with the statewide planning goals if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Blue Heron will submit comment regarding the goals and policies of the comprehensive plan and the statewide planning goals in a separate letter.

With respect to the public facilities and services requirements of Zoning Code 17.68.020, we submit that the existing transportation facilities and services are inadequate to support the full range of uses allowed in the CBD zone in addition to the existing industrial uses in the area. Zoning Code 17.34.020 provides that the permitted uses in the CBD zone include "uses permitted in C general commercial district." Those uses are set forth at Zoning Code 17.32.020 and include art stores, bakeries, banks, barber shops, book stores, confectionery stores, department stores, drug stores, grocery stores, hotels, motels, business and professional offices, clinics and services stations. Blue Heron believes that many, if not all, of these uses are incompatible with the Blue Heron paper production facility, and would establish an irrational land use pattern in the area.

The entrance to Blue Heron's facility is immediately adjacent to the Tosco property. More than 1,000 heavy trucks enter and exit the Blue Heron facility each month. These trucks carry large, heavy loads of wood chips, wastepaper, and finished paper products. Locating any auto-dependent commercial use on the Tosco property would create conflicts between auto and truck traffic. The truck traffic entering and exiting Blue Heron's facility and the car traffic and parking at a commercial use on the Tosco property would create congestion and traffic safety problems in the area. The existing rail use in the area further complicates the area's traffic patterns and supports a denial of the application in order to avoid placing more traffic in the area. For these reasons, the existing transportation facilities are not capable of supporting the commercial uses allowed in the CBD zone at the Tosco location. There is neither the transportation function, capacity or level of service to accommodate both Blue Heron's industrial use and the commercial uses permitted in the CBD zone. We also question whether such a proposal complies with the state's transportation planning rule.



Ms. Christina Robertson
January 2, 2002
Page 3

In addition to traffic impact, commercial uses immediately adjacent to permitted industrial uses may create conflicts due to industrial noise. Although industrial noise volumes at Blue Heron are in compliance with all applicable noise standards, locating a commercial use like a professional office or motel immediately adjacent to Blue Heron's facility is likely to result in complaints by the new commercial user about Blue Heron's operations. Commercial uses should not be allowed within an industrial sanctuary because they frequently lead to incompatible operations.

Again, we have not had the opportunity to thoroughly review the application, or to assess the various comprehensive plan goals and policies, or the statewide planning goals, which must be considered in assessing the application. We look forward to providing comments on these and other issues prior to and during the public hearings process. The traffic impacts of permitting a wide range of commercial uses at this location, and the incompatibility between such uses and Blue Heron's existing industrial use, taken alone, however, supports a conclusion by the City to deny the application.

Thank you for the opportunity to comment on the application.

Very truly yours,

Robert D. Van Brocklin

RVB:mlb

cc: Mr. Mike Siebers (*via facsimile*)
Mr. J. Mark Morford

DKS Associates

1400 SW 5th Avenue, Suite 500
Portland, OR 97201
PH: (503) 243-3500
FX: (503) 243-1934

March 1, 2002

FAX TRANSMITTAL

Number of Pages (including cover): 10

To: Christina Robertson, City of Oregon City

Fax #: 503-657-3339

From: Chris Maciejewski

Charge #: P01245

COMMENTS:

Here is a copy of our response to the City's comments on the January 2002 5th Street (Tosco site) traffic impact analysis report. Please call to request on original copy.

Exhibit 10

DKS Associates

1400 SW 5th Avenue, Suite 500
Portland, OR 97201
Phone: (503) 243-3500
Fax: (503) 243-1934

March 1, 2002

Laurie Wall
c/o Miller, Nash, Wiener, Hager & Carlsen LLP
111 SW Fifth Avenue
3500 U.S. Bancorp Tower
Portland, OR 97204-3699

**Subject: Response to City Comments on the January 2, 2002 Oregon City Fifth Street
(Tosco Site) TIA Final Report**

P01245

Dear Laurie:

We have received and reviewed the City of Oregon City comments to our January 2002 report¹. The additional information requested in the letter is addressed in the following response. The additional information and analysis prepared for this response letter does not change our findings for the proposed project as stated in our January, 2002 Final Report.

1. The applicant did not correctly calculate PM peak hour trip generation for the office uses.

The trip generation for the proposed general office use and the worst case general office use (ITE Code 710) was calculated using *ITE Trip Generation 5th Edition* equations. ITE has published a more recent trip generation manual with a revised equation for calculating office use trips². However, the 5th Edition equations provide a more reasonable estimation of trip generation for office uses less than 70,000 square feet. Therefore, the trip generation published in the January 2002 report was not revised as part of this response.

2. Retail land uses allowed with the proposed rezone could result in greater impact on the surrounding transportation system than the worst-case office use.

The worst case development analyzed in the January, 2002 report was a general office use of 36,000 square feet. This land use was chosen for the worst case scenario, as it would have the largest trip impact on the transportation system among the allowed uses. The City comments state that a retail land use such as a gas station or fast-food restaurant could have a greater impact (more trip generation). Table 1 lists a comparison of trip generation scenarios including office, gas station, and fast food. As shown in the table, the retail uses do have a larger trip attraction. However, the

¹ Comments prepared by Mike Baker, P.E., David Evans and Associates received February 28, 2002.

² *ITE Trip Generation (6th Edition)*, Institute of Transportation Engineers, 1997.

March 1, 2002
Laurie Wall
Page 2 of 3

high percentage of pass-by trips associated with the retail uses results in these uses actually adding less new net trips to the surrounding transportation system.

The study intersection adjacent to the site (Main Street/McLoughlin) would be impacted by the pass-by trips, as they would be shifted from through trips on McLoughlin to turning movements onto/from Main Street. The worst-case scenario level of service was recalculated at this intersection to incorporate the additional worst-case trip generation alternatives. Table 2 lists the results of the additional capacity calculations at this intersection. As shown in the table, the worst-case site trip generation increase would not significantly impact the operation of the intersection.

Table 1: Worst Case Scenario Trip Generation Comparison

	Daily	AM Total	AM Pass By %	AM In Net	AM Out Net	PM Total	PM Pass By %	PM In Net	PM Out Net
General Office ITE 710 36 KSF	610	83	0%	74	9	88	0%	15	73
Gas Station w/ Convenience Store ITE 845 8 Fueling Positions	1,302	80	62%	15	15	108	56%	24	24
Fast Food w/ Drive-Thru ITE 834 3 KSF	1,488	149	49%	39	37	100	50%	26	24

Source: ITE Trip Generation (6th Edition).

Table 2: Worst Case Scenario Capacity Calculation Comparison (Main Street/McLoughlin)

Scenario	AM Peak			PM Peak		
	Delay	LOS	V/C	Delay	LOS	V/C
General Office - 36 KSF	10.0	A	0.61	25.9	C	0.91
Fast Food w/ Drive-Thru - 3 KSF	10.5	B	0.61	-		
Gas Station w/ Convenience Store - 8 Fueling Positions	-			26.8	C	0.91

Signalized Intersection LOS:

Delay = Average vehicle delay in peak hour for entire intersection

V/C = Volume to Capacity Ratio

LOS = Level of Service

3. The signal warrant analysis should be revised at Main Street/10th Street.

We agree that the signal warrant analysis should be revised to include the correct minor street volumes. The revised calculations are attached. In the January 2002 report it was stated that the intersection met signal warrants during both the AM and PM peak hours. The revised calculations show that the signal meets peak hour volumes warrants only during the PM peak hour. This does not change our recommendation that the intersection could be mitigated with additional lanes of signalization. The intersection has been identified for a signal in the City's Transportation System Plan (TSP), which will be constructed when full MUTCD warrants are met and funding is available.

March 1, 2002
Laurie Wall
Page 3 of 3

4. The 2018 volume forecasts should be reviewed and revised.

We agree that the volumes forecasted on 10th Street between Main Street and McLoughlin are inconsistent. The volumes used in the January 2002 report were supplied by the City's TSP consultant. Revisions to these forecasts should be addressed by City Staff and the TSP consultant. However, for the purpose of this report the intersection capacity at 10th Street/McLoughlin was recalculated to include the additional westbound volumes from 10th Street/Main Street (see attached). As shown in the calculation, the intersection will operate at acceptable levels with the additional traffic volume.

This letter includes the additional information and analysis requested by the City of Oregon City to complete the traffic impact analysis for the proposed site. Based on the additional items discussed in this letter, our findings for the site from the January 2002 report are unchanged. Please contact Chris Maciejewski or me with any questions.

Sincerely,

DKS Associates
A Corporation



Carl D. Springer, P.E.
Project Manager

Worst Case General Office

MITIG8 - AM Peak Total - WoFri Mar 1, 2002 11:19:08

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AM Peak Total - Worst Case

Level Of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

Cycle (sec): 60 Critical Vol./Cap. (X): 0.606
 Loss Time (sec): 8 (Y+R = 4 sec) Average Delay (sec/veh): 10.0
 Optimal Cycle: 36 Level Of Service: A

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	4	0	0	4	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	1	0	0	0	1	0	1

Volume Module:

Base Vol:	18	1	0	141	11	14	4	399	22	8	888	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	18	1	0	141	11	14	4	399	22	8	888	0
Added Vol:	4	3	1	0	27	0	0	0	36	11	0	0
PasserByVol:	0	0	0	1	0	0	0	2	0	0	2	0
Initial Fut:	-22	4	1	142	38	14	4	401	58	19	890	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PHF Volume:	24	4	1	158	42	16	4	446	64	21	989	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	24	4	1	158	42	16	4	446	64	21	989	0
PCB Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol:	24	4	1	158	42	16	4	446	64	21	989	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.53	0.53	0.53	0.64	0.64	0.64	0.71	0.71	0.71	0.77	0.77	0.95
Lanes:	0.83	0.14	0.03	0.74	0.19	0.07	0.02	1.73	0.25	0.04	1.96	0.00
Final Sat:	834	139	35	890	236	90	21	2341	336	60	2847	0

Capacity Analysis Module:

Vol/Sec:	0.03	0.03	0.03	0.10	0.10	0.10	0.01	0.01	0.01	0.01	0.01	0.00
Grp Movs:	****											
Green/Cycle:	0.25	0.25	0.25	0.25	0.25	0.25	0.57	0.57	0.57	0.57	0.57	0.00
Volume/Cap:	0.10	0.10	0.10	0.61	0.61	0.61	0.33	0.33	0.33	0.61	0.61	0.00
Delay/Sec:	11.1	11.1	11.1	11.1	11.1	11.1	6.0	6.0	6.0	6.0	6.0	0.0
User Delay:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	15.6	15.6	15.6	21.2	21.2	21.2	6.9	6.9	6.9	9.0	9.0	0.0
DesignQueue:	1	0	0	4	1	0	0	7	1	0	15	0

MITIG8 - AM Peak Total - WoFri Mar 1, 2002 11:19:08

Worst Case General Office

MITIG8 - PM Peak Total - WoFri Mar 1, 2002 11:18:06

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PM Peak Total - Worst Case

Level of Service Computation Report
2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

Cycle (sec): 70 Critical Vol./Cap. (X): 0.901
 Loss Time (sec): 10 (Y+R = 4 sec) Average Delay (sec/veh): 25.9
 Optimal Cycle: 88 Level Of Service: C

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	4	0	0	4	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	1	0	0	1	0	1	0

Volume Module:	North Bound			South Bound			East Bound			West Bound		
Base Vol:	17	16	15	442	9	27	16	1114	13	5	817	14
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bae:	17	16	15	442	9	27	16	1114	13	5	817	14
Added Vol:	36	26	11	0	5	0	0	0	7	2	0	0
PasserByVol:	0	0	0	2	0	0	0	5	0	0	5	0
Initial Fut:	53	42	26	444	14	27	16	1119	20	7	822	14
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
PHF Volume:	54	43	27	453	14	28	16	1141	20	7	838	14
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	54	43	27	453	14	28	16	1141	20	7	838	14
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	54	43	27	453	14	28	16	1141	20	7	838	14

Saturation Flow Module:	North Bound			South Bound			East Bound			West Bound		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.69	0.69	0.69	0.63	0.63	0.63	0.87	0.87	0.87	0.95	0.85	0.85
Lanes:	0.43	0.35	0.22	0.91	0.03	0.06	0.03	1.94	0.03	0.02	1.95	0.03

Capacity Analysis Module:	North Bound			South Bound			East Bound			West Bound		
Vol/Sat:	0.09	0.09	0.09	0.42	0.42	0.42	0.36	0.36	0.36	0.27	0.27	0.27
Crit Moves:				****			****					
Croon/Cycle:	0.46	0.46	0.46	0.46	0.46	0.46	0.39	0.39	0.39	0.39	0.39	0.39
Volume/Cap:	0.21	0.21	0.21	0.90	0.90	0.90	0.90	0.90	0.90	0.67	0.67	0.67
Delay/Veh:	11.3	11.3	11.3	35.2	35.2	35.2	28.7	28.7	28.7	18.9	18.9	18.9
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.3	11.3	11.3	35.2	35.2	35.2	28.7	28.7	28.7	18.9	18.9	18.9
DesignQueue:	1	1	1	10	0	1	0	29	1	0	21	0

Worst Case Fast Food

MITIG8 - AM Peak Total - WeFri Mar 1, 2002 11:37:51

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AM Peak Total - Worst Case

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

 Cycle (sec): 60 Critical Vol./Cap. (X): 0.614
 Loss Time (sec): 8 (Y+R = 4 sec) Average Delay (sec/veh): 10.5
 Optimal Cycle: 37 Level Of Service: B

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	4	0	0	4	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	1	0	0	1	0	1	0

Volume Module:

Base Vol:	18	1	0	141	11	14	4	399	22	8	888	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	18	1	0	141	11	14	4	399	22	8	888	0
Added Vol:	36	26	11	0	28	0	0	0	37	11	0	0
PasserByVol:	0	0	0	1	0	0	0	2	0	0	2	0
Initial Fut:	54	27	11	142	39	14	4	401	59	19	890	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
PHF Volume:	60	30	12	158	43	16	4	446	66	21	989	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	60	30	12	158	43	16	4	446	66	21	989	0
PCF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol.:	60	30	12	158	43	16	4	446	66	21	989	0

Saturation Flow Module:

Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.53	0.53	0.53	0.62	0.62	0.62	0.71	0.71	0.71	0.77	0.77	0.95
Lanes:	0.59	0.29	0.12	0.73	0.20	0.07	0.01	1.73	0.26	0.04	1.96	0.00
Final Sat.:	595	298	119	856	233	67	21	2332	345	60	2847	0

Capacity Analysis Module:

Vol/Sat:	0.10	0.10	0.10	0.18	0.18	0.18	0.19	0.19	0.19	0.35	0.35	0.00
Crit Moves:				****						****		
Green/Cycle:	0.30	0.30	0.30	0.30	0.30	0.30	0.57	0.57	0.57	0.57	0.57	0.00
Volume/Cap:	0.34	0.34	0.34	0.61	0.61	0.61	0.34	0.34	0.34	0.61	0.61	0.00
Delay/Veh:	17.0	17.0	17.0	21.2	21.2	21.2	7.1	7.1	7.1	9.4	9.4	0.0
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	17.0	17.0	17.0	21.2	21.2	21.2	7.1	7.1	7.1	9.4	9.4	0.0
DesignQueue:	1	1	0	4	1	0	0	7	1	0	15	0

Worst Case Gas Station

MITIG8 - PM Peak Total - WoFri Mar 1, 2002 11:40:15

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PM Peak Total - Worst Case

Level Of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #1 Main/99E

Cycle (sec): 70 Critical Vol./Cap. (X): 0.909
 Loss Time (sec): 10 (Y+R = 4 sec) Average Delay (sec/veh): 26.8
 Optimal Cycle: 91 Level Of Service: C

Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	T	R	L	T	R	L	T	R	L	T	R
Control:	Permitted			Permitted			Permitted			Permitted		
Rights:	Include			Include			Include			Include		
Min. Green:	0	4	0	0	4	0	0	0	0	0	0	0
Lanes:	0	0	1	0	0	1	0	0	1	0	1	0

Volume Module:	North Bound			South Bound			East Bound			West Bound		
Base Vol:	17	16	15	442	9	27	16	1114	13	5	817	14
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	17	16	15	442	9	27	16	1114	13	5	817	14
Added Vol:	26	20	8	0	20	0	0	0	26	8	0	0
PasserByVol:	0	0	0	2	0	0	0	5	0	0	5	0
Initial Fut:	43	36	23	444	29	27	16	1119	39	13	822	14
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98	0.98
PHF Volume:	44	37	23	453	30	28	16	1141	40	13	838	14
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	44	37	23	453	30	28	16	1141	40	13	838	14
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Vol:	44	37	23	453	30	28	16	1141	40	13	838	14

Saturation Flow Module:	North Bound			South Bound			East Bound			West Bound		
Sat/Lane:	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adjustment:	0.70	0.70	0.70	0.64	0.65	0.65	0.87	0.87	0.87	0.81	0.81	0.81
Lanes:	0.42	0.36	0.22	0.89	0.06	0.05	0.03	1.90	0.07	0.03	1.94	0.03
Final Sat:	560	471	293	1085	72	67	44	3151	110	46	2997	50

Capacity Analysis Module:	North Bound			South Bound			East Bound			West Bound		
Vol/Sat:	0.08	0.08	0.08	0.42	0.42	0.42	0.36	0.36	0.36	0.28	0.28	0.28
Crit Moves:	****			****			****			****		
Green/Cycle:	0.46	0.46	0.46	0.46	0.45	0.46	0.40	0.40	0.40	0.40	0.40	0.40
Volume/Cap:	0.17	0.17	0.17	0.91	0.91	0.91	0.91	0.91	0.91	0.70	0.70	0.70
Delay/Veh:	11.3	11.3	11.3	36.4	36.4	36.4	29.4	29.4	29.4	19.4	19.4	19.4
User DelAdj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	11.3	11.3	11.3	36.4	36.4	36.4	29.4	29.4	29.4	19.4	19.4	19.4
DesignQueue:	1	1	0	10	1	1	0	29	1	0	21	0

Adjusted 2018

MITIG8 - 2018 w/ worst case Fri Mar 1, 2002 14:32:57

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2018 PM Peak - Base

Level of Service Computation Report

2000 HCM Operations Method (Future Volume Alternative)

Intersection #3 10th/99E

Cycle (sec): 120 Critical Vol./Cap. (X): 0.952

Loss Time (sec): 13 (Y+R = 4 sec) Average Delay (sec/veh): 35.9

Optimal Cycle: 160 Level Of Service: D

Approach: North Bound South Bound East Bound West Bound

Movement: L - T - R L - T - R L - T - R L - T - R

Control: Protected Protected Split Phase Split Phase

Rights: Include Include Include Ovl

Min. Green: 0 0 0 0 0 0 0 0 0 0 0 0

Lanes: 0 0 1 1 0 1 0 2 0 0 0 0 0 0 0 1

Volume Module:

Base Vol: 0 1200 125 550 1540 0 0 0 0 0 12 0 722

Growth Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Initial Bse: 0 1200 125 550 1540 0 0 0 0 0 12 0 722

Added Vol: 0 25 9 0 5 0 0 0 0 0 2 0 0

PasserByVol: 0 0 0 0 0 0 0 0 0 0 0 0 0

Initial Fut: 0 1226 134 550 1545 0 0 0 0 0 14 0 722

User Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

PHF Volume: 0 1226 134 550 1545 0 0 0 0 0 14 0 722

Reduct Vol: 0 0 0 0 0 0 0 0 0 0 0 0 0

Reduced Vol: 0 1226 134 550 1545 0 0 0 0 0 14 0 722

PCE Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

MLF Adj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

Final Vol.: 0 1226 134 550 1545 0 0 0 0 0 14 0 722

Saturation Flow Module:

Sat/Lane: 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900 1900

Adjustment: 1.00 0.90 0.90 0.93 0.93 1.00 1.00 1.00 1.00 0.94 1.00 0.84

Lanes: 0.00 1.80 0.20 1.00 2.00 0.00 0.00 0.00 0.00 1.00 0.00 1.00

Final Sat.: 0 3084 337 1769 3538 0 0 0 0 1787 0 1599

Capacity Analysis Module:

Vol/Sat: 0.00 0.40 0.40 0.31 0.44 0.00 0.00 0.00 0.00 0.01 0.00 0.45

Crit Moves: ****

Green/Cycle: 0.00 0.42 0.42 0.33 0.74 0.00 0.00 0.00 0.00 0.15 0.00 0.47

Volume/Cap: 0.00 0.95 0.95 0.95 0.59 0.00 0.00 0.00 0.00 0.05 0.00 0.95

Delay/Veh: 0.0 47.8 47.8 65.5 7.3 0.0 0.0 0.0 0.0 44.0 0.0 52.0

User DelAdj: 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00 1.00

AdjDel/Veh: 0.0 47.8 47.8 65.5 7.3 0.0 0.0 0.0 0.0 44.0 0.0 52.0

DesignQueue: 0 53 6 27 30 0 0 0 0 1 0 28

PC Mailing List for PC Meeting Date: 3/11/02

DATE: 3/4/02

#	Recipients	Sent
10	Copies for Front Table	✓
1	Maggie Karen	✓
1	Sean	✓
1	Christina	✓
1	Tony	✓
1	Brian Nakamura	✓
1	Brian Cosgrove	
1	Front Counter	✓
1	Bob Cullison	✓
1	Jay Toll	
1	Dean Norlan	
1	Nancy K.	✓
1	Fire Department	✓
1	Public Works	✓
1	Applicant	
1	Applicant	
1	Daily Journal of Commerce-Kurt	
1	Sarah H.- Oregonian-	
1	Transcription	
5	City Commission	5✓
	Total	

Dee Craig ✓

* Plus 30 names on previous page

CICC Chair

Mary Smith
1700 Warner Parrot Road
Oregon City, Oregon 97045

Canemah Nbrhd Assoc.

Howard Post, Chairman
302 Blanchard Street
Oregon City, OR 97045

Caufield Nbrhd Assoc.

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20114 Kimberly Rose Drive
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Hazel Grove / Westling Farm N/A

Bill Vickers, Chairman
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Hillendale Nbrhd. Assoc.

Julie Hollister, Land Use
13304 Clairmont Way
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.

Denyse McGriff, Land Use
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Oregon City, OR 97045

Park Place Nbrhd. Assoc.

Ralph and Lois Kiefer
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South End Nbrhd. Assoc.

Katie Weber, Chairman
P.O. Box 515
Oregon City, OR 97045

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Oregon City, Or 97045

Planning Commission

Linda Carter
1145 Molalla Avenue
Oregon City, OR 97045

Barclay Hills Nbrhd Assoc.

Larry Jacobson, Chairman
17893 Peter Skene Way
Oregon City, OR 97045

Caufield Nbrhd Assoc.

Cathi VanDamm
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Oregon City, OR 97045

Gaffney Lane Nbrhd Assoc.

Janet Brand
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Hazel Grove / Westling Farm N/A

Kathy Hogan
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Oregon City, Oregon 97045

McLoughlin Nbrhd Assoc.

Tim Powell, Co-Chairman
819 6th Street
Oregon City, OR 97045

Mt. Pleasant Nbrhd Assoc.

Jessica Eckart
307 Caufield St
Oregon City, Oregon 97045

Rivercrest Nbrhd. Assoc.

Diane McKnight, Chairman
161 Barclay Avenue
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South End Nbrhd. Assoc.

Lionel Martinez
280 Amanda Ct.
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Planning Commission

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Planning Commission

Lynda Orzen
14943 Quinalt Ct.
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Oregon City, OR 97045

Caufield Nbrhd Assoc.

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14409 S. Cambria Terrace
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Gaffney Lane Nbrhd Assoc.

Shelly Alway, Land Use
13411 Squire Drive
Oregon City, OR 97045

Hillendale Nbrhd. Assoc.

Debbie Watkins, Chairman
13290 Clairmont Way
Oregon City, OR 97045

McLoughlin Nbrhd Assoc.

Rick Winterhalter, Co-Chairman
1215 8th Street
Oregon City, OR 97045

Park Place Nbrhd. Assoc.

Julie Puderbaugh, Chairman
15937 Swan Ave.
Oregon City, OR 97045

Rivercrest Nbrhd. Assoc.

Patti Brown, Land Use
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Oregon City, OR 97045

Preston Gates & Ellis

Bill Kabeiseman
222 SW Columbia St, Suite 1400
Portland, Oregon 97201-6632

Planning Commission

~~Laura Surratt
1354 S. Leland Road
Oregon City, Or 97045~~

Planning Commission

Renate Mengelberg
2263 South Gilman
Oregon City, Or 97045

Transcriptions

Pat Johnson
10214 SW 36th Court
Portland, Oregon 97219

Oregonian Metro South- News

365 Warner-Milne Road
Oregon City, Or 97045
Attn: Sarah Hunsberger

DJC

Kurt Shirley
PO Box 10127
Portland, Oregon 97296



Willamette Falls Hospital
C/o Bill Reinhard
150th Division Street
Oregon City, OR 97045

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Portland, OR 97209



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97045

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Mark Epperson
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Walker Macy
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97045

Tracy Hamblet
523 Warner Parrot Road
Oregon City, Oregon
97045

OREGON CITY PLANNING COMMISSION
TALLY OF VOTES

PLANNING COMMISSION MEETING DATE 3/11/02

COMMISSIONERS ABSENT

STAFF PRESENT:

Tony Konkol Assoc-Planner
Kristina Robertson "
Karen Haines Interim Plng Dir.
William Kabeisman, Attorney
Chris Locker -DEA

ITEM: minutes - of Feb 11.

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey	<input checked="" type="checkbox"/>	_____	_____	_____
Linda Carter	<input checked="" type="checkbox"/>	_____	_____	_____
Duff Main	<u>absent not present</u>	_____	_____	_____
Renate Mengelberg	<input checked="" type="checkbox"/>	_____	_____	_____
Linda Orzen	<input checked="" type="checkbox"/>	_____	_____	_____
Laura Surratt	_____	_____	_____	_____

MOTION: _____

ITEM: Continuance of PZ 01-01 & ZC 01-04

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey	<input checked="" type="checkbox"/>	_____	_____	_____
Linda Carter	<input checked="" type="checkbox"/>	_____	_____	_____
Duff Main	<input checked="" type="checkbox"/>	_____	_____	_____
Renate Mengelberg	<input checked="" type="checkbox"/>	_____	_____	_____
Linda Orzen	<input checked="" type="checkbox"/>	_____	_____	_____
Laura Surratt	_____	_____	_____	_____

MOTION: _____

OREGON CITY PLANNING COMMISSION
TALLY OF VOTES

PLANNING COMMISSION MEETING DATE 3/11/02

COMMISSIONERS ABSENT

STAFF PRESENT:

ITEM: L 01-05 Chapin
(M) Bailey - (S) Main

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey	<u>✓</u>	_____	_____	_____
Linda Carter	<u>✓</u>	_____	_____	_____
Duff Main	<u>✓</u>	_____	_____	_____
Renate Mengelberg	<u>✓</u>	_____	_____	_____
Linda Orzen	<u>✓</u>	_____	_____	_____
Laura Surratt	_____	_____	_____	_____

MOTION: _____

ITEM: (M) Main
P2 01-02 & 01-05
close public mg - keep record open -
(S) Orzen until Mar. 18 -
op - continue
deliberations

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey	<u>✓</u>	_____	_____	_____
Linda Carter	<u>✓</u>	_____	_____	_____
Duff Main	<u>✓</u>	_____	_____	_____
Renate Mengelberg	_____	<u>✓</u>	_____	_____
Linda Orzen	<u>✓</u>	_____	_____	_____
Laura Surratt	_____	_____	_____	_____

MOTION: _____
