

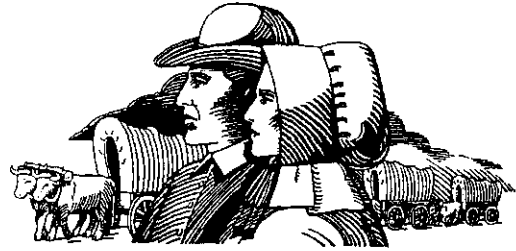
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# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall  
November 8, 1999 at 7:00 P.M.

### PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **APPROVAL OF MINUTES:** October 25, 1999
- 7:10 p.m. 3. **PUBLIC HEARINGS**
- 7:15 p.m. A. **File No. ZC 99-12** City of Oregon City; Legislative Amendment to the Oregon City Municipal Code, addition of two chapters by ordinance: 1) Chapter 13.12: Stormwater Management; and 2) Chapter 15.48: Grading, Filling and Excavation; AND 3) review and recommendation on approval by resolution of technical material titled: "Stormwater and Grading Design Standards; all property within Oregon City limits
- 7:50 p.m. B. **File No. ZC 98-17** City of Oregon City; Legislative Amendment to the City of Oregon City Municipal Code, addition of anew title to the Oregon City Municipal Code, as follows: "Title 14: Annexation Procedures"; all properties with Oregon City corporate limits
- 8:25 p.m. C. **File No. PZ 97-10** City of Oregon City; Amendment to the Oregon City Comprehensive Plan of the "Oregon City Downtown Community Plan" as an ancillary document; and adoption of a new Chapter (P) in the Comprehensive Plan containing policies relating to the implementation of the "Oregon City Downtown Community Plan"; Areas within the City of Oregon City including: below the Promenade and Singer Hill Bluffs, along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone; also includes areas above the Promenade and Singer Hill Bluffs along the 7th Street Corridor, and areas of Abernathy Creek extending towards Highway 213 and Interstate 205

(See Reverse Side)

**THE CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
October 25, 1999**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Olson  
Commissioner Surratt  
Commissioner Carter

**STAFF PRESENT**

Maggie Collins, Interim Planning Manager  
Dean Norlin, Senior Engineer  
Marnie Allen, City Attorney  
Bob Cullison, Engineering Manager  
Jay Toll, Senior Engineer  
Joe McKinney, Operations Supervisor  
Nancy Kraushaar, Public Projects Div.

**COMMISSIONERS ABSENT**

Commissioner Bagent  
Commissioner Vergun

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order. He announced that there is one quasi-judicial item on tonight's agenda. The staff report has been prepared for the quasi-judicial hearing and the report did satisfy the City of Oregon City's criteria requirements. This report was made available seven days prior to this evening's meeting. The quasi-judicial hearing procedure the Planning Commission will follow is set out in State law and Oregon City Municipal Code. He asked if any Commissioners had an item they wished to bring forth.

**Commissioner Carter** expressed concern over the absenteeism of **Commissioner Bagent**. She stated that Mr. Bagent has only attended one meeting since coming on board in July and that the Planning Commission needs to take further action regarding his absence.

**Chairperson Hewitt** stated that at the last regular meeting the Commission asked **Ms. Collins** to investigate Mr. Bagent's absenteeism. **Maggie Collins** stated that a telephone message was left asking if his schedule would accommodate his attendance at Planning Commission meetings. To this date there has been no response received from **Mr. Bagent**.

**Chairperson Hewitt** read Removal of Members 2.24.50. "A planning commission member may be removed by the City Commission for misconduct or non-performance of duty." This Commission may not have the ability to remove a member on the Planning Commission. He further read, "The Planning Commission shall consist of seven members and the members of the Planning Commission shall be appointed for four years. Any vacancy shall be filled by the Mayor." He stated if a recommendation is made, it should be addressed to the Mayor.

**Commissioner Carter** moved to recommend that Commissioner Bagent be removed from the Planning Commission due to a consistent lack of attendance and the lack of response to phone inquiries regarding his lack of attendance; and that this recommendation be forwarded to **Mayor Williams** in writing. **Commissioner Surratt** seconded.

## TESTIMONY IN FAVOR

Speaking: Jim Watkins, Acting Environmental Services Manager at Metro and Engineering Manager, 1174 NE 73<sup>rd</sup>, Portland, OR

**Jim Watkins** stated that the tonnage levels were 371,000 in 1998 compared to 377,000 in 1997. There is an expected further reduction of tonnage levels this year as well as next year.

**Chairperson Hewitt** asked why the decrease in tonnage levels? **Jim Watkins** responded that there is more direct hauling by some of the other recovery facilities to Columbia Ridge. In the recycling efforts there were 9,300 tons recovered last year as opposed to 7,900 tons the year before. Metro has installed new compactors, which has increased the amount that each truck is hauling and thereby decreased the number of trucks on the road.

The South Metro entrance has been improved to allow three lanes of vehicles to come onto the site. A new scale house has been installed as well as a new flood wall. Mr. Watkins pointed out that the new public unloading area that will be the best solution to try to eliminate the queuing onto Washington Street. This will add 16 stalls, which almost doubles the capacity. Metro can store garbage in this area and then in the evening dump directly into the compactor for loading. The third modification is a latex processing building.

**Jim Watkins** added that a new truck washer has been just completed. Two other areas will be sealed off where the drop boxes are for recycling. This will increase the floor area for maneuvering for commercial trucks.

**Chairperson Hewitt** asked that the brochures that Mr. Watkins had just handed out be made more available to the public.

## QUESTIONS FROM THE COMMISSION

**Commissioner Carter** asked when is the peak time of day that traffic becomes backed up on Washington Street? **Jim Watkins** responded between 10:00 AM and 2:00 PM.

**Chairperson Hewitt** referred to page 5, the second to the last sentence of the applicant's report states "Tarps can be purchased at the scale houses." He asked if this happens after a person pulls in without a tarp and gets fined? **Jim Watkins** responded yes. **Chairperson Hewitt** asked if this fact is in Metro's literature? **Jim Watkins** stated when an individual has been fined the \$25 a tarp then is given to him.

**Chairperson Hewitt** referred to page 7, "Future Operations," the operating goals appear to lack mention of continuation of staff training on hazardous materials spills. **Jim Watkins** responded that there is ongoing extensive training of the staff. The staff has written training manuals that other organizations request copies of.

**Chairperson Hewitt** referred to "Appendix C", on the bottom of the fourth page: "One transfer station worker suffered a serious back injury by falling from a loaded trailer while attempting to

**Bob Cullison** stated the City did not have anything more than a standards book. The Planning Commission was then advised that **Cathy Corliss**, from Angelo Eaton & Assoc., the City's consultant, would present some background and issues.

**Cathy Corliss** stated that the issue for Oregon City is population growth with the increased amount of water run-off that creates flooding issues within the City. The standards will also help Oregon City to comply with national pollution discharge requirements. The standards are in Chapter 13.12 addressing storm water management and Chapter 15.48 addressing grading, filling and excavation. The standards will include requirements for obtaining permits. Written reports would have to address the required standards as outlined in the Code. Presently the City does not require a permit to address paving of a RV parking area. Chapter 13.12 does not require a separate permit for this additional paving for a RV area, but does have criteria that must be addressed within a paving permit to control water run-off.

**Bob Cullison** referred to Chapter 4, page 24 of the Stormwater Design Manual where a specific question was left for the Planning Commission: to suggest language for specific signs at ponds, such as, "Please do not disturb the vegetation or wildlife. Oregon City Storm Water Management Facility. For more information call Oregon City Public Works at 657-8241." He asked how many other activities the signage should address, such as, "no swimming," "dial 911 for emergencies," etc.

**Chairperson Hewitt** stated signs with no swimming or wading would eliminate, for example, little children looking for frogs in the semi-grassy area at the Hallandale Park. The children could go up to the area, but could not go in after the frogs and that is one reason for the existence of parks--playing. **Bob Cullison** responded that the signs Engineering is reviewing would be for detention ponds in subdivision areas. **Chairperson Hewitt** clarified that this document then speaks to the detention ponds as to their depths and should they be fenced. **Bob Cullison** stated that detention ponds could reach a depth of four feet during the wet season or a rainstorm, then drain down to a depth of six inches. The particular issue being addressed at this time is that if public streets are draining into a pond, then the pond is maintained by the City. If these particular ponds are fenced then no one will be going into the ponds looking for frogs.

**Chairperson Hewitt** asked for the staff's opinion on this issue. Is the liability for someone drowning or getting hurt in one of these ponds great or is it minimal? **Joe McKinney**, Operations Supervisor for Public Works, responded that there is a maintenance problem with the children playing within the ponds during development. They leave toys and they move rocks around to dam the water. The City staff goes through every storm detention pond during the rainy season twice a week. There are 20 detention ponds and it takes a great deal of staff time. **Mr. McKinney** recommended that any detention pond that has a steeper slope then 2-1 ratio should be fenced.

**Nancy Kraashour**, Oregon City Public Projects Division, asked the Commission to consider the aesthetics of the fencing and increased vegetation of more selected materials. The fencing should strongly be considered with ponds that do have slopes. She added that when attending a United Sewerage Agency seminar regarding ponds, the signs that were most commonly seen were "Do Not Disturb the Wildlife/Vegetation". The signs did not lean as much to liability issues, but rather than preserving the habitat.

responded this addresses pre-development cases. If a developer or landowner were to do the grading ahead of obtaining a City permit, this would catch the grading activity.

**Maggie Collins** recommended that over time the City can establish what is most appropriate for some of these paving issues. Staff could return with proposals to what the Commissioners have discussed at this meeting at the next regular Planning Commission meeting on November 8.

**Commissioner Surratt** stated if the City is going to charge a permit fee to construct sidewalks and these kinds of improvements, she would like to see an incentive program that would enhance these improvements. **Bob Cullison** responded the right-of-way permit is simply an inspection of the improvements and the fee is for these services rendered.

**Chairperson Hewitt** requested that the staff note the page numbers of the proposed material where staff will be recommending changes.

6. WORKSESSION: ZC 98-17 ANNEXATION PROCEDURES (CREATE A NEW SECTION IN OREGON CITY MUNICIPAL CODE)

**Maggie Collins** stated that the proposed annexation procedure needs to be adopted to reflect what the electorate voted in the May election. This procedure is straightforward and it will return to the Planning Commission for their formal recommendation on November 8.

**Chairperson Hewitt** explained that when the Metro Boundary Commission was eliminated there was no regional body to review annexation requests. The cities then were asked to take on this task. Since that time an election was held that asked the Oregon City voters how annexations would happen in Oregon City. The City now has a voter-approval annexation mandate.

**Maggie Collins** stated that this process requires a property owner wishing to annex into the City to certify that the property meets all the requirements set forth in the new annexation procedures. There will be incidences where people can annex properties without having to go through this election process, but the majority of annexation requests will be presented to the voters for approval.

**Chairman Hewitt** stated if the city was to refer to ORS 222 regarding annexations, ORS 222 does not refer to properties that are islands within the City that have not yet been annexed. Where does it state in this annexation procedure that these properties will be treated differently? **Maggie Collins** stated she will return to the Commission on November 8 to address this question.

**Commissioner Olson** stated that the properties that became islands are more or less a victim to the process. It would not be fair to force these small pieces of lands to pay for annexation fees. **Maggie Collins** responded that the voter-approved annexations gives the City more control on how it grows. To provide City services to County island properties is a different issue. **Chairperson Hewitt** stated that the owners of properties that are County islands did not want to

**Chairperson Hewitt** asked that a response from the City Attorney regarding the issue of island properties and its relationship to the ORS. The rest of the items that have been discussed can come before the Commission at another work session.

**ADJOURN**

**Chairperson Hewitt** suggested because of the lateness of the hour, the Planning Commission Work Program will be addressed at a later date.

The meeting was adjourned.

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Gary Hewitt, Planning Commission  
Chairperson

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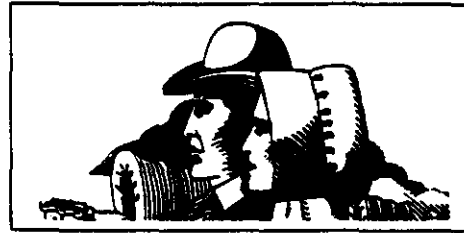
Maggie Collins, Interim Planning  
Manager

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
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## Staff Report

November 8, 1999

**FILE NO:** ZC 99-12

**HEARING DATE:** November 8, 1999

**LOCATION:** City Hall  
320 Warner Milne Road  
Oregon City, OR 97045  
7:00 p.m.

**APPLICANT:** City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**REQUEST:**

- 1) Planning Commission review and recommendation on an addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 13.12: Stormwater Management;"
- 2) Planning Commission review and recommendation on addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 15.48: Grading, Filling and Excavation;" and
- 3) Planning Commission review and recommendation on approval by resolution of technical material titled: "Stormwater and Grading Design Standards."

**LOCATION:** Citywide Standards

**REVIEWERS:** Maggie Collins, Interim Planning Manager  
Bob Cullison, Engineering Manager

Staff has proposed these changes to the Standards Manual (Exhibit A) as a result of the October 25<sup>th</sup> Planning Commission Worksession:

Chapter 4, Page 23—new wording to discuss the characteristics of fencing.

Chapter 4, Page 24—proposed language for signs.

## **CODE AMENDMENTS**

**Exhibit B—Ordinance No. 99-1029.** This repeals the City's 1988 Drainage Design Procedures and Standards by enacting a new Title 13, Public Services, Chapter 13.12.

**Page 21 of Exhibit B—Ordinance No. 99-1029.** This initiates the creation of a new Code section, Title 15, Buildings and Construction. The new Chapter is Chapter 15.48, Grading, Filling and Excavating,

**Exhibit C—Resolution No. 99-41.** This allows adoption of Stormwater and Grading Design Standards in the form of a manual..

## **BASIC FACTS**

1. The proposed amendments affect new development in the City. The Stormwater and Grading Design Standards Manual provides clear and objective measurements for technical issues of development that affect stormwater management and grading.
2. This request is initiated by the City Commission of Oregon City, as provided by OCMC 17.68.010(A) and OCMC 17.50.060.
3. This request is a Type IV Legislative Amendment. Transmittals on the proposed amendments were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, all neighborhood associations in Oregon City, Metro, ODOT, DLCD, Tri-Met, and Clackamas County.
4. Planning staff has no record of written comments at the time of this writing.

## **ANALYSIS**

The rationale for these proposed Code amendments is found in the Staff Report provided for the October 25<sup>th</sup> Planning Commission Worksession. See Exhibit D.

### **I. APPLICABLE OREGON CITY MUNICIPAL CODE (OCMC) CRITERIA**

This proposed amendment is reviewed below for compliance with pertinent Comprehensive Plan Goals and Policies and Municipal Code sections.



## **STAFF RECOMMENDATION**

Based on the findings and analysis in this report, Staff recommends that the Planning Commission recommend:

- 1) Approval by the City Commission of the proposed Code amendments identified here as **Exhibit B**;
- 2) Incorporation of the changes to the Design Standards Manual identified here as **Exhibit A**; and
- 3) Approval by the City Commission of the proposed Resolution that adopts the Stormwater and Grading Design Standards Manual identified here as **Exhibit C**.

## **EXHIBITS**

- A. Proposed Changes, Stormwater and Grading Design Standards
- B. Ordinance No. 99-1029
- C. Resolution No. 99-41
- D. October 25, 1999 Planning Commission Work Session Staff Report

Stormwater detention pond designs that require fencing are generally discouraged. ~~However, when required around a pond, fencing shall consist of a minimum six-foot high chain link fence. A minimum of one locking access road gate shall be provided that is 16' wide consisting of two swinging or sliding sections, eight-foot in width. Any proposed pedestrian-only access gates shall be a minimum of four-foot in width. Fence material shall be No. 11-gauge galvanized steel fabric with bonded vinyl coating. Vinyl coating shall be a color designed to blend with the surrounding area (likely green, brown, or black). Fence posts shall be galvanized steel, with top caps, and set a minimum of three feet deep in concrete. Crossbars shall connect adjacent fence posts, with diagonal braces at corners and ends. All posts, cross bars and gates shall be painted or coated the same color as the vinyl clad fence.~~

#### L. Signing

All ponds shall have signs placed so that at least one is clearly visible and legible from all adjacent streets, sidewalks, or paths. Applicants may add an indigenous, native wild bird(s) or wild animal(s) logo or cartoon figure on the sign. Sign spacing shall be approved by the City Engineer. The sign shall read:

Please Do Not Disturb the Vegetation or Wildlife	(larger lettering)
Oregon City Stormwater Management Facility	(larger lettering)
For More Information, Call Oregon City Public Works At 657-8241	(smaller lettering)

The minimum sign size shall be 12-inches x 18-inches. The maximum sign size shall be 24-inches by 30-inches. The material shall be aluminum with green reflective sheeting and silk screen lettering or equal as approved by the City Engineer. The signs shall be installed on an eight-foot long by six-inch by four-inch (8' long 6" X 4") treated lumber (0.40 cca) post which is set in concrete and buried 30 inches into the ground.

The developer shall install these signs before the City's final acceptance of the pond.

#### M. Berm Embankment

See pond embankment section in Chapter 3.1.5.6.

#### N. Maintenance Access to Pond

*Access to bottom of pond:* The design shall provide an access road to the pond bottom. This access road shall be in close vicinity of the outlet structures of the pond. This access road shall have a vertical and horizontal alignment that will accommodate the City's two-wheel drive backhoe. The access road shall have a maximum slope of 20-percent and a ten-foot minimum width. This access road shall be orientated so that:

## **CHAPTER 13.12**

### **Stormwater Management**

#### **Sections:**

13.12.010	Purpose
13.12.020	Adoption of Standards
13.12.030	Superceding Oregon City Drainage Master Plan Appendix A
13.12.040	Definitions
13.12.050	Applicability and Exemptions
13.12.060	Abrogation and Greater Restrictions
13.12.070	Severability
13.12.080	Submittal Requirements
13.12.090	Approval Criteria for Engineered Drainage Plans and Drainage Reports
13.12.100	Alternative Materials, Alternative Design and Methods of Construction
13.12.110	Transfer of Engineering Responsibility
13.12.120	Standard Construction Specifications
13.12.130	Administrative Provisions
13.12.140	Maintenance of Public Stormwater Facilities
13.12.150	Penalties and Enforcement
13.12.160	Hazardous Conditions
13.12.170	Permits from Other Jurisdictions.

#### **13.12.010     *Purpose.***

The purpose of this Chapter is to define policies, minimum requirements, minimum standards, and design procedures for the construction, and maintenance of stormwater conveyance, and quantity and quality control facilities in order to:

- A. Minimize increased stormwater runoff rates from any new development so as to minimize the impact upon any downstream natural channel that may exist between the subject area and the Willamette or Clackamas Rivers;
- B. Prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities;
- C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, from lands that were developed without the stormwater management controls required by this Chapter;

Basin Master Plans, for land drainage and flood control within the Oregon City Urban Growth Area, as adopted by the City of Oregon City. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Stormwater and Grading Design Standards adopted by resolution.

#### ***13.12.040 Definitions.***

Unless specifically defined below, words and phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

“Applicant” means a person, party, firm, corporation, or other legal entity that has applied for a development permit or approval.

“Best Management Practices (BMP)” means physical, structural, managerial practices and/or activities, when used singly or in combination, prevent, or limit, pollutants/sediments from entering stormwater flows.

“Biosolids” means solids derived from primary, secondary, or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemical stabilize solids to the extent that they do not attract vectors. This term refers to domestic wastewater treatment facility solids that have undergone adequate treatment to permit their land application.

“Building storm drain” means that part of the piping of a stormwater drainage system that begins at a point five feet (5') outside the established line of the building or structure. It conveys storm water to the approved point of disposal.

“Bulk petroleum storage areas” means areas that are used to store any type of bulk liquid petroleum or waste materials outside in multiple above ground storage tanks (AST). Multiple ASTs include two or more tanks that are either within the same secondary containment structure or within 20 feet of each other.

“Catch basin” means a structure, normally with a sump, for receiving drainage from a gutter or median and discharging the water through a conduit.

“City” means the City of Oregon City.

“City Engineer” means the City Engineering Manager, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

“Clearing” means surface removal of vegetation.

“Closed depression” means a low lying area, which has no, or such a limited, surface outlet that in most storm events acts as a retention basin, holding water for infiltration into

include the following: a) Stream enhancement or restoration projects approved by the City; b) Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this Chapter; and c) Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995).

“Disturb” means man-made changes to the existing physical status of the land, which are made in connection with development.

“Drainage feature” means any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate, or affect the flow rate of stormwater runoff.

“DSL” means the Oregon Division of State Lands.

“Easement” means the legal right to use a parcel of land for a particular purpose. It does not include fee ownership, but may restrict the owner’s use of the land.

“Embankment” means a raised structure of earth, gravel, or similar material above the surrounding grade.

“Engineer” means a registered professional engineer licensed by the State of Oregon.

“Engineer of Record” means the project engineer who will affix his/her seal on project drainage plans and drainage analysis.

“Engineering Geologist” means a registered professional engineering geologist licensed by the State of Oregon.

“Enhancement” means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

“Erosion” means the movement of soil particles resulting from actions of water, wind or mechanical means.

“Erosion Control Officer” means a City-appointed employee or designated representative.

“Excavation” means the mechanical removal of earth material.

“Fill” means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated areas of flood hazard, floodway, and the risk premium zones.

- "Landscape architecture" or the "practice of landscape architecture" means the performance of professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision where the dominant purpose of the services is:
  - a. The preservation and enhancement of land uses and natural land features;
  - b. The location and construction of aesthetically pleasing and functional approaches for structures, roadways and walkways or other improvements for natural drainage and erosion control; or
  - c. Design for equestrian trails, plantings, landscape irrigation, landscape lighting and landscape grading.

"Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative and both temporary and permanent) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, paving, clearing, grading and grubbing.

"Lot" means a single unit of land that is created by a subdivision of land. (ORS 92.010(3)). For the purposes of this Chapter, the word "lot" shall include "plot," "parcel," or "tract."

"Maintenance" means any activity which is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if needed to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property, which may directly impact the function of the stormwater facilities.

"Maintenance easement" means a binding agreement between the City and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to maintain certain stormwater facilities; grants the City the right to enter the subject property to inspect and make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the City for the cost should the City perform such repairs or maintenance.

"Maintenance schedule" means a document detailing required stormwater facility maintenance activities to be performed at specific intervals.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: a) avoiding the impact all together by not taking a certain action or parts of an action; b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; c) rectifying the impact by repairing, rehabilitating or restoring the effected environment; d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and e) compensating for the impact by replacing or providing comparable substitute water quality resource areas.

**“Permittee”** means the person, agency, or company holding a City permit duly paid for and received from the City.

**“Plans”** mean the construction documents and specifications, including system site plans, storm drain plans and profiles, cross sections, detailed drawings, etc., or reproductions thereof, approved or to be approved by the City, County, or State. They will show the location, character, dimensions, and details for the work to be done.

**“Post-development conditions”** mean the conditions which exist following the completion of the land disturbing activities in terms of topography, vegetation, land use, and rate, volume, or direction of stormwater runoff.

**“Precipitation”** means the process by which water in liquid or solid state falls from the atmosphere.

**“Pre-development conditions”** mean the conditions which exist prior to the initiation of the land disturbing activities or date of application submittal, whichever is earlier, in terms of topography, vegetation, land use, and rate, volume, or direction of stormwater runoff.

**“Professional Engineer”** means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the State of Oregon.

**“Project Engineer”** means the professional engineer responsible for the project, who will affix his/her seal on the project drainage plans and drainage analysis and supervise construction of the stormwater facilities. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

**“Private storm drain”** means a storm drain located on private property serving more than one (1) structure and maintained by private property owners.

**“Public storm drain”** means any storm drain in the public right-of-way or easement operated and maintained by the City, County or State.

**“Public Works Department”** means the City department responsible for all stormwater management activities for City accepted and owned stormwater facilities.

**“Record drawings”** means a set of engineering or site drawings that show how the project was constructed and what materials were used. Record Drawings are signed and dated by the Project Engineer.

**“Release rate”** means the controlled rate of release of drainage, storm and runoff water from property, storage pond, runoff detention pond, or other facility during and following a storm event.

**“Stormwater quality control”** means the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wet ponds, wetland forebays, oil/water separators, constructed wetlands, and erosion and sedimentation control facilities.

**“Stormwater quantity control”** means the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include but are not limited to, detention and retention facilities.

**“Stream”** means a body of running water moving over the earth’s surface in a channel or bed, such as a creek, rivulet, or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment.

**“Street, private”** means any street, road, or right-of-way that is not a public street, as defined in this Standard.

**“Street, public”** means a street or road dedicated or deeded for public use. For the purposes of this, public street may include "alley", "lane", "court", "avenue", "boulevard", "cul-de-sac", and similar designations, and any County Roads and State Highways.

**“Stripping”** means the removal of surface organic material before placing fill.

**“Structure(s)”** means a building or other major improvement that is built, constructed or installed, or manmade improvements to land that are used, or expected to be used, in the operation of a utility. It includes buildings, utility lines, manholes, catch basins, driveways, sidewalks. It does not include minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning codes.

**“Subdivide land”** means dividing an area or tract of land into four (4) or more lots. This applies for an area or tract of land that existed as a unit or contiguous units of land under a single ownership at the beginning of the year.

**“Subdivision”** means either an act of subdividing land or an area or tract of land subdivided as defined in the section.

**“Surface waters”** mean stormwater accumulating on the surface (including natural and manmade) and draining in the direction of least resistance due to gravity.

**“Waste discharges”** are defined to mean any discharge that requires and NPDES permit, Water Pollution Control Facility (WPCF) permit, or 401 Certification. The following are excluded from this definition:

- Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;



**Code.** Those facilities exempted shall be reviewed by the Building Official.

**B. Stormwater Quantity Control.** The stormwater quantity control requirements of this Chapter shall apply to the following proposed activities, uses or developments:

1. The activity is located wholly or partially within Water Quality Resource Areas (WQRA) pursuant to Chapter 17.49. The activity will create more than 500 square feet of impervious surface within the WQRA. Or the commercial or industrial redevelopment project will disturb more than 1,000 square feet of existing impervious surface within the WQRA. These square footage measurements cumulate over any given seven-year period;
2. The activity creates more than 2,000 square feet of impervious surface. This measurement cumulates over any given seven-year period; or
3. Redevelopment of a commercial or industrial land use will disturb more than 5,000 square feet of existing impervious surface. This 5,000 square foot measurement cumulates over any given seven-year period.
4. An exemption to the stormwater quantity control requirements of this Chapter will be granted in the following circumstances:
  - a. The development site discharges to a stormwater quantity control facility approved by the City Engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater; or,
  - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River and Abernethy Creek; and lies within the 100-year floodplain or ten feet above the design flood elevation as defined in Chapter 17.42.

**C. Stormwater Quality Control.** The stormwater quality control requirements of this Chapter shall apply to the following proposed activities, uses or developments:

1. **Category A – Activities subject to general water quality requirements of this Chapter.**
  - a. The construction of four or more single-family residences;
  - b. Activities located wholly or partially within Water Quality Resource Areas pursuant to Chapter 17.49 that will result in the creation of more than 500 square feet of impervious surface within the WQRA or will disturb more than 1,000 square feet of existing impervious surface within the WQRA as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given seven-year period; or

### ***13.12.070 Severability.***

The provisions of this Chapter are severable. If any section, clause, or phrase of this Chapter is adjudged invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this ordinance.

### ***13.12.080 Submittal Requirements.***

#### **A. Timing and scope of required submittal.**

1. Applications subject to the stormwater conveyance requirements of this Chapter shall include an Engineered Drainage Plan and Design Flow Calculation Report submitted prior to, or contemporaneous with, submittal of an application for a building, land use, or other city issued permit.
2. Applications subject to the stormwater quantity and/or Category A quality requirements of this Chapter shall include an Engineered Drainage Plan and an Engineered Drainage Report submitted prior to, or contemporaneous with, submittal of an application for a building, land use, or other city issued permit.
3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Stormwater and Grading Design Standards as part of the Site Plan and Design Review Process.
4. Applications subject to Category C water quality requirements for the Clackamas River Watershed are subject to OAR 340-41-470 (Three Basin Rule). No new waste discharges will be approved until a copy of a current DEQ permit, or written statement from DEQ that none is required, is on file with the City.

#### **B. Required Engineered Drainage Plans, Drainage Reports, and Design Flow Calculation Reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Stormwater and Grading Design Standards.**

#### **C. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid City approved plan and report before proceeding with construction.**

### ***13.12.090 Approval Criteria for Engineered Drainage Plans and Drainage Report.***

An Engineered Drainage Plan and/or Drainage Report shall be approved only upon making the following findings:

#### **A. The Plan and Report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this Chapter;**

and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the provisions of this Chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this Chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

#### ***13.12.110 Transfer of Engineering Responsibility.***

Project Drainage Plans shall always have an engineer of record performing the function of Project Engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the Project Engineer. The new Project Engineer shall provide written notice of accepting project responsibility to the City within 72 hours of accepting the position as Project Engineer.

#### ***13.12.120 Standard Construction Specifications.***

The workmanship and materials shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City of Oregon City, in effect at the time of application. The exception to this requirement is where this Chapter and the Stormwater and Grading Design Standards provide other design details.

#### ***13.12.130 Administrative Provisions.***

An applicant shall submit the following additional items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Engineer's Cost Estimate, (also may be known as Engineer's opinion of probable construction cost).
- B. Plan check and Inspection fees (as set by City resolution).
- C. Certificate of liability insurance for City-funded public projects contracted by the City (not less than \$1,000,000 single incident and \$2,000,000 aggregate).
- D. Pre-construction meeting (if required if required elsewhere in the Code).

have been completed, whichever is sooner. Transfer of maintenance of all other stormwater facilities shall occur when the City accepts the facility.

- C. The City will perform an inspection of the development's entire tributary, publicly maintained, stormwater system after one year or when 90% of the homes or commercial or industrial buildings within the development have been completed, whichever is sooner. The stormwater system must be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City.

#### **13.12.150 Penalties and Enforcement.**

- A. The City is authorized to make inspections and take such actions as required to enforce the provisions of this Chapter. The City has the authority to enter onto land for the purpose of inspection of site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.
- B. If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed, or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with construction drawings completed by a professional engineer, if otherwise required by this Chapter) within 10 calendar days. This plan (and drawings, if necessary) shall depict the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if necessary) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner. If the required corrective work constitutes a Grading Permit, then the City shall collect the appropriate Grading Permit Fee.
- C. Any person, firm, corporation, or entity violating any of the provisions of this Chapter, whether they be the property owner, the applicant, the contractor, or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

#### **13.12.160 Hazardous Conditions.**

- A. **Determination and Notification.** If the City Engineer determines that any excavation, embankment, erosion/sedimentation control, or drainage facility is a safety hazard; endangers property, or adversely affects the safety, use, or stability of a public way, Water Quality Resource Areas (pursuant to 17.49), or a drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this Chapter and

**Sections:**

15.48.010	Purpose
15.48.020	Definitions
15.48.030	Applicability – grading permit required
15.48.040	Grading permit exemptions
15.48.050	Abrogation and greater restrictions
15.48.060	Severability
15.48.070	Fees
15.48.080	Adoption of standards
15.48.090	Submittal requirements
15.48.100	Approval standards for grading permits and grading plans
15.48.110	Permit requirements
15.48.120	Penalties and enforcement
15.48.130	Hazardous conditions

**“Erosion”** means the movement of soil particles resulting from actions of water, wind or mechanical means.

**“Erosion Control Officer”** means a City-appointed employee or designated representative.

**“Excavation”** means the mechanical removal of earth material.

**“Fill”** means any material such as, but not limited to, sand, gravel, asphalt, concrete, soil or rock that is placed for the purposes of development or redevelopment.

**“Grading”** means any excavating, filling, embanking, or altering contours of earth material.

**“Grubbing”** means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

**“Impervious surfaces”** means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. It can also be a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel surfaces with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered impervious surfaces.

**“Lot”** means a single unit of land that is created by a subdivision of land. (ORS 92.010(3)). For the purposes of this Chapter, the word “lot” shall include “plot,” “parcel,” or “tract.”

**“Parcel”** means a single unit of land that is created by a partitioning of land. (ORS 92.010(7)).

**“Partition”** means the division of an existing land ownership into two or three parcels, within a calendar year, and is subject to approval under the Oregon City Municipal Code.

**“Professional Engineer”** means a person who, by reason of his or her special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his or her legal registration as a professional engineer in the State of Oregon.

**“Project Engineer”** means the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis and will supervise construction of the project. The project engineer shall be licensed in the state of Oregon and qualified by experience or examination.

#### **15.48.040 Grading Permit Exemptions.**

The following filling and grading activities shall not require the issuance of a Grading Permit:

- A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies.
- B. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a Grading Permit if:
  - 1. It exceeds 50 cubic yards,
  - 2. More than 10 cubic yards are removed from the site, or
  - 3. The fill is placed on the site to a depth greater than one foot.
- C. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this Chapter.
- D. Excavation for cemetery graves.
- E. Sandbagging, diking, ditching, filling, or similar work when done to protect life or property during an emergency.
- F. Repaving of existing paved surfaces which does not alter existing drainage patterns.
- G. Maintenance work on public roads performed under the direction of the City, Clackamas County, or Oregon State Department of Transportation personnel.

#### ***14.48.050 Abrogation and Greater Restrictions.***

Where the provisions of this Chapter are less restrictive or conflict with comparable provisions of this Code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this Chapter imposes restrictions that are more stringent than regional, state and federal law, the provisions of this Chapter shall govern. However, nothing in this Chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Compliance with this Chapter and the minimum requirements, minimum standards, and design procedures as set forth in the City's adopted Stormwater and Grading Design Standards does not relieve the designer, owner, or developer of the responsibility to apply conservative and sound professional judgement to protect the health, safety, and welfare of the public. It is not the intent of this Chapter to make the City of Oregon City a guarantor or protector of public or private property in regard to land development activity.

in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill.
  2. When an embankment for a stormwater pond is created by the placement of fill.
  3. When, by excavation, the soils remaining in place are greater than 3 feet high and less than 20 feet wide.
- D. Residential Lot Grading Plan. The City shall require a Residential Lot Grading Plan in compliance with the minimum report requirements of the Stormwater and Grading Design Standards to be prepared by a Professional Engineer for all land divisions creating new residential building lots or where a Public Improvement Project is required to provide access to an existing residential lot.

**15.48.100      *Approval Standards for Grading Permits and Grading Plans***

- A. A Grading Permit shall not be issued by the City without either an approved Engineered Grading Plan or an approved Abbreviated Grading Plan.
- B. An Engineered Grading Plan or an Abbreviated Grading Plan shall be approved only upon finding that the Plan meets the requirements of the Stormwater and Grading Design Standards.

**15.48.110      *Permit Requirements***

- A. Construction Limits. Prior to the commencement of any permitted clearing and grading activities, clearing and grading limits must be clearly and visibly identified using staking and/or flagging. Under no circumstances may areas beyond the property boundaries be disturbed without the prior approval of the owners of those properties and without the issuance by the City of all necessary permits to work within these areas. Engineering Division staff will inspect clearing limits prior to commencement of site work activities.
- B. Changed Conditions, Stop Work Order, Permit Revisions and Permit Revocation. The City may revoke the original Grading Permit, require revisions to the original Grading Permit and/or order work stopped on the project in the following circumstances.
  1. Stop Work Order. The City will order all or part of a permitted work stopped for any period of time for any of the following reasons:



**G. Completion of Work and Final Approval.** Final City Engineering approval shall be withheld until the following is completed and accepted by the City:

1. All grading work has been completed in accordance with the final approved Grading Permit and/or Grading Plan.
2. Final inspection and approval of work by the City.
3. Any required final reports and statements of approval from the Project Engineer have been submitted to and approved by the City.
4. All engineered fills have received a certification from a professional engineer that the fill was installed in conformance with the approved grading plan. Attach soils test results that document compaction testing to the certification.

**15.48.120 Penalties and Enforcement.**

**D.** The City is authorized to make inspections and take such actions as required to enforce the provisions of this Chapter. The City has the authority to enter onto land for the purpose of inspection of site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

**E.** If the City Engineer determines a site has any unpermitted or illegal facilities placed, constructed, or installed on the site, then the City Engineer shall notify the owner in writing directing the owner to submit a written plan (with drawings completed by a professional engineer, if otherwise required by this Chapter) within 10 calendar days for the restoration or stabilization of the site or correct the work that has adversely impacted adjacent or downstream property owners. The City Engineer shall review the plan (and drawings, if necessary) for compliance with City standards and issue comments for correction, if necessary, or issue an approval to the owner. The City shall establish a fee by resolution for such review, with all costs borne by the owner.

**F.** Any person, firm, corporation, or entity violating any of the provisions of this Chapter, whether they be the property owner, the applicant, the contractor, or any other person acting with or without the authorization of the property owner or applicant, shall be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24.

**15.48.130 Hazardous Conditions.**

**A. Determination and Notification.** If the City Engineer determines that any excavation, embankment, erosion/sedimentation control, or drainage facility has become a safety hazard; endangers property; or adversely affects the safety, use, or stability of a public way, a Water Quality Resource Area (pursuant to 17.49), or a drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in conformance with the requirements of this

**RESOLUTION NO. 99-41**

**A RESOLUTION ADOPTING CITY OF OREGON CITY STORMWATER AND GRADING DESIGN STANDARDS.**

WHEREAS, the City of Oregon City's Drainage Master Plan, dated January 1988, includes Appendix A, Drainage Design Procedures and Standards, which sets forth standards applicable to the design of stormwater drainage facilities; and

WHEREAS, the Drainage Design Procedures and Standards are now ten years old and in need of revision and the City of Oregon City needs a legal mechanism to require the provision of adequate drainage facilities and adequate grading and land clearing practices in the development and use of property in conformance with current accepted standards for the design of drainage facilities and grading operations; and

WHEREAS, an expanding population and increased development of land in the City of Oregon City, coupled with inadequate drainage controls, has led to problems related to land clearing, grading, and stormwater runoff impacts; and

WHEREAS, these problems include increased sedimentation in ponds, creeks, and streams, water quality degradation and deterioration of existing stream channels; and

WHEREAS, inadequate surface and subsurface drainage planning and practice can lead to erosion and property damage and risk to life; and

WHEREAS, future problems will be reduced if land developments, both public and private, provide for adequate drainage of property, and adequate grading of slopes; and

WHEREAS, the City of Oregon City adopted Ordinance No. 99-1029 to address the problems identified above by creating two new chapters of the Oregon City Code; chapter 13.12, entitled Stormwater Management and chapter 15.48, entitled Grading, Filling and Excavating; and

WHEREAS Ordinance 99-1029 requires the city commission to adopt Stormwater and Grading Design Standards to implement the requirements of chapters 13.12 and 15.48; and

WHEREAS the adoption of Stormwater and Grading Design Standards will contribute to the safeguarding of human life, the protection of property and the improvement of water quality;

NOW, THEREFORE, BE IT RESOLVED by the city commission of Oregon City that:

**EXHIBIT**

C

2C 99-12

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045  
TEL 657-0891 FAX 657-7892



### STAFF REPORT October 25, 1999

**FILE: ZC 99-12 (Worksession)**

**REQUEST:** 1) Planning Commission review and recommendation on an addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 13.12: Stormwater Management;"  
2) Planning Commission review and recommendation on addition by ordinance of a new chapter to the Oregon City Municipal Code, titled "Chapter 15.48: Grading, Filling and Excavation;"  
3) Planning Commission review and recommendation on approval by resolution of technical material titled: "Stormwater and Grading Design Standards."

**APPLICANT:** City of Oregon City

#### **PUBLIC REVIEW:**

The above-cited items are legislative actions. They are scheduled for a Planning Commission worksession on October 25, 1999. A public hearing by the Planning Commission is scheduled for November 8, 1999. A public hearing by the City Commission is scheduled for November 17, 1999.

#### **BACKGROUND:**

##### What Do the Proposed Code Amendments and Standards Do?

Amendments to the Oregon City Municipal Code will provide consistent policy under which certain physical aspects of stormwater (conveyance, quality, and quantity) and grading design will be implemented, using the Stormwater and Grading Design Standards ("Standards").

Most of the elements required by the Code and contained in the Standards are Public Works-oriented and most are related to public improvements and City contract construction projects. However, it is intended that they apply to both public and private projects.

**EXHIBIT**

D

ZC 99-12

Oregon City Planning Commission  
ZC 99-12 Worksession  
October 25, 1999  
Page 1

Population growth and increased development of land, together with inadequate drainage controls have led to problems, both in Oregon City and regionally, related to land clearing, grading, and stormwater runoff impacts. These problems have contributed to increased sedimentation in ponds, creeks, and streams, and water quality and fisheries habitat degradation, as well as flooding, erosion, property damage and risk to life. The City's existing design guidelines contained in the Drainage Design Procedures and Standards, (Appendix A, of the City's Drainage Master Plan dated January 1988) need to be updated and expanded. This updating and expansion will provide for adequate surface and subsurface drainage planning and practice. The City must ensure all new stormwater facilities are in compliance with applicable local, State, and Federal regulations such as the National Pollution Discharge Elimination System (NPDES) requirements.

The proposed Code amendments and Standards are intended to minimize increased stormwater runoff rates and volumes from any new development to reduce the impact upon any downstream natural channel. Another goal is to prevent water runoff generated by development from exceeding the capacity of downstream stormwater facilities.

The proposed Code amendments and Standards are intended to reduce soil erosion and non-point source pollution, wherever possible, and to prevent the uncontrolled or irresponsible discharge of stormwater from new development onto adjoining public or private property. These proposed Code amendments and Standards are also intended to help maintain the integrity of stream channels for their biological functions, as well as for drainage and other purposes.

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Staff Report

**November 8, 1999**

**FILE NO:** ZC 98-17

**HEARING DATE:** November 8, 1999

**LOCATION:** City Hall  
320 Warner Milne Road  
Oregon City, OR 97045  
7:00 pm

**APPLICANT:** City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**REQUEST:** Planning Commission review and recommendation on an addition by ordinance of a new title to the Oregon City Municipal Code, as follows: "Title 14: Annexation Procedures."

**LOCATION:** Citywide

**REVIEWERS:** Maggie Collins, Interim Planning Manager  
Bryan Cosgrove, Interim Community Development Director  
Ed Sullivan, City Attorney

ORS 222 provides procedures for annexation of contiguous territory, consolidation of adjoining and nonadjoining territories, annexation of public service districts, annexation of territory surrounded by a city, and annexation for health hazard abatement. Adoption of the proposed Ordinance would limit the use of these state rules to ORS 222.900, "Health Hazard Abatement."

Regarding an island annexation effort, the adoption of the proposed Ordinance language will require voter approval of island territories as well.

## **APPLICABLE CRITERIA**

Adoption of this proposed Ordinance is not considered a land use action. However, notice procedures, and public hearings are being conducted as for a legislative action. Applicable criteria include:

### **Municipal Code Chapter 17.50.060 Application requirements**

**Staff's finding:** The proposed amendment was properly filed and duly noticed by the City. Documentation exists to demonstrate compliance with all applicable criteria. Therefore, the proposed amendment complies with OCMC Chapter 17.50.060.

### **17.50.170 Legislative hearing process**

**Staff's finding:** The proposed amendment has been noticed as a public hearing item before the Planning Commission on November 8, 1999. The Department of Land Conservation and Development (DLCD) was notified as required by ORS 197.610-197.625. The planning manager's report will be made available at least seven days prior to the hearing. All remaining requirements of the legislative hearing process will be followed. Therefore, this proposed text amendment complies or can comply with OCMC Chapter 17.50.170.

## **II. APPLICABLE COMPREHENSIVE GOALS AND POLICIES**

**Citizen Involvement Goal.** The public hearing for the proposed amendment was advertised and noticed as prescribed by law to be heard by the Planning Commission on November 8, 1999 and by the City Commission on November 17, 1999. The public hearings will provide an opportunity for comment and testimony from interested parties.

**Staff's finding:** The proposed amendment does not conflict with the Citizen Involvement Goal of the Oregon City Comprehensive Plan.

COPY

RESOLUTION NO. 99-12

A RESOLUTION CALLING AN ELECTION ON CITY MEASURE AND ADOPTING A BALLOT  
TITLE

WHEREAS, the City Commission of Oregon City proposes to amend the Oregon City Charter of 1982 in order to provide that the voters of the City must vote upon all annexations except those mandated by law; and

WHEREAS, the City Commission does not have the power to adopt the measure itself, as the Charter and any amendment thereto must be adopted by the voters of the City; and

WHEREAS, ORS 250.825 permits the City Commission to submit a measure to City voters; and

WHEREAS, the Commission has determined it necessary to submit such a measure to the registered, qualified voters of the City; and

WHEREAS, it is necessary for the City Commission to take action to submit the questions regarding the requirement of voter approval of any annexation, except those mandated by law, to the legal voters of Oregon City.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City as follows:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, May 18, 1999, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., with the polling places to be those designated by the Clackamas County Clerk, who shall conduct the election.

Section 2. At that election, the following measure shall be submitted to the electors:

The first sentence of Section 3 of the Charter is amended to read as follows:

"Unless mandated by law, the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the Commission, or by any other agency with legal power to modify them."

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the May 18, 1999, election:

MEASURE NO. \_\_\_\_\_

CAPTION: Amends charter, requires voter approval for most annexations.

QUESTION: Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?

SUMMARY: This measure would require all annexations of territory to the City to be approved by the voters of the City. The voters would have to approve any annexation measure before the territory would be annexed to the City. This measure would not apply to certain annexations that the City is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900.

( ) YES, I approve the measure.

( ) NO, I do not approve the measure.

**EXHIBIT "A"**

**NOTICE OF BALLOT TITLE - REFERRAL BY CITY COMMISSION**

NOTICE IS HEREBY GIVEN that the City Recorder of Oregon City has received a proposal from the Oregon City Commission to amend the City Charter to require referral to the voters of the City of the proposed annexation of territory, with certain exceptions. The City Recorder has determined that the proposal contains only one subject, as required by section 1(2)(d), Article IV of the Oregon Constitution.

NOTICE IS FURTHER GIVEN that the City Attorney for Oregon City has prepared the following ballot title for the proposal:

**BALLOT TITLE**

**CAPTION:** Amends charter, requires voter approval for most annexations.

**QUESTION:** Shall the city charter be amended to require city voter approval of all annexations, except those mandated by law?

**SUMMARY:** This measure would require all annexations of territory to the city to be referred to the voters of the city. The voters would have to approve that measure before the territory would be annexed to the city. This measure would not apply to certain annexations that the city is required to undertake, for example, annexations to abate health hazards pursuant to ORS 222.900.

Any elector of the City who believes the proposed measure contains more than one subject or who believes the ballot title is insufficient, not concise, or unfair may file a petition for judicial review with the Circuit Court for Clackamas County no later than March 15, 1999.

JEAN K. ELLIOTT, City Recorder

**PUBLISH:** Monday, March 8, 1999 (legal notice)





**CITY OF OREGON CITY**

**INCORPORATED 1844**

# **COMMISSION REPORT**

**FOR AGENDA**

**DATED**

**June 2, 1999**

**TO THE HONORABLE MAYOR AND COMMISSIONERS**

**Page 1 of 1**

**Subject: Oregon City Charter Amendment -  
Proclamation**

**Report No. 99-105**

At the May 18, 1999 Special Election, Oregon City voters cast votes for Measure 3-51 which asked the question "Shall the City Charter be amended to require city voter approval of all annexation, except those mandated by law?" As a result of that election, the voters approved Measure 3-51 on a vote of 2,834 "yes" and 539 "no".

On the June 2, 1999 agenda is a Proclamation wherein the Mayor proclaims the Charter amendment received the affirmative majority of the total votes and that the amendment is hereby law and shall be codified as part of the Charter.

Attached is the proposed Proclamation for Commission review. Mayor Williams should now be directed to sign the Proclamation with the City Recorder then submitting the Charter amendment for codification in the Oregon City Charter of 1982.

  
**CHRIS JORDAN**  
Interim City Manager

jke  
Attach.

## PROCLAMATION

WHEREAS, at the Special Election held in Oregon City, Oregon, on the 18th day of May, 1999, there was submitted by referral of the City Commission to the legal voters of Oregon City, Oregon, for their adoption or rejection, an amendment to the Oregon City Charter of 1982, to-wit:

"Shall the city charter be amended to require city voter approval of all annexation, except those mandated by law?"

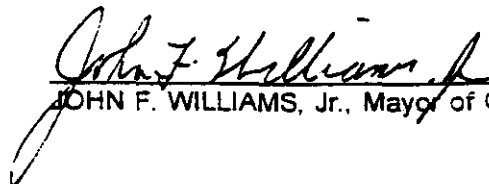
and

WHEREAS, on the 19th day of May, 1999, the Clackamas County Clerk did certify the result of said election.

NOW, THEREFORE, I, JOHN F. WILLIAMS, Jr., Mayor of Oregon City, do hereby proclaim that said Charter Amendment did receive the affirmative majority of the total votes cast thereon; that said Charter Amendment is thereby law and shall be codified as part of the Oregon City Charter of 1982 as follows:

"Section 3. Boundaries. Unless mandated by law, the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters. The recorder shall keep in his office at City Hall at least two copies of this charter, in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder."

DATED this 2nd day of June, 1999.

  
JOHN F. WILLIAMS, Jr., Mayor of Oregon City

“District” means an entity described in ORS 199.420.

“Major Boundary Change” means formation, merger, consolidation or dissolution of a City or District or the addition of an additional function to a district with territory within the City.

“Minor Boundary Change” means an annexation, withdrawal or transfer of territory to or from a city or district or the extraterritorial extension of water or sewer service by City outside the City limits or by a district within City.

“Planning Commission” means the Oregon City Planning Commission.

“Withdrawal” means the detachment, disconnection, or exclusion of territory from the City or district.

#### Section 4      Procedures for Major Boundary Changes and for Minor Boundary Changes Other Than Annexations

- A. With respect to Major Boundary Changes and for Minor Boundary Changes other than for Annexations, the procedures that shall be followed shall be those provided by the laws of the State of Oregon.
- B. When land is annexed into the City, such annexation shall have the effect of a withdrawal of territory from any district in which the affected territory lies unless the City Commission specifically provides otherwise in approving the annexation and transmitting the same to the voters for their approval or rejection.

#### Section 5.      Annexation Procedures.

- A. Application Filing Deadlines. Annexation elections shall be scheduled for May and November of each year. Application deadlines are established to permit public hearings by both the Planning Commission and City Commission in time to meet State requirements for submitting ballot information for these election dates. The deadline for receipt of applications involving a ballot election in May is 5:00 p.m. on the last working day in October. The deadline for receipt of applications involving a ballot election in November is 5:00 p.m. on the last working day in May.
- B. Preapplication Review. Prior to submitting an annexation application, the applicant shall confer in the manner provided by Section 17.50.050(A) with the representative of the planning division appointed by the City Manager.
- C. Neighborhood Contact. Prior to filing an annexation application, the applicant is encouraged to meet with the City-recognized Neighborhood Association or Associations within which the property proposed to be annexed is located. If the City Manager deems that more than one such Association is affected, the applicant is encouraged to meet with each such Association, as identified by the City Manager. Unwillingness or unreasonable

- e. General land use plan indicating the types and intensities of the proposed, or potential development;
- 6 If applicable, a Double-Majority Worksheet, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 5 of this ordinance, as relevant, including:
- a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
  - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
  - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
  - d. Statement outlining method and source of financing required to provide additional facilities, if any;
  - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
  - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development of the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
  - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

**Section 5. Annexation Factors.** When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

- 1. Adequacy of access to the site;

potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found.

**Section 9. Election Procedures.**

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

**Section 10. Setting of Boundaries and Proclamation of Annexation.**

Upon approval by the voters of the proposed annexation, the City Commission, by Resolution, shall set the boundaries of the area to be annexed by a legal description and proclaim the annexation (ORS 222.170(3)).

**Section 11. Exceptions.**

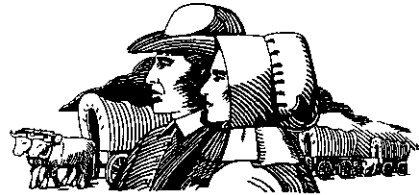
The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



November 8, 1999

**FILE NO.:** PZ 97-10, Oregon City Downtown Community Plan

**HEARING DATE:** November 8, 1999  
7:00 P.M.

**LOCATION:** City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT:** City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**REQUEST:** (1) Adoption of the Oregon City Downtown Community Plan as an ancillary document to the Oregon City Comprehensive Plan.  
(2) Adoption of a new chapter (P) in the Comprehensive Plan containing eight policies related to implementation of the Oregon City Downtown Community Plan.

**LOCATION:** Areas within the City of Oregon City including: below the Promenade and Singer Hill Bluffs, along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone; also includes areas above the Promenade and Singer Hill bluffs along the 7<sup>th</sup> Street Corridor, and areas of Abernathy Creek Extending towards Highway 213 and Interstate 205.

**REVIEWER:** Sidaro Sin, Associate Planner

**VICINITY MAP:** Refer to Exhibit 1

## **BACKGROUND:**

Refer to Exhibit 2.

## **BASIC FACTS:**

1. Staff request that the Planning Commission recommend adoption to the City Commission of the following:
  - a) The Oregon City Downtown Community Plan as an ancillary document to the Oregon City Comprehensive Plan (Exhibit 3).
  - b) A new chapter (P) in the Comprehensive Plan containing a goal and eight policies related to implementation of the Oregon City Downtown Community Plan (Exhibit 4).
2. The planning study area includes approximately 430 net acres (765 gross acres) and includes areas below the Promenade and Singer Hill Bluffs, areas along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone, areas above the Promenade and Singer Hill Bluffs along the 7<sup>th</sup> Street Corridor, and areas of Abernethy Creek extending towards Highway 213 and Interstate 205.
3. Data regarding the Plan process and major points of this application are found in Exhibit 2.
4. The surrounding land uses are:

<u>North:</u>	Clackamas River and the City of Gladstone
<u>South:</u>	City jurisdiction, with a mix of zoning including residential, commercial, and limited office.
<u>West:</u>	Willamette River and the City of West Linn
<u>East:</u>	City jurisdiction, with a mix of zoning including residential, commercial, and limited office.
5. Transmittals on the proposed zone change were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, all neighborhood associations, the Downtown Community Plan Steering Committee, property owners, interested parties list, and to all property owners within 300 feet of the study area.

Comments were received from: ); Bill Kennemer, Clackamas County Board of Commissioners (Exhibit 5b); Jim Rowe, the City Aquatic Coordinator (Exhibit 5c); Steve Poyser, City Historic Review Board (Exhibit 5d); Dan Baldwin, Tosco Marketing Company (Exhibit 5e); Mike Burton, Metro (Exhibit 5f); and Lidwien Rahman, Oregon Department of Transportation (Exhibit 5g). Staff also answered approximately 5 telephone inquires from citizens regarding this proposal. Most inquires were regarding how the Plan would affect their property. A summary of the issues and a summary of concerns from the joint City Commission and Planning Commission work session on the Plan that was held on September 22, 1999, is provided in Exhibit 5.

All of the technical information used in formulating the plan was made available to the public in steering committee packets, and draft plans (all available through City Hall).

Citizens who participated in the public workshops and Steering Committee meetings received the project notices and, upon request, copies of draft plans and technical information.

The proposal is consistent with the Citizen Involvement Goal (Chapter B) of the Comprehensive Plan.

#### **CHAPTER C-HOUSING GOAL:**

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

**Staff's finding:** The Oregon City Downtown Community Plan proposes new policies to promote compact and mixed use development that will protect and enhance livability. The Plan supports compact development, redevelopment, and multi-modal street networks to support a variety of housing types.

Three new comprehensive plan map designations are proposed for the Downtown Community Plan area: Mixed Use Commercial (MUC), Mixed Use Residential (MUR), and the Cove Master Plan (CMP). These plan designations will be implemented with five new zoning districts including: Historic Downtown District (HD), Mixed Use Residential District (MUR), Mixed Use Commercial/Office District (MUC), Tourist Commercial District (TC), and Cove Master Plan District (CMP).

These new designations and zones envisioned for the plan study area provide for a mix of housing types and housing densities that are supportive of the transit system and downtown center. Higher densities are provided in the study area, including the new urban neighborhood in the north end of downtown and an opportunity for mixed use residential which promotes either parking or commercial uses on the ground floor and housing on the upper floors.

The proposal is consistent with the Housing Goal (Chapter C) of the Comprehensive Plan.

#### **CHAPTER D-COMMERCE AND INDUSTRY GOAL:**

*Maintain a healthy and diversified economic community for the supply of goods, services and employment opportunities.*

**Staff's finding:** Economic development is central to the Downtown Community Plan. This ideal is inherent in objectives 6 of 7 of the Downtown Community Plan, which were part of the fundamental rationale for the plan. Objective 6 of the Plan states "protect and strengthen the existing employment base while developing a diverse blend of new market wage jobs and services." Objective 7 states "Provide appropriate space for a full range of competitively priced essential goods and services within walking distance of all downtown residents and employees."



The proposal is consistent with the Natural Resources Goal (Chapter F) of the Comprehensive Plan.

#### **CHAPTER H-ENERGY CONSERVATION GOAL:**

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

**Staff's finding:** The proposed plan is consistent with this goal because it promotes a compact urban form which maximizes energy conservation through the implementation of a comprehensive transportation system and supportive zoning.

The plan provides recommendations for improvement for all modes of transportation including pedestrian, bicycle, transit, and vehicular. The downtown area will continue to be walkable under the proposed plan due to its small size and a connected system of streets and pathways.

As noted earlier the new zoning will provide for compact development, redevelopment, and multi-modal street networks to support a variety of housing types. The result would be a mix of housing types and housing that is supportive of the transit system and downtown area.

The implementation of these recommendations in conjunction with controlled, compact, and sequential growth will ultimately reduce reliance upon auto use and thereby reduce consumption of energy.

The proposal is consistent with the Energy Conservation Goal (Chapter H) of the Comprehensive Plan.

#### **CHAPTER J-PARKS AND RECREATION GOAL:**

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

**Staff's finding:** The Plan takes into consideration the need for new community parks, based on the community's vision for redevelopment. Four parks are identified in the plan and include Clackamette Park (existing), Clackamette Cove Park, North End Neighborhood Park, and the "park" portion of the river promenade between 5<sup>th</sup> and 14<sup>th</sup> Streets. Any new park will require consistency with the newly adopted Parks and Recreation Master Plan.

Large amounts of greenspace are provided within the study area. Open space is designated along the south side of Abernethy Road, Clackamette Cove area, Clackamette Park, and the waterfront. A continuous trail is envisioned starting from the Old Gladstone Bridge and continuing along the river frontages to 12<sup>th</sup> Street. The pedestrian connection that once linked the Carnegie Center with the Esplanade is also proposed to be restored to complete the link between the elevator and the Carnegie Center.

agencies including Metro and the Oregon Department of Transportation. Based on an extensive transportation study and an analysis of the community's economic pattern including opportunities and constraints, the Steering Committee was effectively able to evaluate three alternatives for the Downtown Community Plan.

This plan supports regional planning efforts by exceeding Metro targets for housing and jobs. Targets for the study area by the Metro Functional Plan requires 2,341 new jobs and 341 new housing units. The analysis of redevelopable properties in the study area exceed the targets by providing 437 new housing units and 3,121 jobs, of which 460 are new retail jobs and 2,661 are new non-retail jobs.

The proposal is consistent with the Plan Maintenance and Update Goal (Chapter O) of the Comprehensive Plan.

### **III. APPLICABLE STATEWIDE PLANNING GOALS AND POLICIES**

#### **GOAL 1-CITIZEN INVOLVEMENT**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Staff's finding:** Refer to staff's findings under Chapter B, Citizen Involvement Goal of the Oregon City Comprehensive Plan.

#### **GOAL 2-LAND USE PLANNING**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Staff's finding:** Goal 2 contains three parts. Part I outlines the required contents of plans and defines terms. "Plans" means all plans which guide land-use decision, including both comprehensive and single-purpose plans of cities and other jurisdictions. Part II provides criteria for granting "exceptions" to the state land use goals. Part III defines the guidelines portion of the state planning goals.

The Downtown Community Plan meets the content requirements for plans and recommends specific implementation measures, including changes in land use designations, zoning revisions, and design and construction of public and private developments. The Plan is based on factual information, citizen input, and evaluation of alternatives. An exception to state planning goals is not required to implement the Downtown Community Plan.

The proposal is consistent with the Land Use Planning Goals.

should be updated to be coordinated with the Downtown Community Plan. Jobs and housing opportunities are increased, so the plan makes more efficient use of existing infrastructure.

The proposal is consistent with the Public Facilities and Services Goal.

#### **GOAL 12-TRANSPORTATION**

*To provide and encourage a safe, convenient and economic transportation system.*

Staff's finding: Refer to staff's findings under Chapter L, Transportation Goal of the Oregon City Comprehensive Plan.

#### **GOAL 13-ENERGY CONSERVATION**

*To conserve energy.*

Staff's finding: Refer to staff's findings under Chapter H, Energy Conservation Goal of the Oregon City Comprehensive Plan.

#### **GOAL 15-WILLAMETTE RIVER GREENWAY**

*To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

Staff's finding: Refer to staff's findings under Chapter K, Willamette River Greenway Goal of the Oregon City Comprehensive Plan.

#### **CONCLUSION:**

Based on the analysis and findings as described above, staff conclude that the proposed adoption of the Oregon City Downtown Community Plan along with supporting policies is consistent with the Oregon City Comprehensive Plan and the Oregon Statewide Planning Goals. This proposal also satisfies the requirements for a legislative process as required by Oregon City Municipal Code, Section 17.50.170.

#### **REQUESTED ACTION:**

Staff request that the Planning Commission recommend adoption of the Oregon City Downtown Community Plan along with supporting policies to the Oregon City Comprehensive Plan, as shown in Exhibit 3, to the City Commission for their consideration on December 1, 1999.

# ***THE CITY OF OREGON CITY DOWNTOWN COMMUNITY PLAN***

--SUMMARY--  
OCTOBER 20, 1999

The Oregon City Downtown Community Plan process has been an exciting two-year community based project that has created a vision and strategies to improve the downtown and surrounding areas. The following is a summary of nearly two years of planning work.

## **HOW THE DOWNTOWN COMMUNITY PLAN EVOLVED**

The planning process began in the summer of 1997. By summer of 1998, the process was overseen by an 84-member Steering Committee comprised of members from the City Commission, Planning Commission, Historic Review Board, Neighborhood Association Chairs, the general public, and other government entities. The steering committee created an open, participatory process that included a broad array of community interests.

Guidance for the plan was developed and established by the Steering Committee in the form of 11 objectives. The objectives included saving the past, emphasizing pedestrian and transit services, reconnecting to the river, and restoring a vibrant, unique and attractive city center.

The first round of planning work consisted of background information collection and preparation including: the development of the public involvement process; goals and objectives; the establishment of a steering committee and affected property owners list. Most notably, the planning work resulted in a recommendation to realign McLoughlin Boulevard along the base of the bluff, thereby freeing up the waterfront for pedestrian activities. This phase of the project ended with the remand of the plan by the Planning Commission back to Staff for further review and development. The Planning Commission felt that the public involvement process needed to be more comprehensive.

The second phase of planning work began in July of 1998 and concluded in June of 1999. Background and other useful information gathered in the first round was refined and incorporated into the Oregon City Downtown Community Plan.

There were 10 public meetings within the 10-month project time frame for this portion of the planning work. These meetings included design workshops, open houses, and development and decision making meetings. Attendance ranged from 20 to 100 participants. The public meetings were advertised in one or more of the following publications: *The Oregonian*, *Oregon City News*, *Clackamas Review*, *Trail News*, or the *City Haller*. In addition, postcards were sent to the Steering Committee, a 91-person interested parties list, and to 430 property owners within the study area.

At the last public meeting on June 21, 1999, participants were encouraged to review copies of the draft Downtown Community Plan and provide written comments to staff.

**EXHIBIT**

**2**

The public involvement process is tentatively set to begin in January and February of 2000. Public hearings by the Planning Commission and City Commission are tentatively scheduled for April and May of 2000.

### **TENTATIVE SCHEDULE**

The following schedule identifies the preliminary completion schedule for milestones, grouped into major tasks.

#### **PHASE I**

- |   |         |
|---|---------|
| 1-Historic Review Board, Review and Recommendation  | 9/30/99 |
| 2-Planning Commission Public Hearing for the Downtown Community Plan as an ancillary document to the Comprehensive Plan (PZ 97-10)  | 11/8/99 |
| 3-City Commission Public Hearing to adopt the Downtown Community Plan as an ancillary document to the Comprehensive Plan (PZ 97-10) | 12/1/99 |

#### **PHASE II**

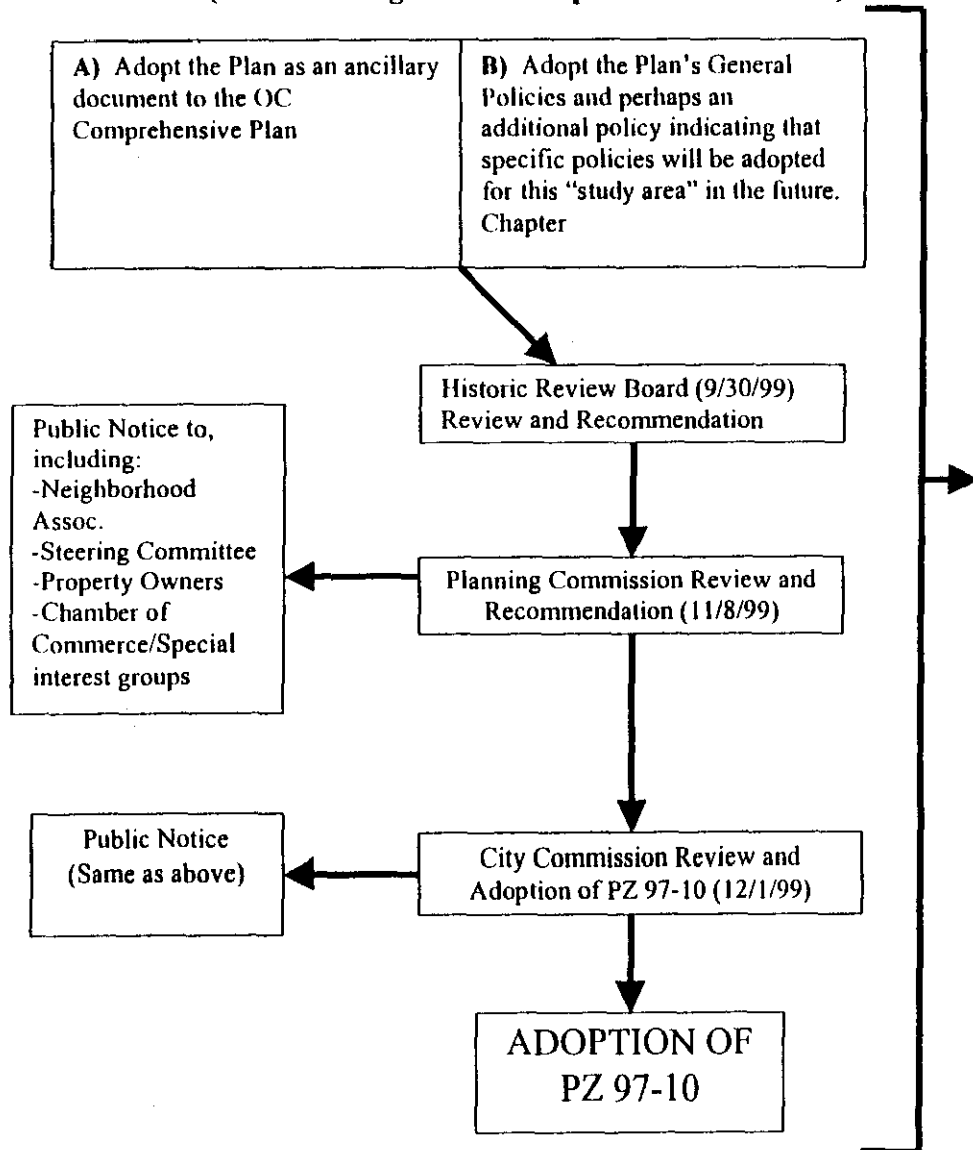
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|---|----------|
| 1- Development of a public involvement plan with affected organizations that includes reviewing the proposed amendments to the Zoning Code, specifically the nine land use districts. | 1/17/00* |
| 2- Planning Commission Public Hearing on Zone Change Amendments to OCMC (ZC 99-10)  | 2/22/00  |
| 3- City Commission Public Hearing on Zone Change Amendments to OCMC (ZC 99-10)  | 4/5/00   |

**For more information or to be added to the mailing list for the project, contact the Oregon City Planning Division at 657-0891.**

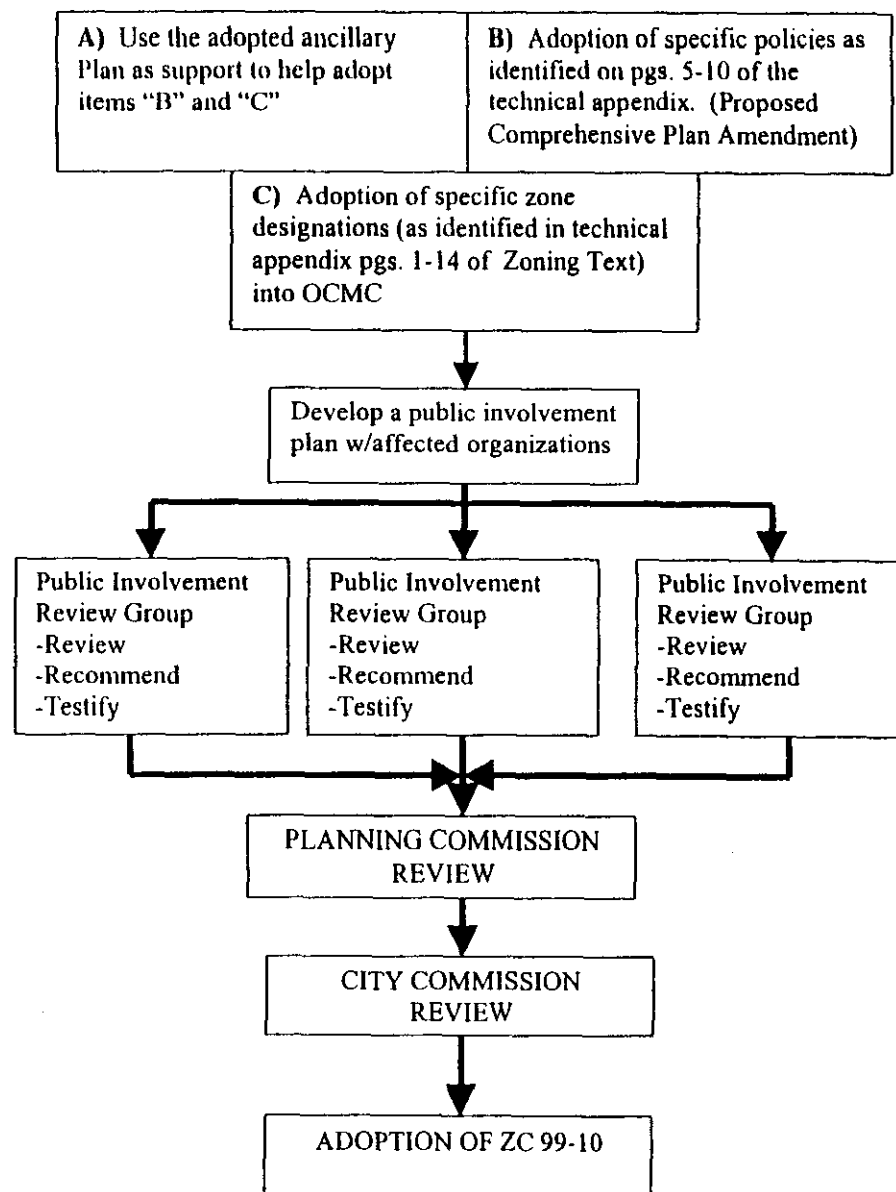
\*The meeting to discuss the public involvement process is scheduled for 1/17/00. Meeting dates may be rescheduled or extended based on progress. If meetings are extended, this will necessitate a rescheduling of the Planning Commission and City Commission public hearing dates.

# City of Oregon City Downtown Community Plan Implementation Program Planning Division

## PHASE I (PZ 97-10 Legislative adoption of "A" & "B")



## PHASE II (ZC 99-10 adoption of "B" & "C")

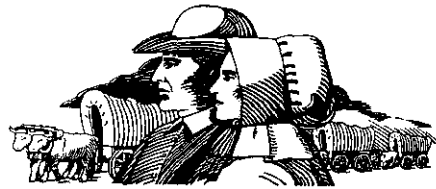


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



October 20, 1999

## SUMMARY

This summary includes a brief summary of the City Commission and Planning Commission joint work session on September 22, 1999, and identifies and responds to written comments received on or prior to October 29, 1999.

### SUMMARY OF CITY COMMISSION & PLANNING COMMISSION WORK SESSION, 9/22/99 (Exhibit 5a)

- 1) **“Future Study Area”-With the idea of the high speed rail station moving forward, how does that affect the zoning around the Washington, Abernethy, and Highway 213 area?**

**Staff's response:** No changes in Comprehensive Plan or zoning designations are recommended at this time because of specific development, transportation, and flooding studies that are being developed for this area. Any changes in this area would be premature and the Steering Committee did not want to limit the potential for the site.

- 2) **What are the costs of improvements on McLoughlin Boulevard?**

**Staff's response:** A preliminary cost estimate was provided on page 30 of the Downtown Community Plan.

McLoughlin Roadway Improvements-\$3.3 million

McLoughlin Beautification\$3.7 million

Total \$7.0 million

- 3) **Consideration should be given to incorporating the 7<sup>th</sup> Street Corridor Plan into the development of the 7<sup>th</sup> Street area.**

**Staff's response:** Because the 7<sup>th</sup> Street Corridor Plan was never adopted, it is not referred to in the Downtown Community Plan draft. Review of the 7<sup>th</sup> Street Corridor Plan can be done in Phase II of this project.

- 4) **Why does there appear to be “spot zoning” at the corner of Abernethy Road and John Adams Street, and around the 7<sup>th</sup> Street corridor?**

**Staff's response:** The existing City zonings were left on those properties because the existing zoning is consistent with the vision of the Plan for that area.

**EXHIBIT**

**5**

Page 1

public involvement process in that the proposed Historic Overlay Zone was never formally discussed or voted upon by the members of the Steering Committee. Staff recommends that the consideration of the Historic Overlay district be in conjunction with Phase II of the implementation process where there will be a greater opportunity for the public and others affected by this proposal to provide comments.

**4) Dan Baldwin, Tosco Marketing Company (Exhibit 5e)**

Mr. Baldwin works for the company that owns the property located at 202 5<sup>th</sup> Street in the downtown area. The subject property abuts the Smurfit paper company to the north. The property is currently zoned M-2, Heavy Industrial and the site of a closed gas station, currently in use by the Sassy Cab Company for its day to day business. The Downtown Community Plan does not propose to change the Comprehensive Plan designation of I, Industrial, nor does it propose a change in zone from M-2, Heavy Industrial.

Mr. Baldwin requests that the Planning Commission consider applying a Comprehensive Plan designation and zoning that would result in the ability of the property to operate a commercial business venture. In order for that to occur, the Planning Commission would need to recommend changing the Comprehensive Plan Designation to "MUC", Mixed Use Commercial and zoning designation of "HD", Historic Downtown District.

**Staff's Response:** Staff makes a similar recommendation, as it did for the request by the Historic Review Board. The possible adoption of a new Comprehensive Plan designation and zoning for the subject property at this point in the process would jeopardize the integrity of the public involvement process in that the proposal was never formally discussed or voted upon by the members of the Steering Committee. Staff recommends that this consideration be in conjunction with Phase II of the implementation process where there will be a greater opportunity for the public and others affected by this proposal to provide comments.

**5) Mike Burton, Metro (Exhibit 5f)**

Mr. Burton expressed support for the adoption of the Downtown Community Plan.

**6) Lidwien Rahman, Oregon Department of Transportation (Exhibit 5g)**

Ms. Rahman expressed support for the adoption of the Downtown Community Plan. She also indicated that there were questions regarding some of the recommended circulation and operational improvements and their potential effect on a few state highways, but was satisfied that those questions could be answered during the design and implementation of those recommendations.





# CLACKAMAS COUNTY

REC'D JUN 10 1999

Board of Commissioners

June 8, 1999

Mayor John Williams  
City of Oregon City  
320 Warner-Milne Rd.  
Oregon City, OR 97045

BILL KENNEMER  
CHAIR

LARRY SOWA  
COMMISSIONER

MICHAEL JORDAN  
COMMISSIONER

Dear Mayor Williams:

I would like to express Clackamas County's concern regarding the designation of our property on Abemethy Road as Open Space in the draft Downtown Community Plan.

While the County is very supportive of providing Open Space, we are concerned that such a designation on the entire parcel will hinder our efforts to sell the site and generate funds to help re-locate our Road Maintenance Facilities out of this flood prone area. We believe that the setback requirements from Abernethy Creek will provide sufficient open space in the areas adjacent to the creek yet allow other uses for the remainder of the property.

As you are aware, there may be a private developer interested in the area for a use that would be compatible with those setback requirements. In addition, it appears that the use in that area would be a low intensity use, possibly for parking, that would keep structures out of the flood plain.

I hope that the City will review this proposed change and alter it in a way that accomplishes both the goals of the City and the County.

Sincerely,

A handwritten signature in dark ink, appearing to be "Bill Kennemer".

Bill Kennemer, Chair  
Clackamas County Board of Commissioners

cc: Chris Jordan, Interim City Manager  
Brian Cosgrove, Interim Community Development Director  
Joe Dills, OTAK ✓  
Tom VanderZanden, Department of Transportation and Development

EXHIBIT

5b

October 7, 1999

Mr. Sidaro Sin, Associate Planner  
City of Oregon City  
P.O. Box 351  
Oregon City, Oregon 97045

1999 OCT -8 PM 3:31  
CITY OF OREGON CITY  
RECEIVED

Dear Sid:

The members of the City's Historic Review Board wish to express our sincere appreciation to you and Mr. Dills for your excellent presentation during the City's Historic Review Board meeting on September 30th; and we appreciate your providing us an opportunity to add our comments to the public record on the merits of the **Oregon City Downtown Community Plan**.

Overall, the Board is quite pleased with the final draft of the **Oregon City Downtown Community Plan** and we endorse the concept wholeheartedly. We would, however, like to make a few comments as to why it is important that the City adopt the recommendations contained within the Plan, and to offer an additional suggestion as to how the proposal might be further refined to better serve the interests of the community.

1. **The Plan provides a framework for development within the Downtown.** For years now almost all new development within the City's boundaries has taken place up on the hill. As a result, there has been a mass exodus out of the downtown into the suburbs. Because there is no master plan for the Downtown Central Business District any businesses that move in, or any new construction that takes place, results in a patchwork of seemingly disparate, unconnected ventures with no unifying theme or focus. The recommendations contained within the **Oregon City Downtown Community Plan** address the quandary of the Downtown's uncertain future by proposing a number of innovative steps which will help revitalize the Downtown—including well-defined guidelines for both renovations and new construction.

2. **The Plan underscores the importance of historic preservation to Oregon City's future.** A community's history lives on in its historic places. While Oregon City has no Independence Hall or Jefferson Memorial, it is home to a number of historic buildings that reflect the City's prominent role in the settlement of the West. We are all familiar with historic homes such as the McLoughlin House and the Rose Farm; however, there are a number of historic commercial buildings located within a six block area of the downtown that are important symbols of our City's history. Some of these structures, such as the Petzold and McCald buildings, are easily identifiable because of recent renovations. Others are noteworthy because of their association with prominent individuals who helped shape the history of Oregon City and, in some instances, the state. Still others are jewels in the rough, their facades covered up by earlier attempts at modernization or allowed to deteriorate through years of neglect. Together, these historical structures constitute an impressive record of Oregon City's development from the mid-19th century up to the present day.

Early on in the planning process, steering committee members realized that there was no need to reinvent the wheel when it came time to define a unifying theme for the Downtown. Oregon City is well-known for its unique history and rich cultural heritage; and the city's historic commercial buildings symbolize the City's prominent role in this regard. The importance of preserving these historic buildings is reflected in two major goals of the Downtown Community Plan: "saving the past" and "building upon existing assets."

3. **The Plan calls for zoning changes that will attract both business and residents while still retaining the City's history.** Preservationists frequently speak of "adaptive reuse," a term that refers to giving a building new life by altering its function from the original purpose. When combined with historic preservation principles, downtown revitalization not only preserves historic

EXHIBIT

5d

other forms of capital to help finance rehabilitation projects. Some local governments encourage property rehabilitations through participation in grant programs, facade easements, loan-guarantee programs, or low-interest loan programs.

A historic overlay zone will also enable property owners to take full advantage of the numerous financial incentives available to them should they choose to rehabilitate their historic properties. The Federal government encourages the preservation of historic buildings through various programs (e.g., most of us are aware that owners of properties listed in the National Register of Historic Places enjoy significant tax advantages). Yet there are also other federally-funded programs that benefit historic property owners. One such program provides Federal tax incentives to support the rehabilitation of historic and older buildings. The Federal Historic Preservation Tax Incentives program rewards private investment in rehabilitating historic properties such as offices, rental housing and retail stores. Administered through the National Park Service in partnership with the Internal Revenue Service and the State Historic Preservation Office, the program provides tax incentives that have spurred the rehabilitation of historic structures, attracted new investments, generated jobs, enhanced property values, and generated revenues for state and local governments. Major features of the Federal Historic Preservation Tax Incentives Program include a 20% tax *credit* for the rehabilitation of certified historic structures, and a 10% tax *credit* for the rehabilitation of non-historic, non-residential buildings built before 1936. However, in order for property owners to take advantage of this and several other federal programs their property must lie within a certified *historic district*.

The designation of the Historic Downtown as a historic district is not a particularly onerous task because much, if not most, of the language required to establish a historic overlay zone is already contained within the **Oregon City Downtown Community Plan**. The boundaries of the proposed historic district would mirror those presented in the "Historic Downtown District" section of the plan. Design review would be mandatory within the historic district. Design guidelines for renovation and new construction are presented on pages 5-7 of the ancillary document, **Part II—Technical Appendix**, under the heading "Specific Policies—Historic Downtown (Historic Downtown District)" and under the heading "Design Guidelines and Standards—Historic Downtown District," pages 1-7. Establishment of the historic district would require an amendment to the City's Comprehensive Plan; however, this could be accomplished at the same time the City Commission adopts the **Oregon City Downtown Community Plan**, if it chooses to do so.

In closing, the Board wishes to reiterate its enthusiasm for the direction taken in the **Oregon City Downtown Community Plan** and underscore our belief in the document as a blueprint for returning the Downtown to its rightful place as the focus of this community. We also hope that you will consider our suggestion to create a historic district within the Historic Downtown and view this proposal as a worthwhile addendum that will further refine and enhance an already impressive document. Again, thank you for this opportunity to respond.

For the Historic Review Board,

A handwritten signature in black ink, appearing to read "Stephen P. Poyser". The signature is fluid and cursive, with the first name "Stephen" being the most prominent part.

Stephen P. Poyser, Chair



METRO

October 28, 1999

The Honorable John F. Williams, Jr.  
Mayor, City of Oregon City  
Box 351  
Oregon City, OR 97045

Re: Downtown Community Plan

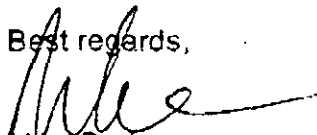
Dear Mayor Williams 

Thank you for the opportunity to comment on the Oregon City Downtown Community Plan. The plan will be the framework for a pedestrian friendly and economically robust downtown celebrating Oregon City's historic past and promoting positive change for the future. I understand that the City will be adopting the plan as an ancillary document to your Comprehensive Plan.

Centers are a key element of the 2040 Growth Concept. Oregon City's plan has addressed the Concept's land use and transportation expectations for the area. Further, accommodating much of the anticipated population growth in mixed-use areas, such as Oregon City's downtown, will reduce the impact of growth on existing neighborhoods.

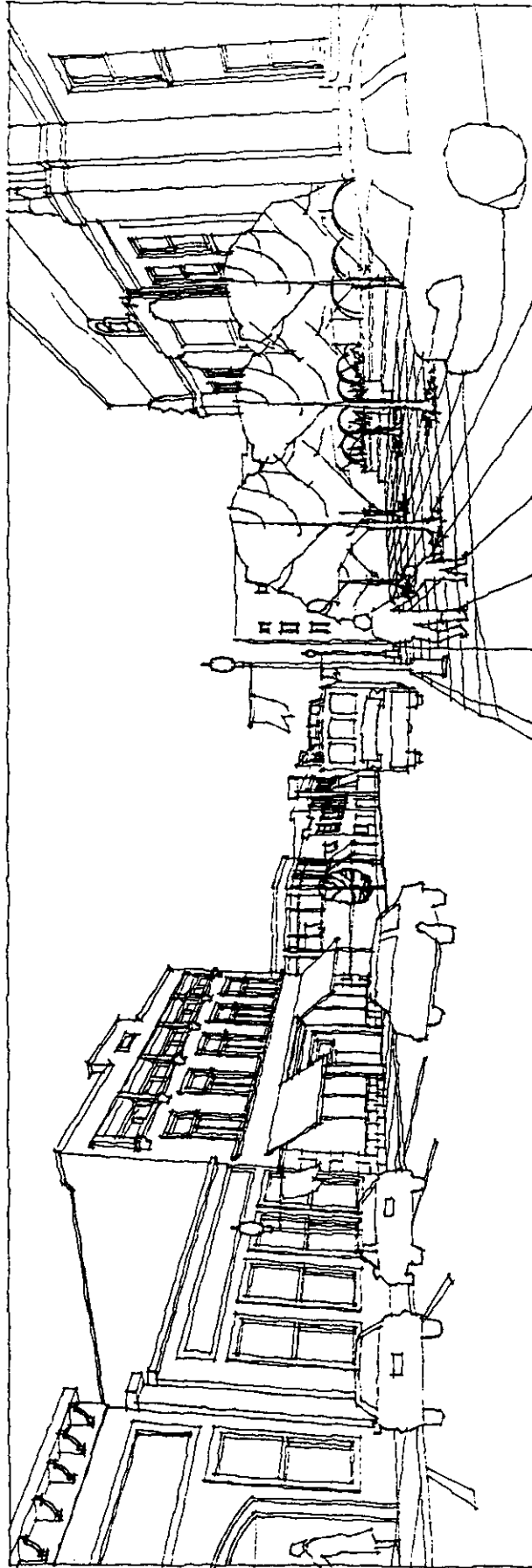
I congratulate Oregon City for successfully undertaking this complex task. Thank you for including us in the planning process. We look forward to continuing to work with the City to achieve our common goals. Please enter this letter into the record of the hearing on this matter.

Best regards,

  
Mike Burton  
Executive Officer

# Oregon City Downtown Community Plan

## Part I



**EXHIBIT**

3

Final Report



August 6, 1999

## Participants

### *Steering Committee*

Mayor John F. Williams, Jr. — City Commission  
Daniel W. Holladay — City Commission  
Edward Allick — City Commission  
Douglas L. Neeley — City Commission  
Jack F. Lynch Jr. — City Commission  
Jeffrey Wherley — Historic Review Board  
Dirk Ellis — Historic Review Board  
Steven Poyser — Historic Review Board  
Todd Iselin — Historic Review Board  
Claire Met — Historic Review Board  
Matthew Mattsson — Planning Commission  
Kenly Bagent — Planning Commission  
Lawrence Vergun — Planning Commission  
Nan Olson — Planning Commission  
Laura Surratt — Planning Commission  
Pat Vernon — Planning Commission  
Gary Hewitt — Planning Commission  
Dan Fowler  
Tim Powell  
Lidwein Rahman — ODOT TGM Coordinator  
Dave Lanning — ODOT Rail Unit  
Bob Krebs — ODOT Rail Unit  
Brenda Bernards — Metro  
Bill Barber — Metro  
Thomas Picco — ODOT  
Karla Keller — ODOT  
Don Vedder — Real Estate Broker  
Dave Zimmer — Mercury Development  
Steve Berg — Mercury Development  
Michael Fisher — Tri-Met  
David Porter — Oregon Trail Foundation  
Pamela Hayden — Clackamas Co. DTD

Rod Sandoz — Clackamas Co. DTD  
Larry Sowa  
Michael J. Jordan  
Bill Kennemer  
Deloris Joli  
Barry Rotrock  
Paul Trahan — Thayer NA  
Meg Fernekees — DLCD  
Ray Babb — John Scott Real Estate  
Rick Whitmer  
John Trumbull  
Sylvia Kraljev  
Shelia Wiitmen  
Mitch Young  
Tom Busch Jr.  
George Kosboth  
Dawn Peterson  
Glenn Butler  
Covington Vego  
Frank Clinton — Thomason Subaru  
Jerry Hopp  
Curtis Graf — Willamette Falls Hospital  
James Bean  
Randy Rutherford  
Todd Iselin  
Dave Hunt — Congresswoman Hooley's Office  
Dave Adelhart  
Larry Jacobson — Barclay Hills NA  
Ken Dauble  
Howard Post — Canemah NA  
Lee Spurgeon — Falls View NA  
Bill Daniels  
Kevin Cayson  
Julie Hollister

# Table of Contents

<b>Summary .....</b>	<b>1</b>	<b>Parking .....</b>	<b>32</b>
A Plan to Enhance the Historical Heart of Oregon City .....	1	Summary .....	32
<b>Introduction .....</b>	<b>3</b>	Parking Structure Locations .....	33
Purpose .....	3	<b>Public Amenities .....</b>	<b>36</b>
Planning Area .....	3	Overview .....	36
Overview of the Process .....	3	Parks, Open Space, and Focal Points .....	37
Next Steps .....	3	The Willamette Waterfront .....	37
Project Objectives .....	4	<b>Implementation .....</b>	<b>39</b>
<b>A Plan for Change .....</b>	<b>9</b>	Comprehensive Plan .....	39
The Downtown Community Plan Overview .....	9	Comprehensive Plan Map .....	40
<b>Land Use .....</b>	<b>11</b>	Zoning Districts .....	42
Overview .....	11	Zoning Map .....	43
Historic Downtown District .....	12	Design Guidelines .....	45
Mixed Use Commercial/Office District .....	13	Design Guidelines and Standards — Generally .....	46
Mixed Use Residential Neighborhood .....	14		
Clackamette Cove .....	15		
Mixed Use Conditional Residential .....	16		
Tourist Commercial District .....	17		
Open Space .....	18		
Limited Office Conditional .....	19		
Limited Commercial District .....	20		
<b>Transportation .....</b>	<b>21</b>		
Overview .....	21		
Summary .....	22		
Transportation Analysis .....	22		
Transportation Networks .....	23		

## *A Plan to Enhance the Historical Heart of Oregon City*

The Oregon City Downtown Community Plan is a first step in enhancing the historical heart of Oregon City. The vision describes a community that celebrates Oregon City's historic past while promoting a positive change for the future. The plan emphasizes the creation of pedestrian-friendly places, varied mixed use developments, new open space and civic amenities. It also strives to reestablish Oregon City's historical prominence by protecting and strengthening historic themes and features unique to Oregon City. Above all, the plan is a step toward a preferred future that has been identified by the residents of Oregon City.

Highlights of the plan include:

- Updated zoning and development standards to enhance the Historic Downtown Core
- Historic design guidelines to protect and enhance Oregon City's unique architecture
- A new Mixed Use Residential district to create an urban neighborhood in the North End
- New tourist commercial areas adjacent to the End of the Oregon Trail facility
- A Clackamette Cove Master Plan District that will create a mix of public open space, natural resource protection, and residential and employment uses

- Mixed use opportunities for all plan districts in the study area
- Recommendations to enhance McLoughlin Boulevard and create a riverfront promenade
- A detailed transportation analysis, with recommendations for automobile, pedestrian, bicycle, and transit improvements
- A new connection of 12th Street to McLoughlin Boulevard
- A complete pedestrian trail extending from the Clackamette Cove to the Historic Downtown, including a boardwalk overlooking the river
- Parking strategies
- Design guidelines to promote pedestrian-friendly development
- Draft comprehensive plan and zoning text and maps to implement the recommendations



New Plaza in Front of the Courthouse



## *Purpose*

The purpose of the Oregon City Downtown Community Plan is twofold:

- Update the comprehensive plan and zoning code (which was last updated in 1982)
- Establish a vision and implementing strategies for positive growth and improvement of the area

## *Planning Area*

The planning area for the Oregon City Downtown Community Plan includes areas below the bluff and along the banks of the Willamette and Clackamas Rivers from the Willamette Falls to Gladstone. The planning area also includes areas above the bluff along the 7th Street corridor, and areas north of Abernethy Creek extending towards Highway 213 and Interstate 205. The area has been divided into six districts – the Historic Downtown District, the North End District, the Cove area, the End of the Oregon Trail District, the McLoughlin Commercial Corridor and the McLoughlin Neighborhood/7th Street corridor district. The total study area is approximately 763 acres.

## *Overview of the Process*

The planning process was overseen by an 84-member Steering Committee. The large size of the committee was intended to create an open, participatory process that included a broad array of community interests. Meetings and workshops were conducted in “town hall” style. The major steps of process were as follows:

**Goals and Objectives** — Eleven project objectives were refined and prioritized.

**Design Workshops** — Two design workshops developed three plan alternatives. Over 120 people attended these workshops.

**Evaluation of Alternatives** — Three alternatives for the alignment of McLoughlin Boulevard were evaluated, resulting in a decision to retain the existing alignment, beautify the street and develop a boardwalk on the Willamette River side of the street.

**Implementation Workshops** — Workshops were held to review preliminary recommendations for parking and circulation, design standards, comprehensive plan designations and policies, and implementing zoning. The Steering Committee met jointly with the Historic Review Board and Planning Commission.

**Review of the Draft Plan** — The process concluded with a final Steering Committee meeting and comment period on the draft plan.

## *Next Steps*

This report is the start for the update of the comprehensive plan and zoning code for the City of Oregon City. The recommended steps include:

- Review and endorsement of the recommendations in this report by the Historic Review Board, Planning Commission, and City Commission.
- Preparation and adoption of final zoning code and comprehensive plan amendments.

**Objective 4: Identify Catalyst Projects.** Establish a program and process for success by identifying key projects and actions that will spur growth throughout the downtown.

**Objective 5: Emphasize Pedestrian and Transit Services.** Develop a setting that is conducive to walking, bicycling and transit while providing accessibility to regional automobile and freight networks.



Clackamette Cove — a new public use area

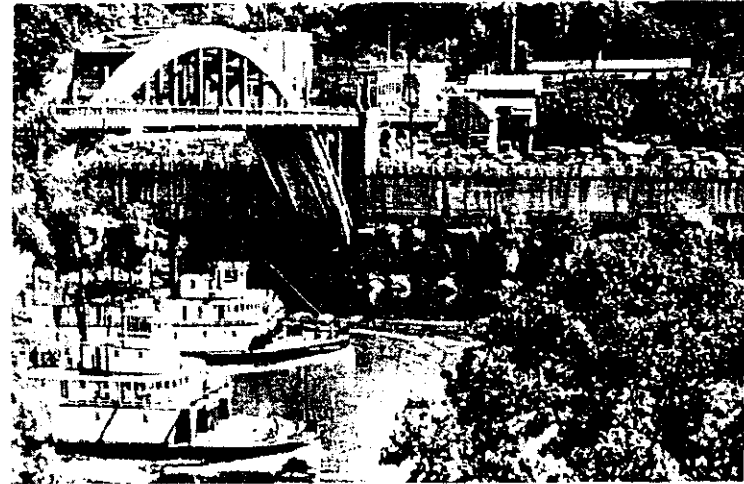


Main Street — pedestrian improvements

**Objective 8: Meet Community and Regional Goals and Expectations.** Set a high standard for quality and livability that will become a benchmark that other downtowns will be measured against.

**Objective 9: Reconnect to the River.** Provide safe access to and use of the rivers and waterways.

**Objective 10: Restore a Vibrant, Unique and Attractive City Center.** Develop regional attractions that together form a lively and vibrant cultural and social hub.



Riverfront Activity— steamboat races, 1936

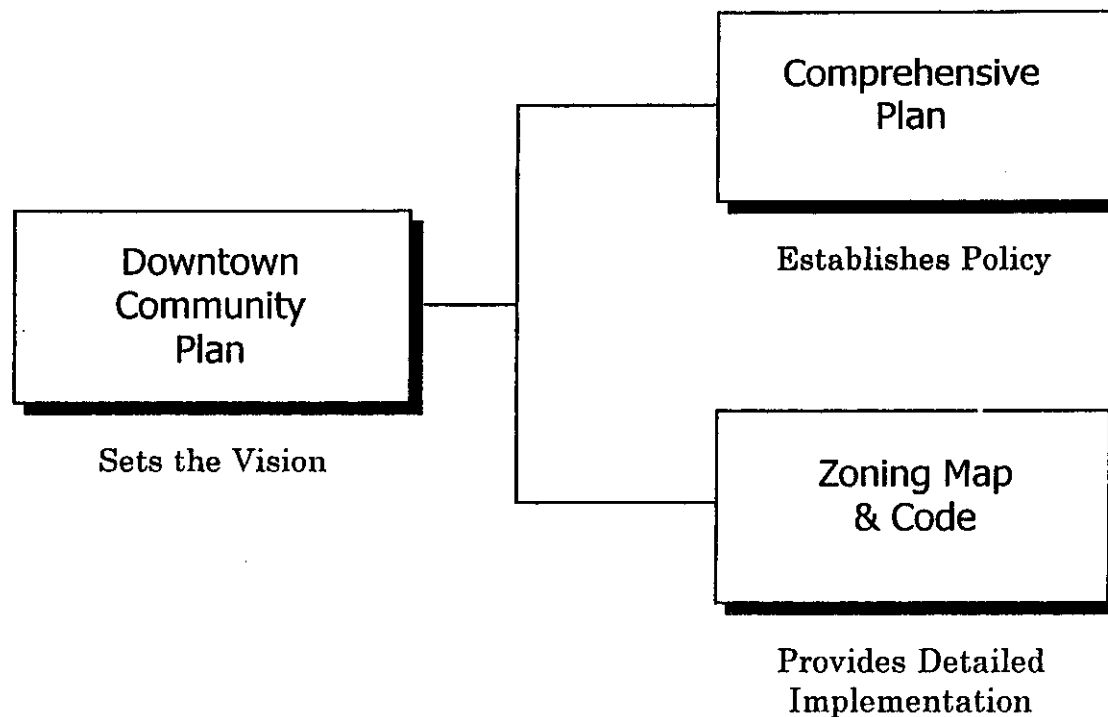


Social gathering place

### *The Downtown Community Plan Overview*

The Downtown Community Plan is the overall vision for the downtown districts and neighborhoods. Originally called the "Framework Plan", it was developed by the project steering committee as the basis for the regulating comprehensive plan and zoning recommendations.

It describes a community that celebrates the City's historic past while adding diverse uses that will reinforce and enrich Oregon City. The plan creates a community of distinct yet interrelated neighborhoods, new open space and civic uses. The plan also provides opportunities for more residents, visitors and employees and creates areas for new commercial uses. Furthermore, the plan ensures continued protection and enhancement of the Historic Downtown by establishing preservation policies and historic design guidelines.



## Overview

The Land Use Plan is organized around nine districts. The districts are:

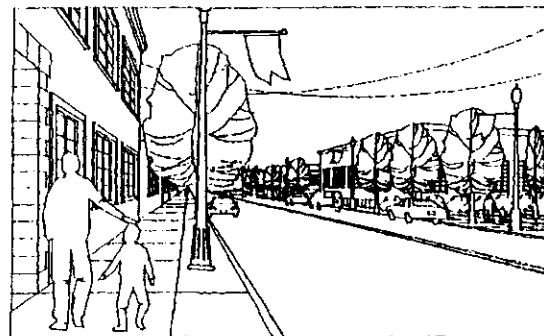
- Historic Downtown
- Mixed Use Commercial/Office
- Mixed Use Residential
- Clackamette Cove Master Plan
- McLoughlin Conditional Residential
- Tourist Commercial
- Open Space/Recreation
- Limited Office Conditional
- Limited Commercial

The Land Use Plan sets the stage for...

Mixed use opportunities...



...places for people



...linking land use with transportation.





### **Mixed-Use Commercial/Office District**

The Mixed Use Commercial/Office District encompasses properties that are oriented to McLoughlin Boulevard. A range of commercial, office, and residential uses are envisioned for this area. Parking will be provided on site and in structures. Boulevard enhancements will improve the visual character of McLoughlin Boulevard, and provide a link to the waterfront and adjacent districts.

The Oregon City Shopping Center, envisioned as a mixed use center, is intended to redevelop, intensify, and transition towards a more pedestrian oriented center that is connected with Clackamette Cove. One- to three-story buildings are envisioned, which will contain a mix of retail, office and senior housing.

***Proposed Plan District:*** Mixed Use Commercial (MUC)

***Proposed Zoning:*** Mixed Use Commercial/Office (MUC)

***Proposed Transportation Improvements:***

- 14th Street/McLoughlin Blvd. intersection improvements
- 13th Street/McLoughlin Blvd. intersection improvements
- 12th Street connection to McLoughlin Boulevard
- McLoughlin Blvd. pedestrian and bicycle improvements
- Main Street/14th Street improvements
- Washington St. pedestrian, bicycle and transit improvements
- I-205 southbound on-ramp improvements

***McLoughlin Boulevard Enhancements:***

- Pedestrian crossings
- Street furniture
- Wider sidewalks
- River viewpoints
- Decorative, see-through railings



### Clackamette Cove Area

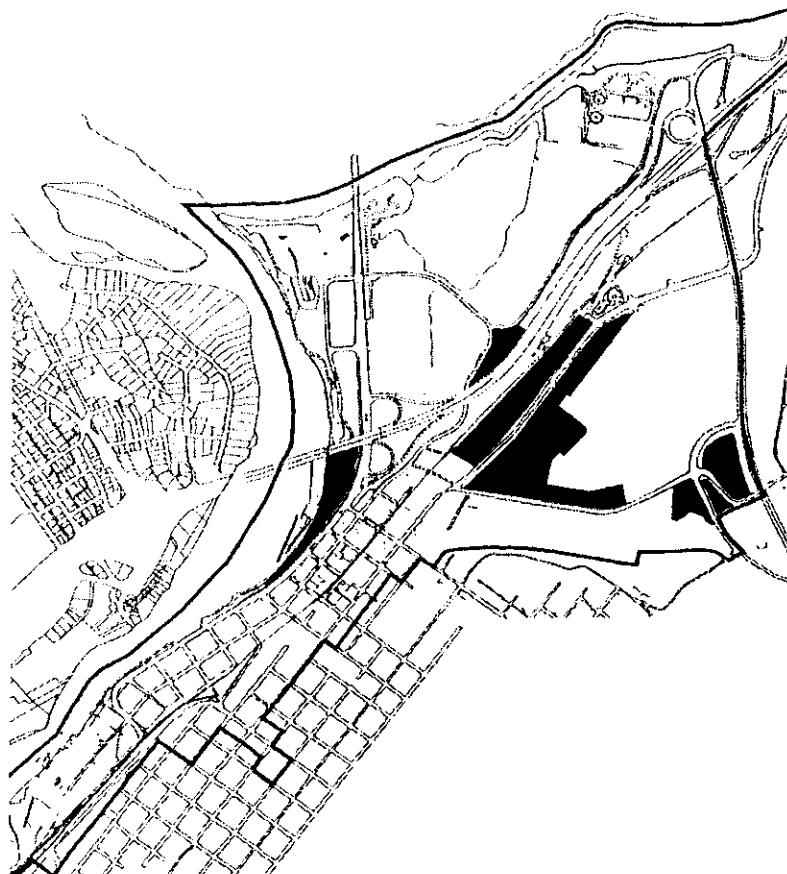
Clackamette Cove is currently an underutilized and inaccessible area within the study boundary. The plan envisions a variety of public recreation and access to the entire waterfront, natural resource protection, and a mix of residential, commercial and offices uses. Buffers will be provided to the existing and potentially expanded sewerage treatment plant. The proposed zoning is based on a master plan review process, where proposed master plans must demonstrate consistency with the public policy objectives, uses, and resource protection requirements that are described in the plan and code. This is intended as a public review process that ensures fulfillment and protection of the public goals, while providing flexibility for the specific master plan.

***Proposed Plan District:*** Cove Master Plan (CMP)

***Proposed Zoning:*** Cove Master Plan (CMP)

***Proposed Transportation Improvements:***

- McLoughlin Boulevard pedestrian, bicycle, and transit improvements
- Clackamette Cove pedestrian improvements



### **Tourist Commercial District**

The Mixed Use Tourist Commercial District is mainly located at the End of the Oregon Trail facility, along the north side of Abernethy Road and the intersection of Abernethy Road and Redland Road. The district is intended to provide supporting commercial uses for the End of the Trail area, along with supplying some office space. The established range of uses in the existing Tourist Commercial district has not changed with the exception of adding office uses to the list of permitted uses.

New construction in the End of the Oregon Trail District will be guided by the End of the Oregon Trail Master Plan.

***Proposed Plan District:*** Mixed Use Commercial (MUC)

***Proposed Zoning:*** Tourist Commercial (TC)

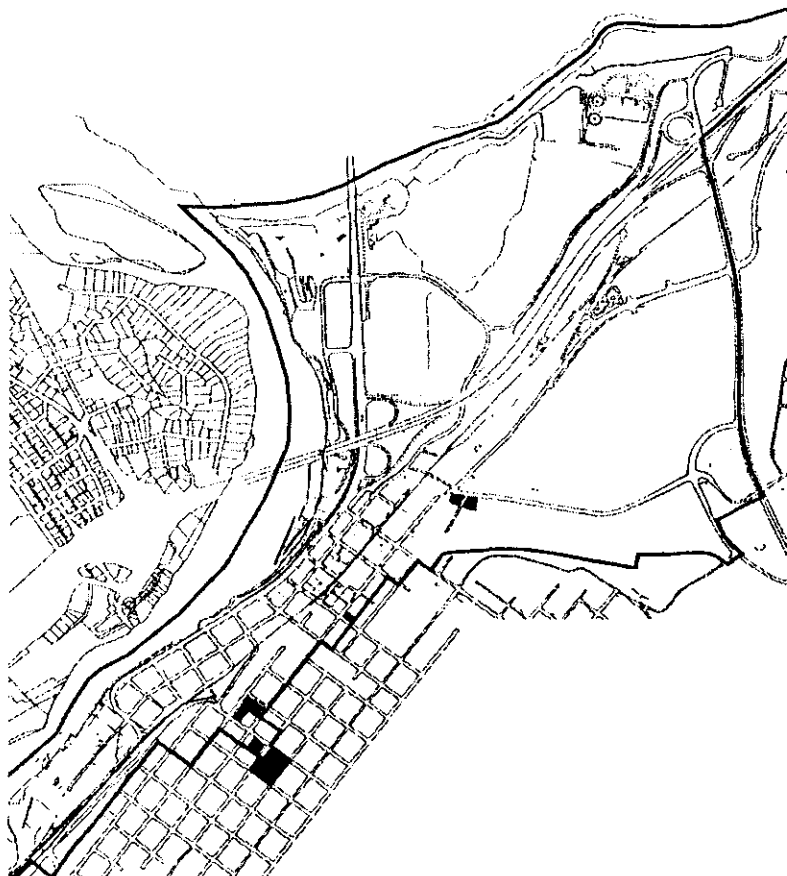
***Proposed Transportation Improvements:***

- McLoughlin Boulevard/14th Street improvements
- McLoughlin Boulevard/13th Street improvements
- McLoughlin Boulevard/12th Street improvements
- McLoughlin Boulevard pedestrian, bicycle, and transit improvements
- Washington Street/Abernethy Road intersection improvements
- Washington Street pedestrian, bicycle, and transit improvements

***McLoughlin Boulevard Enhancements:***

- Pedestrian crossings
- Street furniture
- Wider sidewalks
- River viewpoints
- Decorative, see-through railings





### **Limited Office Conditional**

This area retains the Limited Office Conditional designation. It encompasses a small area near the 7th Street Corridor and by the End of the Trail facility on Abernethy Road. The district is established to recognize existing limited office uses. The established list of uses permitted in the Limited Office Conditional designation remains unchanged.

***Proposed Plan District:*** Mixed Use Commercial (MUC)

***Proposed Zoning:*** Limited Office Conditional (LOC) (existing zoning)

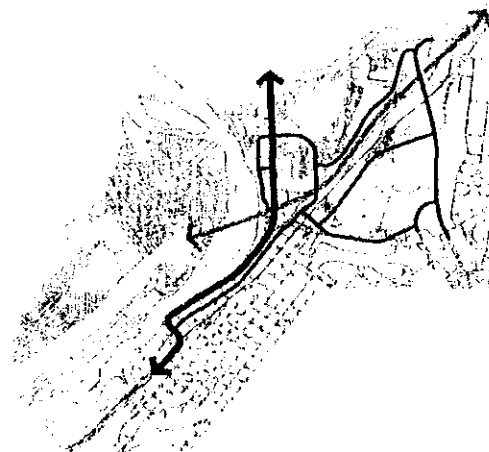
***Proposed Transportation Improvements:***

- Washington Street/Abernethy Road intersection improvements

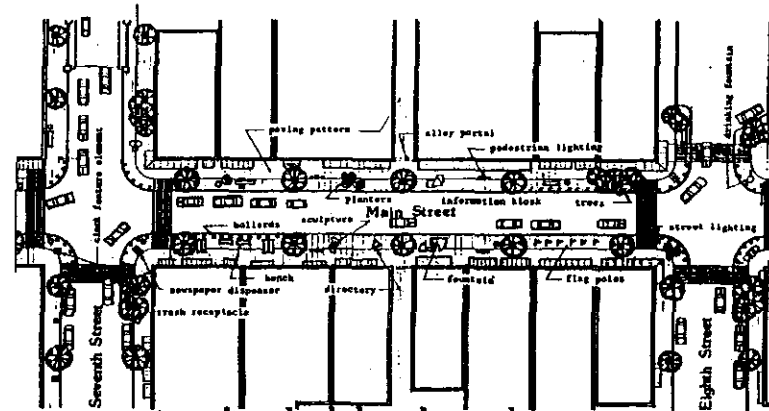
## Overview

The transportation plan anticipates:

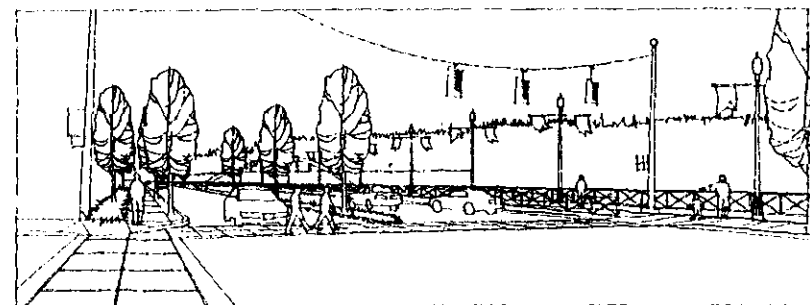
a hierarchy of connected streets...



pedestrian and bicycle facilities...



and the enhancement of McLoughlin Boulevard.



**Table 1**  
**Vehicle Trip Generation Comparison**

<i>Generator</i>	<i>Current Comprehensive Plan</i>	<i>Oregon City Downtown Community Plan</i>
Households	587	950
Retail Jobs	1,780	2,419
Non-Retail Jobs	1,631	2,593
<b>Total</b>	<b>3,958</b>	<b>5,962</b>

The Downtown Community Plan results in an approximately 51 percent increase in total vehicle trips generated, as compared with the current Comprehensive Plan.

### *Transportation Networks*

The elements contained in the proposed transportation system are presented first in this section, followed by a discussion of mode split results.

#### **Transportation Network Elements**

##### *Transit System*

The transit system that has been assumed in the modeling for this project does not include light rail transit (LRT). The type of transit service that Tri-Met envisions for this area in the

*Transit Choices for Livability* study (exclusive of LRT), is what has been assumed in Metro's travel demand model. A review and evaluation of the proposed transit improvements included in the *Transit Choices for Livability* study confirmed the appropriateness of the modeled transit service and the reasonableness of the resulting transit mode share.

Current transit service to the study area has been deemed adequate by Tri-Met, with no transit lines operating near or at capacity. A transit center exists in downtown Oregon City, on the block bounded by Main Street, 10th Street, Moss Avenue, and McLoughlin Boulevard. In addition to the transit service provided by Tri-Met, a trolley service is provided by the City and operates as a "fareless square" along the Main Street corridor.

### ***Pedestrian System***

The pedestrian system is nearly complete in much of the study area. The few missing links that exist do not measurably inhibit pedestrian movements. There are two reasons for this lack of impact to pedestrian movements. First, the missing links are located in areas that are not considered to be "pedestrian generators". Secondly, the grid network of sidewalks that exists in the area is almost complete such that if a sidewalk link is missing, a nearby alternative is likely available.

The area that has virtually no pedestrian facilities is located in the Oregon City Shopping Center/Clackamette Cove area. This area is isolated from the remainder of the study area; separated by physical features such as the I-205 Freeway, the Clackamas River, McLoughlin Boulevard, and the Willamette River. As development/redevelopment occurs in this area, an improved pedestrian system will likely increase the pedestrian demand. However, it is unlikely that significant increases in pedestrian travel can be expected between this isolated area and the remainder of the study area. This is due to the above described barriers that will remain and the sheer distance that must be overcome in crossing those barriers.

The pedestrian facilities associated with the McLoughlin Boulevard corridor can be described as marginal. There are existing discontinuities and inconsistencies in treatments that exacerbate major pedestrian environment deficiencies of high volume, higher speed, and heavy vehicle traffic. Improvements to the pedestrian facilities along this corridor are necessary to provide a reasonable opportunity for increased pedestrian activity and attractive connections to the riverfront.

### ***Bicycle System***

The bicycle system within the study area is almost entirely dependent on shared roadway facilities. The only facilities within the study area that provide on-street striped bicycle lanes are Abernethy Road and Highway 213. There are segments of bicycle paths that exist in the Clackamette Park area; however, it is not a complete pathway and relies on connections via shared roadway facilities. The only facility in the study area where bicycling might be considered unsafe due to speed and volume of vehicle traffic is the shared roadway facility associated with McLoughlin Boulevard. Speeds and traffic volumes on all other local, collector, and arterial streets in the study area are such that shared facilities would be considered safe and adequate.

Safe bicycle facilities are necessary along the McLoughlin Boulevard corridor to serve longer distance bicycle travel through the area and provide adequate access between sub-areas of the study area. On-street striped bike lanes on the Washington Street corridor is the only other bicycle improvement identified as necessary to support the plan concept. Therefore, these two major bicycle facility improvements were assumed to exist, as a part of the vehicle travel demand forecast.

## Mode Split Results

Densities and intensities of use projected to occur under the Downtown Community Plan, through the 20-year demand model horizon, effect a measurable change in non-auto mode share. Present density and activity levels in the Oregon City area result in a combined (transit/pedestrian/bicycle) mode share of approximately seven percent, for all trips. It was assumed that through implementation of the plan, the combined non-auto mode share for all trips would increase to approximately 15 percent.

This more than doubling of non-auto mode share is directly attributable to the development of land uses that are more interdependent (i.e., mixed) than currently exist or are expected to exist under the current Comprehensive Land Use Plan. The mixed-use concepts that are inherent to the Downtown Community Plan, create the opportunity for trip linkages that are more favorable to non-auto modes (particularly pedestrian and bicycle) and more attractive. The intensification of activity proposed within the area enables transit to be more competitive with the convenience of auto travel, thus attracting more person-trips to this non-auto mode.

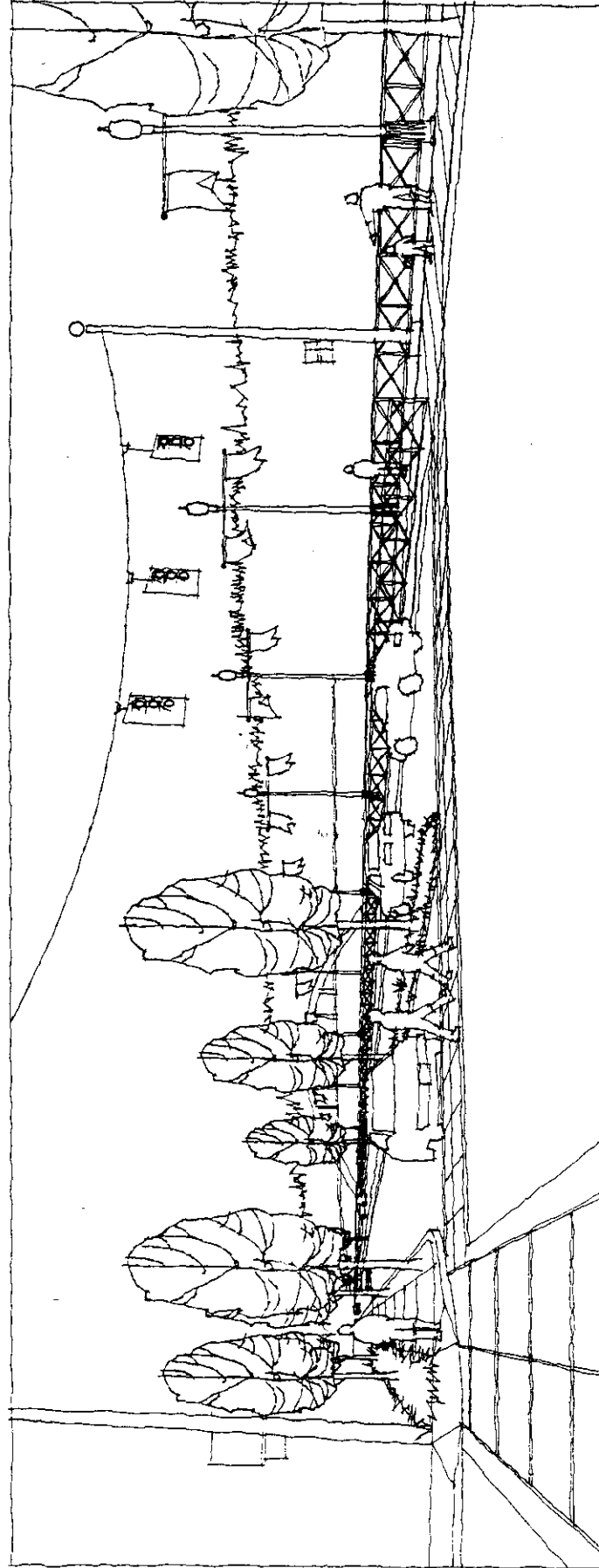
The commitment to provide safe, interconnected, and complete non-auto modes in the area is another component of the increased non-auto mode share. Increased transit frequency and coverage through the combination of services provided by Tri-Met and the City's own trolley system, is vital to the successful shift to this particular mode.

It is conceivable that a 65/35 mode split between single-occupant-vehicle trips and all other person-trips can be achieved

with implementation of the Downtown Community Plan. This is achievable if an average auto occupancy of approximately 1.24 persons per vehicle is realized within the study area. This would only require a three percent increase over the 1.2 persons per vehicle auto occupancy that is estimated to occur today. A probable explanation for this being accomplished is as a result of the intensification of use. By placing more origin-destination pairs in close proximity to one another, the opportunity for and practicality of carpooling increases.

# Transportation

*Continued*



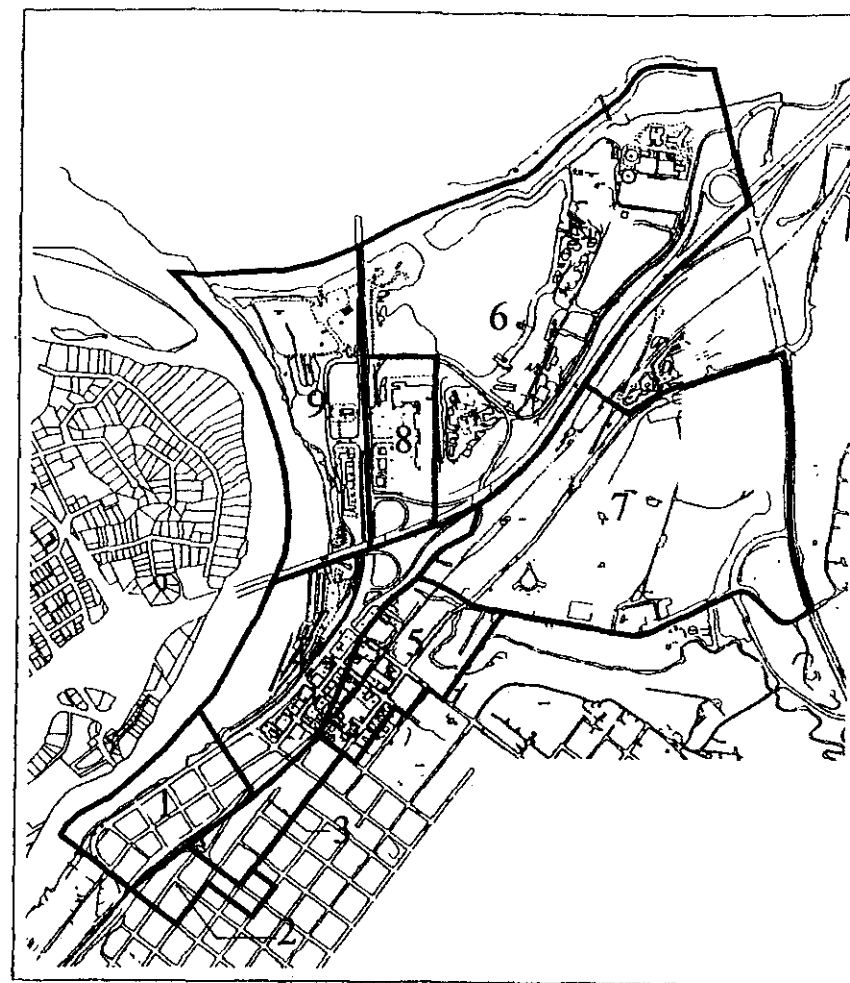
Enhanced McLoughlin Boulevard

## Parking Structure Locations

Parking structure location recommendations are discussed below. Figure 1 identifies those subareas where parking structures are likely to occur, based on the projected parking needs of the subarea and consideration of the primary factors described above. No structures are recommended for Subareas 2 and 3 as they would not likely fit with the historic residential character of the areas.

**Subarea 1**—Subarea 1 includes the Historic Downtown District and represents the downtown historic core. The existing land use is characterized by historic buildings with parking supplied either by on-street spaces or off-street surface parking lots. No structured parking or underground parking exists in this area. Due to the historic nature of this area, the limited amount of redevelopment that is expected to occur, and the inappropriateness of surface parking lots for this area, the provision of a single parking structure located somewhere within this area is recommended. Such a structure would include ground-floor retail/commercial development with three floors of parking above, creating a four-story structure.

**Subarea 2**—Subarea 2 includes the Limited Commercial District and Limited Office Conditional District. Located above the bluff, the vast majority of existing parking supply in this Subarea is in the form of off-street parking lots. These are primarily under private control and are, therefore, not likely to be available for use by the general public. In addition, a percentage of available on-street spaces are likely taken by people parking in Subarea 2, and using the elevator to access Subarea 1. In combination, these factors may contribute to the perception of an existing parking shortfall.



### PARKING SUBAREAS

DOWNTOWN COMMUNITY PLAN  
CITY OF OREGON CITY, OREGON  
MAY 1999

FIGURE  
1



FILE:V:\PROFILES\2003\2003051.DWG



retail and be dedicated strictly to parking. An additional four-story, dedicated structure plus two more blocks of redevelopment would be required to meet the projected needs within the Subarea.

**Subarea 6** – This area contains the Cove Master Plan District and a portion of the Mixed Use Commercial/Office District. Largely undeveloped, the land in this Subarea allows the opportunity to provide future parking supply specific to, and integrated with the proposed future development contained in it. It is anticipated that the required parking supply can be successfully accommodated with the future development as appropriate, and that specific discussion of the appropriate forms is not necessary at this time. Likely forms will include ground-floor parking with residential above, surface parking associated with new development, and the potential for some structured parking in the most intensely developed retail portion of the area.

**Subarea 7** – Subarea 7 contains the Tourist Commercial District and existing Rossman's Landfill. Largely overlaying areas of landfill, flood plain, and other undeveloped lands, development in this area must be considered carefully and located with sensitivity to the existing environmental restrictions. As with Subarea 6, changes in this area will be predominantly in the form of new development, providing parking that is both appropriate to the use and the character of the area.

This Subarea does also provide the opportunity to provide a large-scale, public, structured parking supply to service deficiencies in the downtown core. If located close to the western end of the Subarea, it may be possible to connect a number of public parking structures in this Subarea with the downtown

core via the downtown trolley. This would assist in alleviating the shortfall in parking supply in Subarea 1 and Subarea 5. In addition, it would potentially reduce vehicular demand in the downtown area and enhance the pedestrian/transit-orientation being sought for the downtown core.

The following are proposed:

- construct the equivalent of 15 city blocks of new buildings with ground floor parking and
- construct three four-story parking structures.

Such a significant and centrally located parking supply could be used not only to supplement the supply in other areas, but also as a supporting park & ride facility for transit. The City should consider the effect of placing such a significant supply of parking under public control and the benefits that can be realized.

**Subareas 8 & 9** – Subareas 8 and 9 contain the Mixed Use Commercial/Office and Open Space District. It is not anticipated that any parking structures would be required in either Subarea, and that any additional parking required for development could be accommodated by surface parking lots, or ground-floor parking garages associated with the specific development.

### *Parks, Open Space, and Focal Points*

Four parks are included in the plan:

- Clackamette Park (existing)
- Clackamette Cove park
- North End neighborhood park (location to be determined), and
- The “park” portion of the River Promenade (between 5th and 8th Streets)

The Clackamette Cove park will be a 10- to 15-acre community park that is integrated into (and created through) the Cove Master Plan process. The North End neighborhood park is envisioned to be a small urban park of one-half to one acre in size that will serve the future residents in this area. The site identification and acquisition process should occur early in the redevelopment stages of this area. The park portion of the River promenade is discussed further in this section.

The key open spaces in the plan follow the natural features of the area: Clackamette Cove, the Clackamas River, Clackamette Park, the Willamette River, the bluff overlooking downtown, Abernethy Creek, and the wetland areas near the Metro South Transfer Station. These spaces provide a green “frame” to the area. Additional public access and natural area enhancements are needed. The trail network should eventually link all of these areas.

The Downtown Community Plan identifies a number of focal points that are within or adjacent to open spaces. These are the viewpoint and seating areas where benches, interpretive displays and similar improvements should be made. The plan

identifies a beginning number of key focal points – it is not meant to preclude other focal points from being established.

A potential plaza is identified for the space in front of the Clackamas County Courthouse. The existing space in front of the courthouse is currently comprised of landscaping and is not suitable for public gatherings. Conversion of the space to a small urban plaza would enhance this key block on Main Street. Another plaza opportunity may be available when the parking area and western side of Block 3 (bounded by 7th, 8th, Main, and McLoughlin) redevelops.

## Comprehensive Plan

The Downtown Community Plan is focused on preserving and strengthening the historic character of Oregon City, refining the mix of land uses and emphasizing pedestrian oriented design in areas currently designated for *Commercial* use on the Oregon City Comprehensive Plan Map. The new *Mixed Use Commercial*, *Mixed Use Residential* and *Cove Master Plan* designations are recommended to replace the existing *Commercial* designation within the Downtown Community Plan Area. The new plan designations will be implemented with five different zones to reflect varied land uses, densities and urban design character planned for specific geographic areas as summarized below:

<i>Plan Designation</i>	<i>Zone(s)</i>	<i>Geographic Area</i>
Mixed Use Commercial	Historic Downtown Mixed Use Commercial Tourist Commercial	Downtown core McLoughlin corridor End of the Trail
Mixed Use Residential	Mixed Use Residential	North Downtown
Cove Master Plan	Cove Master Plan	Clackamette Cove

Other geographic areas will retain existing plan designations, including the McLoughlin Conservation District (*MCR District*) and the *Limited Office* and *Limited Commercial* parcels south of Abernethy Road and in the 7th Street Corridor. The Landfill is identified as a *Future Study Area* in the Downtown Community Plan and no changes in comprehensive plan or zoning designations are recommended at this time. Specific







development, transportation and flooding studies are underway for this area and changes to comprehensive plan and zoning designations would be premature.

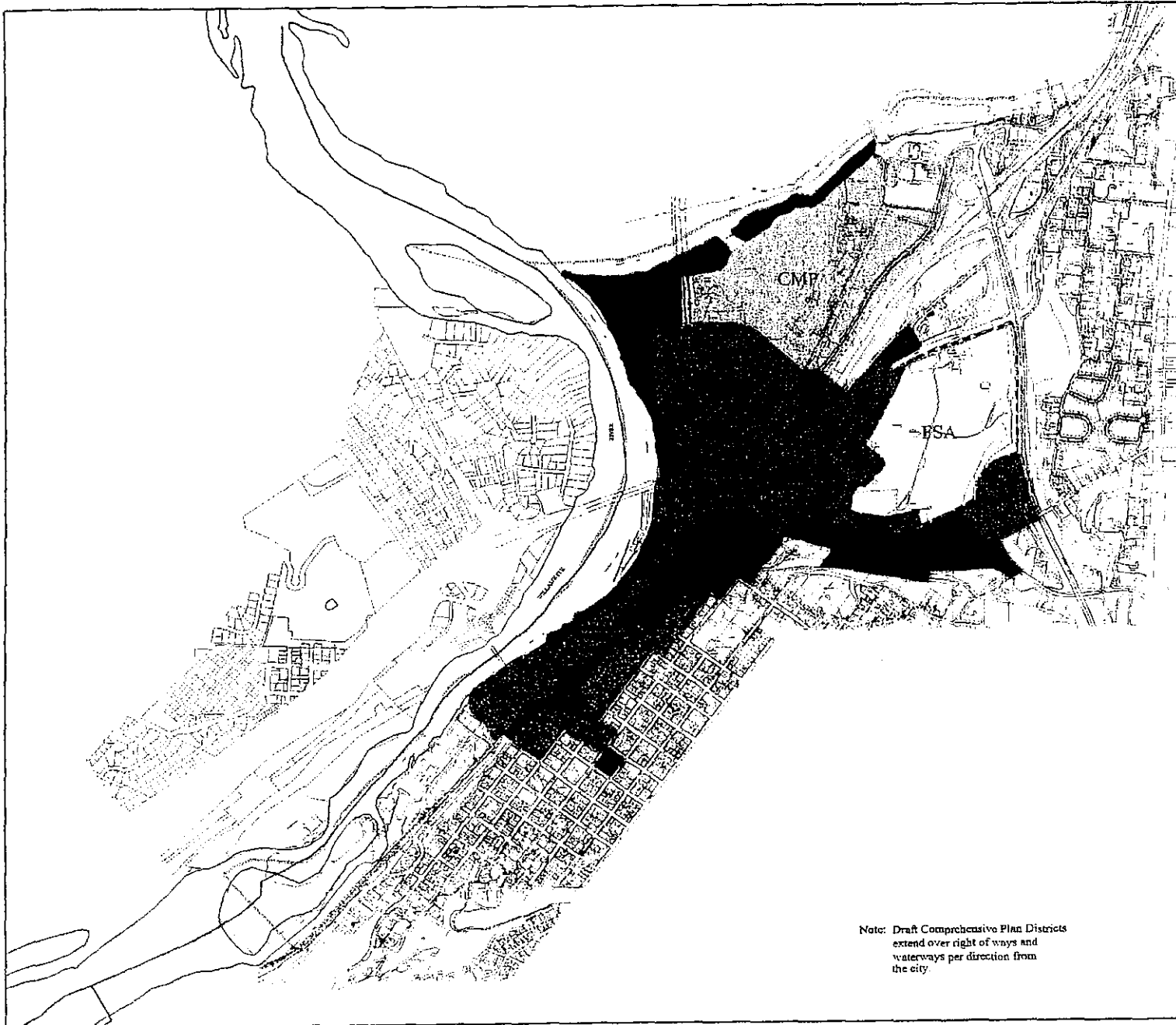
Areas that are currently designated *Park* on the Comprehensive Plan Map will be retained. New areas in public ownership are recommended for the *Park* designation to convey the public support for an expanded, interconnected park and open space network.

Comprehensive plan policies and detailed descriptions of the above-cited districts have been prepared — please see the Technical Appendix.

# Oregon City Downtown Community Plan

## Comprehensive Plan Districts

-  MUC - Mixed Use Commercial
-  P - Park
-  MCR - McLaughlin Conditional Residential
-  FSA - Future Study Area  
Existing Plan and Zone  
Districts Remain
-  MJR - Mixed Use Residential
-  CMP - Cove Master Plan



Note: Draft Comprehensive Plan Districts  
extend over right of ways and  
waterways per direction from  
the city.



Otak, Inc.  
Kittelson & Associates, Inc.  
Hobson, Johnson, & Assoc.  
Dorman & Company  
Spencer and Kupper

Plan Date: 10/1/99      Revision: 001      File: C:\GIS\PLAN\2000

**Downtown Community Plan**

**West Linn**

**Dahl Park**

**Willamette River**

**Division**

**Front**

**City of Oregon City**

**Existing Zoning**

**Streets**

**Regional Center**

**Rivers**

**Zoning Designations**

- R-10 SINGLE FAMILY DWELLING
- R-6 SINGLE FAMILY DWELLING
- RC-4 McLOUGHLIN CONDITIONAL
- RD-4 TWO FAMILY DWELLING
- RA-2 MULTI-FAMILY DWELLING
- LOC LIMITED OFFICE CONDITIONAL
- LO LIMITED OFFICE
- LC LIMITED COMMERCIAL
- C GENERAL COMMERCIAL
- CBD CENTRAL BUSINESS
- M-1 LIGHT INDUSTRIAL
- M-2 HEAVY INDUSTRIAL
- TC TOURIST
- COUNTY

















**NOTE:** This map was prepared from the City of Oregon City's official data and is for informational purposes only. Please contact the City for data verification. Map intended for reference only.

City of Oregon City 1320 Wilcox Mills Rd. | Oregon City, OR 97034 | (503) 457-0951

PROJECT: STREETS AND LANDSCAPE ARCHITECTURE

# CITY OF OREGON CITY

## Existing Zoning

- Streets**  
 **Regional Center**  
 **Rivers**
- Zoning Designations**
- |   |               |                                   |
|---|---------------|-----------------------------------|
|    | <b>R-10</b>   | <b>SINGLE FAMILY DWELLING</b>     |
|    | <b>R-6</b>    | <b>SINGLE FAMILY DWELLING</b>     |
|    | <b>RC-4</b>   | <b>McLOUGHLIN CONDITIONAL</b>     |
|    | <b>RD-4</b>   | <b>TWO FAMILY DWELLING</b>        |
|   | <b>RA-2</b>   | <b>MULTI-FAMILY DWELLING</b>      |
|  | <b>LOC</b>    | <b>LIMITED OFFICE CONDITIONAL</b> |
|  | <b>LO</b>     | <b>LIMITED OFFICE</b>             |
|  | <b>LC</b>     | <b>LIMITED COMMERCIAL</b>         |
|  | <b>C</b>      | <b>GENERAL COMMERCIAL</b>         |
|  | <b>CBD</b>    | <b>CENTRAL BUSINESS</b>           |
|  | <b>M-1</b>    | <b>LIGHT INDUSTRIAL</b>           |
|  | <b>M-2</b>    | <b>HEAVY INDUSTRIAL</b>           |
|  | <b>TC</b>     | <b>TOURIST</b>                    |
|  | <b>COUNTY</b> |                                   |



NOTE: This map was prepared from the City of Oregon City digital database and may contain errors or omissions. Please contact the City for data verification. Map intended for reference only.

City of Oregon City | 320 Warner Mills Rd | Oregon City, OR | 97034 | (503) 657-0891

0 PROJECTIONS (REYOR) MONITORING PLAN: APR: PLOT DATE 1/14/99

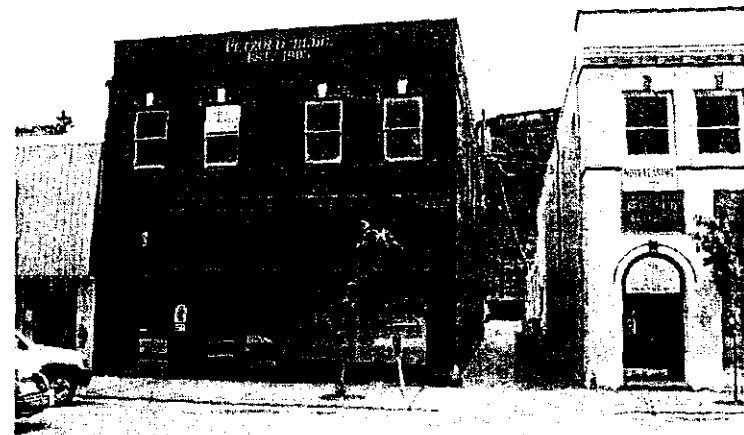
## Design Guidelines

Two types of design guidelines are included in the plan. One set pertains to new development and alterations in the Historic Downtown District. The other set of design guidelines are considered general guidelines and pertain to elsewhere within the study boundary. Both sets of design guidelines are summarized below — please see the Technical Appendix for the full text. A third set of guidelines, the *End of the Oregon Trail District Guidelines, 1991*, are incorporated by reference.

### Historic Design Guidelines

Design guidelines for the Historic Downtown District were first developed in 1980 in a publication called the *Downtown Oregon City Building Improvement Handbook*. These guidelines were updated with recent work by the Historic Review Board. It is intended that design review in the Historic Downtown District be guided by the Historic Review Board's standards, with the standards found in the 1980 document be used as a reference. The new standards require a discretionary review process that will require the expertise of the Historic Review Board. Historic design guidelines address the following elements:

- Retention of Original Construction
- Height
- Width
- Roof Form
- Commercial Front
- Cornices and Architectural Detail
- Awnings
- Signs
- Visual Integrity of Structure
- Scale and Proportion
- Building Setback
- Streetscape



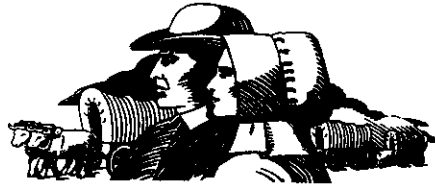
Historic Building Rehabilitations

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## Memorandum

November 8, 1999

**To:** Planning Commission

**From:** Sidaro Sin, Associate Planner *LS*

**RE:** Additional public testimony received for PZ 97-10, Oregon City Downtown Community Plan

Subsequent to the publication of the staff report, staff received two additional public testimony items. Those items are as follows with staff's comments:

**1) Bill Kennemer, Clackamas County Board of Commissioners, 11/4/99 (Exhibit 5h)**

Commissioner Kennemer's letter indicates that the Clackamas County Board of Commissioners oppose the proposed designation of the County's property located on Abernethy, as Open Space and Recreation.

**Staff's response:** The County expressed the same concern in a letter dated June 8, 1999 (Exhibit 5b). The County's concern is addressed in the staff report. The Steering Committee voted to keep the Open Space and Recreation designation on the County's property located on Abernethy Road. Staff recommends that the consideration for change in designation be in conjunction with Phase II of the implementation process where there will be a greater opportunity for the public and others affected by this proposal to provide comments.

**2) Richard M. Fernandez, Ball Janik, LLP, 11/4/99 (Exhibit i)**

Mr. Fernandez represents KAF, Inc., the owner of two properties located within the boundaries of the Downtown Community Plan. Specifically, the subject properties are located at 16300 and 16320 Main Street (2s-2e-29 tax lots 1506 and 1507) and are currently zoned TC, Tourist Commercial with a C, Commercial Comprehensive Plan designation.

Mr. Fernandez is opposed to the proposed Cove Master Plan designation for his client's properties. As Mr. Fernandez points out, the map identifies the subject property as within the Cove Master Plan area, however, there is contradictory language that states that "The Cove Master Plan District encompasses the portion of the Clackamette Cove area that is currently in public ownership." (Oregon City Downtown Community Plan Part II-Technical Appendix, Zoning Text-Section 17.34.060, page 10).



# CLACKAMAS COUNTY

1999 NOV -5 AM 10:41

CITY OF OREGON CITY  
RECEIVED

## Board of Commissioners

November 4, 1999

Oregon City Planning Commission  
City of Oregon City  
P.O. Box 3040  
Oregon City, OR 97045-0304

BILL KENNEMER  
CHAIR

LARRY SOWA  
COMMISSIONER

MICHAEL JORDAN  
COMMISSIONER

RE: City of Oregon City Downtown Community Plan

### Members of the Commission:

The Clackamas County Board of Commissioners would like to go on record opposing the proposed designation of the county owned Abernethy Road site as Park or Open Space as contained in the recommendations of the Downtown Community Plan.

While we understand that the November 8<sup>th</sup> hearing before you is simply Phase I of this process, we would prefer that the designation of the Abernethy Road complex be Future Study Area as contained in the original staff recommendations. We believe that it will be far more difficult to preserve the current zoning of the property in Phase II if this site is conceptually designated as parks and/or open space.

As you are aware, the county owns property on both sides of Abernethy Road. Employees currently housed at the DTD complex will be relocating to a new facility on Sunnybrook Road in January. Maximum flexibility with regard to the disposition of the county owned land on Abernethy Road is of critical importance to the county and to the taxpayers we have in common with Oregon City.

Designation of the Abernethy Road site as future study area preserves the flexibility the county will need in determining the disposition of this land without precluding the possibility of it becoming a park or open space. However, as we all know, in the vagaries of the real estate market, a designation such as park or open space will surely diminish, if not completely eliminate, our ability to market this property or any portion thereof, to a private owner.

We share a responsibility to our taxpayers to maximize the potential of this land. We urge you to reconsider the plan as proposed and to return the designation of the Abernethy Road site to Future Study Area.

Sincerely,

Bill Kennemer, Chair  
Clackamas County Board of Commissioners

906 Main Street • Oregon City, OR 97045-1882 • (503) 655-8581 • FAX (503) 650-8944

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**EXHIBIT**

5h



BALL JANIK LLP

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ONE MAIN PLACE  
101 SOUTHWEST MAIN STREET, SUITE 1100  
PORTLAND, OREGON 97204-3219

TELEPHONE 503-228-2525  
FACSIMILE 503-295-1058

RICHARD M. FERNÁNDEZ

rfernandez@bjllp.com

1999 NOV -8 AM 11:30  
CITY OF OREGON CITY  
RECEIVED

November 4, 1999

BY FACSIMILE AND FIRST CLASS MAIL

Mr. Sidaro Sin  
Associate Planner  
Oregon City Planning Department  
City Hall  
320 Warner-Milne Road  
Oregon City, OR 97045

Re: Proposed Downtown Community Plan

Dear Mr. Sin:

I am writing on behalf of KAF, Inc., the owner of property within the boundaries of the proposed Downtown Community Plan (the "Plan"). The addresses for the property are 16300 and 16320 Main St., Oregon City (the "Property"). The Property is further included in an area defined as the Clackamette Cove area, which will include a Plan District to be known as the Cove Master Plan District and be zoned as Cove Master Plan (see page 15, Oregon City Downtown Community Plan, Part I, Final Report). We request that these comments be included in the record of the November 8, 1999 Planning Commission public hearing on the Plan.

Subsection 1 of the Land Use Section under *Specific Policies -- Clackamette Cove (Cove Master Plan District)* in the Oregon City Downtown Community Plan, Part II -- Technical Appendix dated August 6, 1999 provides as follows: "A new master plan zone shall be applied to the Clackamette Cove area that is currently in public ownership." In addition, it is proposed that new Section 17.34.060.A (Special Provisions for the Cove Master Plan District) be added to the Oregon City Zoning Code. This provides as follows, in relevant part: "The Cove Master Plan District encompasses the portion of the Clackamette Cove area that is currently in public ownership." However, another proposed addition to the Zoning Code, 17.34.020.E, states that "[t]he Cove Master Plan District encompasses the Clackamette Cove area."

We are concerned because the proposed Plan appears to be inconsistent with respect to the scope of its application. It appears clear from certain sections that the Cove Master Plan element of the Plan will apply only to property within public ownership, yet at least one