AGENDA
City of Oregon City, Oregon
WEDNESDAY, FEBRUARY 17, 2010

CITY COMMISSION

6:00 p.m. - Executive Session
7:00 p.m. - Regular Meeting

City Commission:
Alice Norris, Mayor
Doug Neeley, Commission President
James Nicita
Rocky Smith, Jr.
Daphne Wuest

Meeting held at:
City Hall, Commission Chambers
625 Center Street
Oregon City, OR 97045
503-657-0891

6:00 p.m. **EXECUTIVE SESSION OF THE CITY COMMISSION**

a. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

b. Pursuant to ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.

7:00 p.m. **REGULAR MEETING**

1. Convene Regular Meeting of February 17, 2010, and Roll Call

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

4. Citizen Comments

   This section of the agenda allows citizens up to 3 minutes to present information or raise issues relevant to the city, regarding items not on the agenda. As a general practice, the City Commission will not engage in discussion with those making comments. Prior to speaking, citizens should fill out a form (available in the foyer) and hand it to the Mayor or City Recorder. Begin speaking by stating your name and residing city.

5. Adoption of the Agenda

6. Public Hearings

   a. Resolution No. 10-02, Annexation of approximately 54 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan (Planning File AN 09-02).

   b. 2007 Development Agreement Amendment with Modena Homes
   Staff: Tony Konkol, Community Development Director

   c. Oregon City Code Amendments: 6-month update. Planning File L 08-01
   Staff: Tony Konkol, Community Development Director

7. General Business

7. General Business

a. Collective Bargaining Agreement Between the City of Oregon City and Oregon City Police Employees Association for the Period July 1, 2010 – June 30, 2013
Staff: Mike Conrad, Police Chief and Public Safety Director & Jim Loeffler, Human Resources Director

b. Request from Farmer's Market for $35,000 for 2010 from Business License Fund and a commitment for an additional $15,000 in 2011 and $5,000 in 2012 from fund to be determined to create a Farmer's Market in the Downtown core.
Staff: Larry Patterson, City Manager

c. Memorandum of Understanding for the Historic Management of the Ermatinger House between the City and Marge and Rolla Harding

8. Consent Agenda

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

a. Minutes of the September 3, 2009 Work Session
Staff: Nancy Ide, City Recorder

b. Minutes of the February 3, 2010 Regular Meeting
Staff: Nancy Ide, City Recorder

c. Resolution No. 10-03, Extension of Comcast Franchise to August 31, 2010
Staff: Nancy Ide, City Recorder

9. Communications

a. City Manager

b. Mayor

c. Commissioners

10. Adjournment

ORDER OF THE VOTE NO. 1
Nicita, Neeley, Wuest, Smith, Norris

Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but **not listed on the agenda** under the Citizen Comments section of the agenda.

- Complete a Comment Card **prior to the meeting** and submit it to the City Recorder.
- When the Mayor calls your name, proceed to the speaker table and speak into the microphone.
- Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the device on the speaker table. The green light turns on when speaking begins; the yellow light appears when 30 seconds remain; the red light appears when speaking time is complete.
- As a general practice, the City Commission does not engage in discussion with those making comments.

If you wish to speak on an item **on the agenda**, complete the Comment Card, submit it to the City Recorder, and the Mayor will call your name when the item is addressed on the agenda.
All speakers should begin speaking by stating their name and the city in which they reside.

Agenda Posted February 12, 2010 at City Hall, Pioneer Community Center, Library, City Web site.
Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-

10. Adjournment

0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

(1)

COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting Feb 17 2010

Item Number From Agenda 1 ANNEXATION 6a

NAME: KIRSTEN VANLOO

ADDRESS: **Street:** 6107 SW MURRAY St. 147

City, State, Zip: BVTN, OR 97008

PHONE NUMBER: 503-956-4180

SIGNATURE:

(2)

COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda PARK PLACE 6a

NAME: KENT ZIEGLER

ADDRESS: **Street:** 23020 SW VALLEY VIEW RD

City, State, Zip: W.L. OR 97068

PHONE NUMBER: (503) 701-9716

SIGNATURE:

(3)

COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda 6A

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY LN

City, State, Zip:

PHONE NUMBER:

SIGNATURE: Christine Kosinski

(4)

COMMENT FORM

OREGON CITY

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda 6A

NAME: Tom Geil

ADDRESS: **Street:** 16470 Bartlett Drive

City, State, Zip: OC 97045

PHONE NUMBER: 503-722-0438

SIGNATURE: Tom Geil

(5)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2 - 17 - 2010

Item Number From Agenda 10a

NAME: George E. Thomas

ADDRESS: **Street:** 16644 S. Livesay Rd

City, State, Zip: Ore City OR 97045

PHONE NUMBER: 503-656-3911

SIGNATURE: George E Thomas

(6)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda 10.02 ANNEXATION 6a

NAME: PAUL EDGAR

ADDRESS: **Street:**

City, State, Zip: OR

PHONE NUMBER:

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda 7a

NAME: NEKE KRAMER OCPEA PRESIDENT

ADDRESS: **Street:** CANBY

City, State, Zip:

PHONE NUMBER: 503 657 8964

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 17th February 2010

Item Number From Agenda 7B

NAME: Jackie Hammond-Williams

ADDRESS: **Street:** 14422, Holcomb Blvd

City, State, Zip: Oregon City

PHONE NUMBER: 503-887-8650

SIGNATURE:

COMMENT FORM

9

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2-17-10

Item Number From Agenda 7b

Did not Speak

NAME: Tom Winterrowd

ADDRESS: **Street:** 27635 S. Oglesby Rd.

City, State, Zip: Canby, OR 97013

PHONE NUMBER: 503-263-2696

SIGNATURE: Thomas A Winterrowd

left early

COMMENT FORM

10

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City Recorder in Chambers ***prior*** to the meeting.

Date of Meeting 2/17/10

Item Number From Agenda 7B

NAME: Patti Jarrett

ADDRESS: **Street:** 19705 S. Central Pt Rd

City, State, Zip: Oregon city, OR 97045

PHONE NUMBER: 503-657-9668

SIGNATURE: P. Jarrett

Agenda Item No. 6a
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Tony Konkol, Community Development Director
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	Annexation of approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan (Planning File AN 09-02).
Agenda Heading: Public Hearing	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Adopt Resolution 10-02, approving Planning File AN 09-02, a request to annex approximately 53 acres into the city limits of Oregon City and forward the matter to the Citizens of Oregon City for their consideration at the May 18, 2010 election.

BACKGROUND:

The applicant has requested an annexation of approximately 53 acres located south of Holcomb Boulevard and north of Redland Road in the northeast section of the City. The City Commission should consider the information submitted for review and the comments from the Planning Commission public hearings that were held on January 25th and February 8th, 2010 in determining the final decision. Five (5) of the properties will retain the County zoning Future Urbanizable FU-10 and the remaining three (3) properties will retain the County zoning designation Rural Residential Farm/Forest RRFF-5. The Applicant will apply separately for rezoning of the parcels to a City zoning designation following approval of the annexation. The Comprehensive Plan designation and zoning of the properties is MDR - Medium Density Residential to implement the adopted Park Place Concept Plan. The applicants have requested the annexation, the annexation will not create any county islands, and the applicants have proposed to provide supplemental funding for police services.

On February 8th, 2010, after considering all the public testimony and reviewing all the evidence in the record, the Planning Commission voted 4-0 to forward the application with recommended findings for approval.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

Exhibit A Resolution 10-02
Exhibit B Legal Description
Exhibit C Annexation Map
Exhibit D Findings and Reasons for Decision
Exhibit E Annexation Agreement - Supplemental Police Funding Schedule A
Exhibit F Notice of Ballot Title
Exhibit G Planning Commission Packet and Exhibits - Jan 25 2010

Exhibit H Planning Commission Packet and Exhibits - Feb 8 2010
Exhibit I Draft PC Minutes Jan 25 2010

RESOLUTION NO. 10-02

A RESOLUTION ADOPTING FINDINGS REGARDING ANNEXATION PROPOSAL NO. AN 09-02 AND REFERRING TO THE LEGAL VOTERS OF OREGON CITY THE QUESTION OF APPROVING ANNEXATION PROPOSAL NO. AN 09-02.

WHEREAS, The required percentage of owners and voters of certain real property adjacent to the City of Oregon City, more fully identified in the legal description attached hereto as Exhibit 'B' to this Resolution, proposed in Annexation Proposal No. AN 09-02 that their property and other property be annexed to the City to connect properties to city services and allow future development; and

WHEREAS, the City of Oregon City, Oregon, reviewed the proposal and found that it can comply with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this Resolution as Exhibit 'C'; and

WHEREAS, Chapter I, section 3 of the Oregon City Charter of 1982, as amended, requires voter approval of annexations such as the one proposed; and

WHEREAS, the identified property is currently in Clackamas County Rural Fire Protection District # 1 (CCFD#1); and

WHEREAS, if annexation is approved by the legal voters of Oregon City, CCFD#1 will continue to provide fire protection service to the identified property; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

WHEREAS, portions of the identified property are currently served by the Clackamas River Water (CRW) District under the Holcomb-Outlook-Park Place (HOPP) agreement, and the remainder of the property will be served by the City of Oregon City water distribution system; and

WHEREAS, the City Commission accepts the consenting property owners' Annexation Agreements for supplementing police services in the area (Exhibit D); and

WHEREAS, if annexation is approved by the legal voters of Oregon City, the Oregon City Police Department will be responsible for police services to the identified property;

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

That the annexation proposal, AN 09-02, should be sent to the voters for decision and that, should the legal voters of Oregon City approve the measure submitted to them below, the property described in Exhibit 'B' should be annexed to the City of Oregon City. In so finding, the

City Commission, having considered the record herein, hereby adopts the Findings and Conclusions attached hereto as Exhibit 'C'.

An election is called in and for the City of Oregon City, to be held May 18, 2010, in the manner designated by the Clackamas County Clerk, who shall conduct the election. At that election, the following question shall be submitted to the electors:

> Shall 54 acres in the northeast part of the City be annexed into the Oregon City city limits?

The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the Tuesday, May 18, 2008 election:

MEASURE No. ____

CAPTION: Expands Oregon City boundaries to include additional land.

QUESTION: Shall 54 acres in the northeast part of the City be annexed into the Oregon City city limits?

SUMMARY: This measure would expand the City's boundaries by approximately 54 acres by including within the City limits 8 tax lots located on the south side of Holcomb Boulevard and north of Redland Road. The properties are identified as Clackamas County Map 2S-2E-27B, Tax Lots 600, 800, 900, 1000 and 1080 and 2S-2E-28D, Tax Lots 100, 180 and 190.

The proposal was submitted to allow connection to city services for existing and future development. The properties contain five single-family dwellings, are zoned FU-10 and RRFF-5, are designated Medium Density Residential and are located within the City's UGB.

The City Commission has concluded that all state, regional and City requirements for annexation have been met and services can be provided to the property. The City Charter requires voter approval of annexations. A map showing the parcels is included.

The Notice of Ballot Title, as set forth in Exhibit 'F,' is hereby approved and the City Recorder is hereby authorized and directed to take all measures necessary for the holding of the election on the measure described in this resolution.

If the legal voters of Oregon City approve the annexation, the identified territory shall be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement on the date the annexation becomes effective.

If the legal voters of Oregon City approve the annexation, the property identified as Clackamas County Map 2S-2E-28D, Tax Lot 190 shall be withdrawn from the Clackamas River Water District on the date the annexation becomes effective.

If the legal voters of Oregon City approve the annexation, the City Commission will concur with Tri-City Service District's annexation of the subject properties into their district in the enacting City ordinance accepting the City voter's approval.

If the legal voters of Oregon City approve the annexation, the Commission, having agreed with the consenting property owners' proposal for annexation agreements to supplement the police services for the area, will direct the City Manager to sign these agreements and record them.

Adopted, signed and approved this 17th day of February 2010.

ALICE NORRIS, Mayor

ATTESTED to this 17th day of February 2010

Nancy Ide, City Recorder

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 2 2E 28 D 100, 180, 190 2 2E 27B 600, 700, 800, 900, 1000, 1080) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Mary Neigel Mary Neigel

TITLE Cartographer II

DEPARTMENT Assessment + tax

COUNTY OF Clackamas

DATE 12.01.2009

SURVEY OFFICE

DESCRIPTION OF TAX LOTS 600, 800, 900, 1000 AND 1080 TAX MAP 2 2E 27B
TOGETHER WITH TAX LOTS 100, 180 AND 190 TAX MAP 2 2E 28D

Being a tract of land situated in the northwest quarter of Section 27, Township 2 South, Range 2 East and the southeast quarter of Section 28, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon. Said Tract being described as follows:

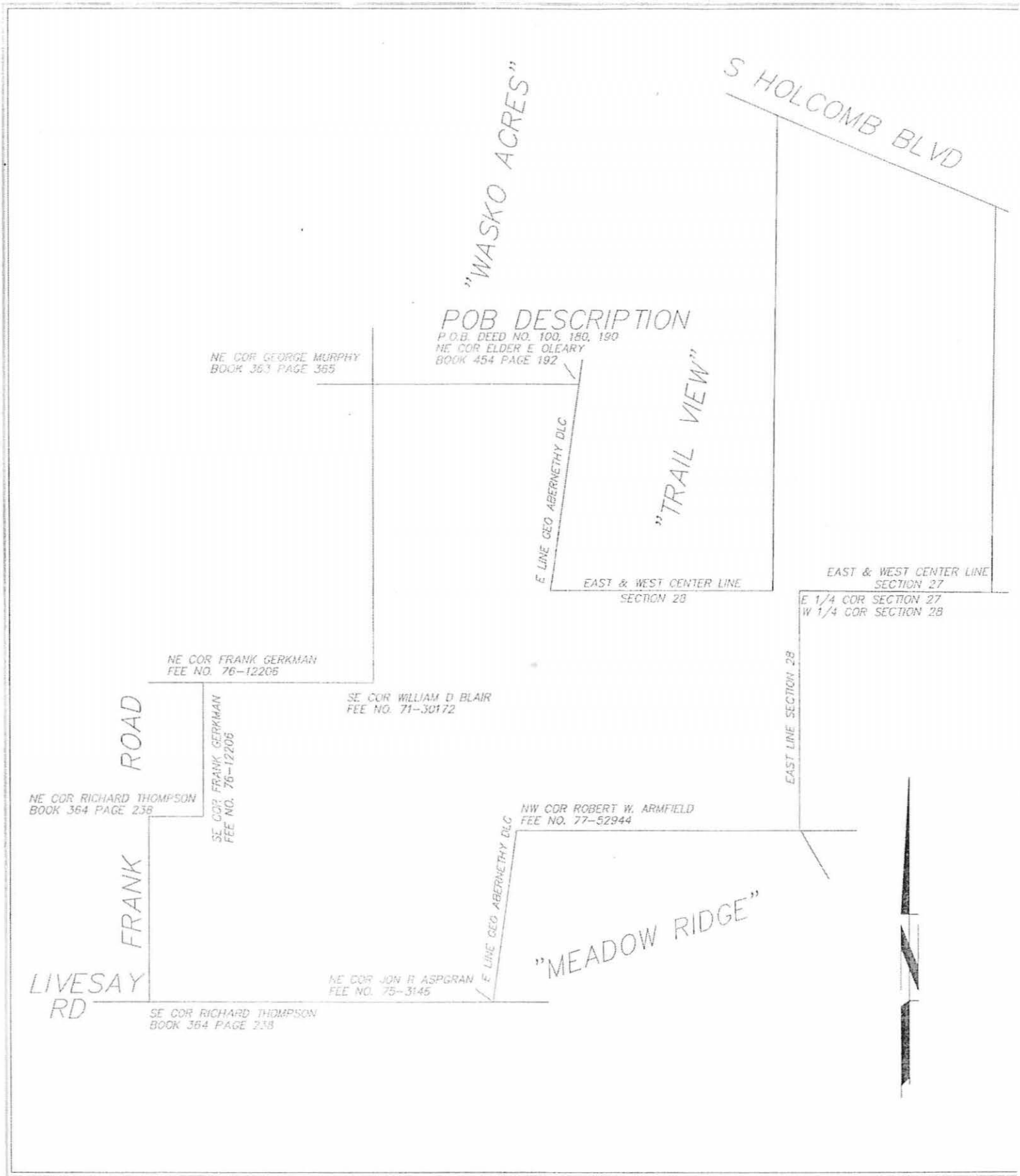
Beginning at the most northerly northeast corner of that certain land described in deed to Daniel A. Cook and Charlotte Cook, recorded in Fee No. 98-020598, Clackamas County Deed Records, also being the northeast corner of that tract conveyed to Elder E. O'Leary, et ux, by deed recorded March 6, 1952, in Book 454 Page 192, Clackamas County Deed Records; thence Westerly along the north line of said O'Leary tract a distance of 557 feet to the northeast corner of that tract of land conveyed to George Murphy, et ux, by deed recorded March 23, 1946 in Book 363 Page 365, Clackamas County Deed Records; thence South along the easterly line of said Murphy tract and it's southerly extension a distance of 800 feet to the southeast corner of that tract sold to William D. Blair, et ux, by contract recorded October 22, 1971, as Fee No. 71-30172, Clackamas County Deed Records; thence West along the south line of said Blair tract a distance of 455.1 feet to the northeast corner of that tract conveyed to Frank Gerkman, et ux, by deed recorded April 19, 1976, as Fee No. 76-12206, Clackamas County Deed Records; thence South along the east line of said Gerkman tract a distance of 359.20 feet to the southeast corner of said Gerkman tract; thence West along the south line of said Gerkman tract a distance of 146.5 feet to the northeast corner of that tract conveyed to Richard Thompson, et ux, by deed recorded April 3, 1948, in Book 364 Page 238, Clackamas County Deed Records; thence South along the easterly line of said Thompson tract a distance of 493.68 feet to the southerly line of said Thompson tract; thence East along said southerly line a distance of 950.7 feet to the easterly line of the George Abernethy Donation Land Claim No. 58, also being the northeast corner of that tract conveyed to Jon R. Aspgran, et ux, by deed recorded February 6, 1974 as Fee No. 75-3146, Clackamas County Deed Records; thence Northerly along the east line of said Donation Land Claim a distance of 462 feet to the northwest corner of that tract conveyed to Robert W. Armfield, et ux, recorded December 23, 1977, as Fee No. 77-52944, Clackamas County Deed Records; thence Easterly along the north line of said Armfield tract a distance of 770 feet to the east line of said southeast quarter of Section 28; thence North along said east line a distance of 659.66 feet to the east quarter corner of said Section 28, also being the west quarter corner of said Section 27; thence East along the East and West center line of said Section 27 a distance of 508.2 feet; thence North 00° 02" East a distance of 1030.3 feet to the center line of South Holcomb Boulevard; thence North 68° 15' West a distance of 623.45 feet; thence South 00° 02' West a distance of 1267 feet to the East and West center line of said Section 28, also being 71 feet west of said east quarter corner of Section 28; thence West along said East and West center line a distance of 588.76 feet to the east line of said Donation Land Claim; thence North along said Donation Land Claim a distance of 557.0 feet to the **Point of Beginning**.

Containing an area of 53.2 acres of land, more or less.



MN





14651 S. Fiveoaks Road
Oregon City, Oregon 97045
(503) 655-4506
FAX (503) 655-4510

BUCKEL ASSOCIATES, INC.
LAND SURVEY & CIVIL ENGINEER CONSULTANTS

ANNEXATION AREA

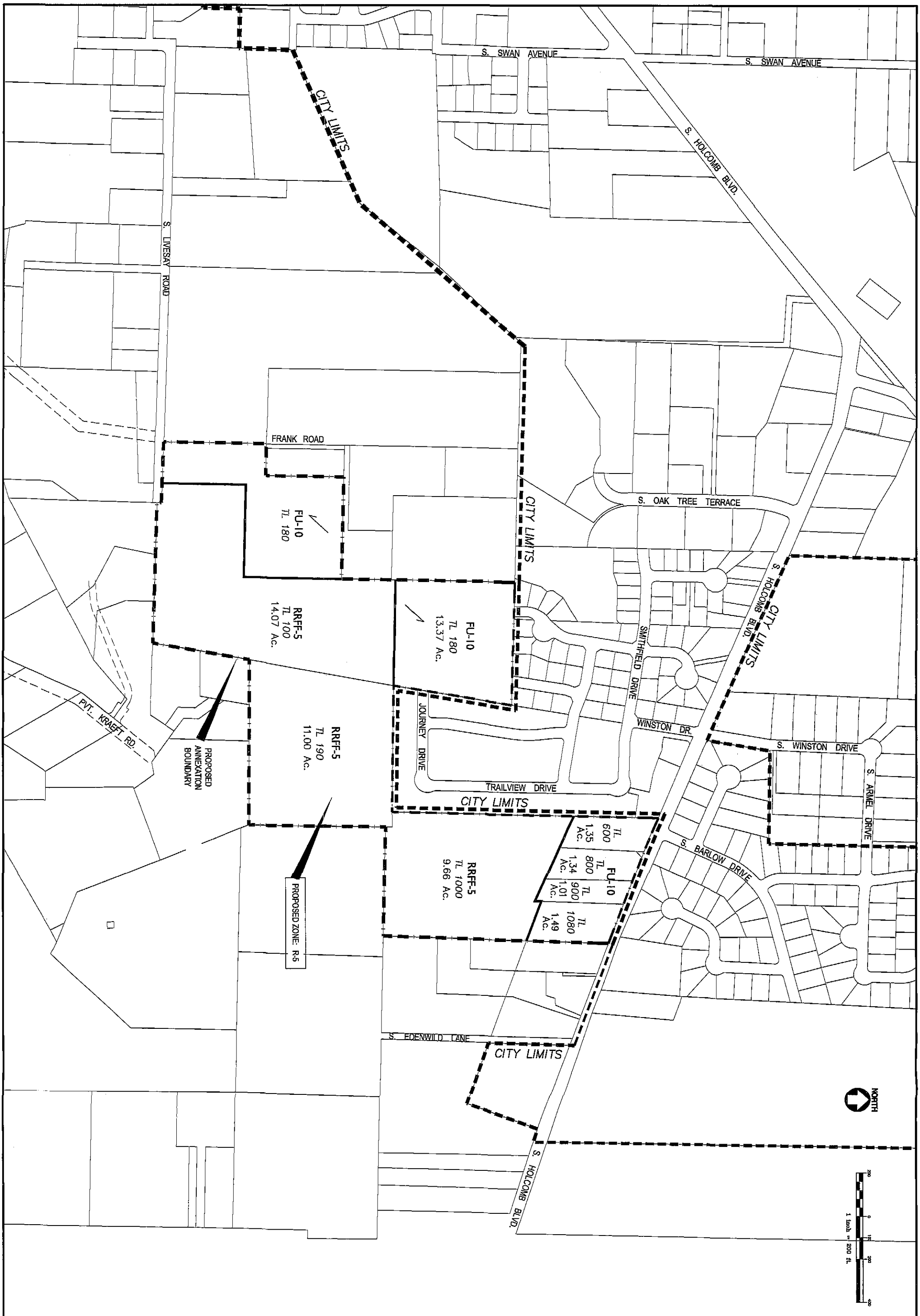
PARK PLACE

PREPARED FOR:

KENT ZIEGLER

OREGON CITY, OR

Project:	03003
Designed:	
Drawn:	RFB
Scale:	NO SCALE
Date:	NOV. 27, 2009
Sheet:	1 OF 1



SHEET 3 OF 5

EMERIO Design
6107 SW MURRAY BLVD. SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 515-5528

REVISIONS		
NO.	DATE	DESCRIPTION

PARK PLACE ANNEXATION
ZONING PLAN

TAX MAP 2 2E 28D
TAX LOTS 100, 180, 190
TAX MAP 2 2E 27B
TAX LOTS 600, 800, 900, 1000, 1080
CITY OF OREGON CITY, OREGON

AN 09-02
PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings, the Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.

3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).

4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Holcomb Boulevard, Redland Road, Journey Drive, Shartner Drive and Cattle Drive.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.

6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final

zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.

10. The City Commission recognizes that the applicant has offered a financial solution to the police funding shortcomings for future new homes and businesses.

11. The City Commission recognizes that the properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should continue to be maintained in the CRW district and served by CRW pursuant to the HOPP agreement.

12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

13. The City Commission recognizes that the applicant is requesting an annexation at this time. The zone change request, which will address compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060, will come at a later date if the annexation is successful.

RECOMMENDATIONS

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Make a recommendation on Proposal No. AN 09-02 regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060. Staff has prepared draft findings and stands ready to adjust them as needed.

If the City Commission recommends approval, the staff further recommends that the City Commission:

- Set AN 09-02 for election on the May 18, 2010 ballot.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.
- Recommend not withdrawing the property from the Clackamas Fire District # 1.
- Recommend not withdrawing Tax Lots 1080, 0600, 0800, 0900 and 1000 (HOPP agreement properties) from the Clackamas River Water District until formal transfer proceedings are finalized with CRW.
- Recommend withdrawing Tax Lot 0190 from the Clackamas River Water District and connection to Oregon City water service.
- Recommend that the City Commission should accept the applicant's offer for a solution to the police funding shortcomings as identified on Schedule A – Police Funding Fees AN 09-02.
- Recommend that the annexed properties maintain the existing county zoning designations of FU-10 and RRFF-5 until the applicant requests rezoning to R-5;
- Recommend that the applicant demonstrate compliance with Oregon's Transportation Planning Rule (OAR 660-012-0060) at the time a re-zoning application is submitted to the City for approval.

AFTER RECORDING RETURN TO:

City Recorder
City of Oregon City
P. O. Box 3040
Oregon City, Oregon 97045-0304

Map No.: _____
Tax Lot No.: _____
Planning No.: AN 07-06 Grantor(s): _____

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is entered into by and between _____ _____ ("Petitioner") and the CITY OF OREGON CITY ("City"), an Oregon municipal corporation on this ___ day of _____ 2008.

RECITALS

WHEREAS, Petitioner is the record owner of TL _____ (Sec. ___, Twp. __S, Range __E, W.M.), approximately _____ acres in size, with a street address of _____ _____ (the "Property"), located in unincorporated Clackamas County and within the City's Urban Growth Boundary (UGB); and described as follows, to wit:

See attached EXHIBIT "A" Legal description and attached EXHIBIT "B" Sketch for Legal Description; and

WHEREAS, Petitioner has submitted an application to City to annex the Property into the City's corporate limits (City File No. AN 09-02), and the City has accepted and is considering that application; and

WHEREAS, one factor in the City's consideration of Planning File No. AN 09-02 annexation application is whether the City has the capacity or financial resources to provide necessary public services to the Property, most notably law enforcement; and

WHEREAS, City's ability to provide adequate levels of law enforcement to serve the Property is largely dependant upon the availability of funding to pay the cost of these urban services; and

WHEREAS Petitioner recognizes that it is incumbent upon new development to pay the cost of providing urban services and facilities, at sufficient levels, to serve new development, and both parties desire to identify a means by which Petitioner funds the cost of providing law enforcement to the Property if the City consents to annex the Property.

NOW THEREFORE, based on the foregoing Recitals, the mutual covenants provided for in this Agreement, and for valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. The City agrees to review, process and consider Planning File No. AN 09-02 annexation application in the normal course and apply the customary criteria in that process. Execution of this Agreement by the City shall not be construed in any way to be a promise or guarantee that

the annexation, or any other land use approval, will be granted by the City.

2. Petitioner agrees that, in the event that the City gives final approval to annex the Property, Petitioner will pay to City a one-time amount of $3,500.00 for each new dwelling permitted by City to be constructed on the Property to be used for the provision of law enforcement services. The amount provided for in this paragraph shall be due and payable by Petitioner to the City at the time City issues a building permit for each new dwelling on the Property.

3. The City agrees to use any amount paid to it by Petitioner for law enforcement services as provided in Paragraph 2. The funds provided pursuant to this Agreement are intended as a supplement to the City's current funding of its law enforcement and are not intended to serve as replacement for those funds.

4. The parties agree that this Agreement is not, is not intended to be and shall not be construed as, a "development agreement" under ORS 94.504 to 94.528. In the event any form of legal challenge is brought by any entity not a party to this Agreement challenging the Agreement, the City is under no obligation whatsoever to defend the Agreement.

5. Term, extension and modification: If the Property is not annexed to the City by December 31, 2010, this Agreement shall expire on January 1, 2011 and be of no further force or effect. If the Property is annexed to the City by December 31, 2010, the Agreement shall be valid, binding and enforceable until January 1, 2021, after which it shall expire and be of no further force or effect. This Agreement may be extended or modified at any time prior to expiration upon the mutual written consent of the parties.

6. Agreement runs with the land. The rights and obligations set forth in this Agreement shall be recorded with the title to the Property, and, except as provided in Paragraph 5, shall run with the land and be binding upon the parties to this Agreement, their heirs, successors and assigns.

7. No third party beneficiaries. This Agreement is strictly and solely between the parties signed below, and it shall not create any obligation on the part of either party to perform or pay anything to or on behalf of anyone not a party to this Agreement. This Agreement does not create any rights in favor of or for any person or entity that is not a party to this Agreement.

IT IS SO AGREED:

The City of Oregon City:

_____

_____
print name

Date: _____

_____:

_____
Print Name:

Date: _____

_____
Print Name:

Date: _____

////

////

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was personally acknowledged before me on the ___ day of _____ 200__ by _____, the _____ of Oregon City, who swore or affirmed that he/she was authorized to execute the foregoing Annexation Agreement on behalf of the City of Oregon City.

_____
Notary Public for Oregon,
My Commission Expires

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was personally acknowledged before me on the ___ day of _____ 200__ by _____.

_____
Notary Public for Oregon,
My Commission Expires

Schedule A
Police Funding Fees
AN 09-02

LAND USE	SERVICE RATING	FEE
Industrial / Employment	Low	$0.10 / sq. ft.
Commercial / Office	Low	$0.10 / sq. ft.
Urgent Care Clinics, Senior Living Facilities, Apartment Buildings, Hotels	High	$0.20 / sq. ft.
Residential	High	$3,500 / unit

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 expand the City's boundaries by approximately 54 acres generally located south of Holcomb Boulevard and north of Redland Road. 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 Oregon City Commission has submitted the following ballot title for the proposal:

BALLOT TITLE

MEASURE No. ____

CAPTION: Expands Oregon City boundaries to include additional land.

QUESTION: Shall 54 acres in the northeast part of the City be annexed into the Oregon City city limits?

SUMMARY: This measure would expand the City's boundaries by approximately 54 acres by including within the City limits 8 tax lots located on the south side of Holcomb Boulevard and north of Redland Road. The properties are identified as Clackamas County Map 2S-2E-27B, Tax Lots 600, 800, 900, 1000 and 1080 and 2S-2E-28D, Tax Lots 100, 180 and 190.

The proposal was submitted to allow connection to city services for existing and future development. The properties contain five single-family dwellings, are zoned FU-10 and RRFF-5, are designated Medium Density Residential and are located within the City's UGB.

The City Commission has concluded that all state, regional and City requirements for annexation have been met and services can be provided to the property. The City Charter requires voter approval of annexations. A map showing the parcels is included.

NANCY IDE, City Recorder

PLANNING COMMISSION AGENDA (REVISED)
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
January 25, 2010 at 7:00 p.m.

The 2009 Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings.(www.orcity.org)

Page

1. CALL TO ORDER

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

3. ADOPTION OF PLANNING COMMISSION MINUTES

3-49 a. Adoption of Draft Planning Commission minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.
Staff recommends that the Planning adopt the attached draft minutes.

4. PLANNING COMMISSION HEARING

51-150 a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan.

151-206 b. Legislative (L 08-01). Oregon City Code Amendments: 6-month update.

5. COMMUNICATIONS

6. ADJOURN

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the Planning Dept. at 503-722-3789.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

FILE NO.: AN 09-02

APPLICATION TYPE: Annexation

HEARING DATE: January 25, 2010 - 7:00 p.m., Oregon City City Hall
625 Center Street
Oregon City, OR 97045

APPLICANT: Park Place Partners, LLC – Kent Ziegler
25020 SW Valley View Road
West Linn, Oregon 97068

REPRESENTATIVE: Emerio Design, LLC – Kirsten Van Loo
6107 SW Murray Boulevard, Suite 147
Beaverton, Oregon 97008

REQUEST: The applicant is requesting approval of an annexation of eight properties totaling approximately 53 acres.

LOCATION: (Park Place Concept Plan Area) The subject properties are located generally on the northeast side of the City south of Holcomb Boulevard and north of Redland Road, located at 15030, 15050, 15076 and 15110 Holcomb Boulevard, 16472 Livesay Road, and 3 parcels with No Address; identified as Clackamas County Map 2S-2E-27B, Tax Lots 600, 800, 900, 1080 and 1000, and 2S-2E-28D, Tax Lots 100, 180, and 190.

REVIEWER: Tony Konkol, Community Development Director
Pete Walter, AICP, Associate Planner

COMPREHENSIVE PLAN DESIGNATIONS: Residential – Medium Density

ACRES: 53 acres (approximately)

RECOMMENDATION: Recommend approval of the proposed annexation and to set the election for May 18, 2010 to the City Commission for their consideration at the February 3, 2010 public hearing.

PROPOSAL NO. AN 09-02 - CITY OF OREGON CITY - Annexation

Property Owners:

Property Owners	Address	Tax Lot	Acres (approx.)
Kent Ziegler	15110 Holcomb Boulevard	1080	1.49
Miller	15030 Holcomb Boulevard	0600	1.35
Townsend	15050 Holcomb Boulevard	0800	1.34
Clift	15076 Holcomb Boulevard	0900	1.0
Meritage Properties, LLC	No Address	0190	11
Ron Ziegler	No Address	0100	14.07
Ron Zeigler	16472 Livesay Road	0180	13.37
Park Place Enterprises LLC	No Address	1000	9.65
		Total	**53.27**

Applicant: Kent Ziegler, Park Place Enterprises, LLC (member)

Proposal No AN 09-02 was initiated by consent petitions of owners of 93% of the acreage (49.6 of 53.3 acres), 71% of the property owners (5 of 7) and owners of 61% of the total assessed value of the properties ($1,677,425 of $ $2,755,677). The petitions meet the requirement for initiation set forth in ORS 222.170 (2) (triple majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Please note that if a corporation owns land in territory proposed to be annexed, the corporation is considered the individual owner of that land (See Email from City Attorney, Exhibit 9).

The properties located at 15030, 15050 and 15076 Holcomb did not sign the petition to identify if they support or oppose the annexation request (Exhibit 2). The properties have been included in the annexation request in order to avoid the creation of a county island in compliance with Comprehensive Plan policy 14.4.3.

Under the City's Code the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexations should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision.

The territory is located generally in the north east side of the City on the south side of Holcomb Boulevard and north of Redland Road, as depicted in Exhibit 1. The territory in Proposal No. 09-02 contains approximately 53 acres, has five single-family residences and is valued at $2,755,677.

REASON FOR ANNEXATION

The Park Place study area is adjacent to Oregon City's Park Place neighborhood on the eastern edge of the City. The total land area is approximately 480 acres, of which 180 acres are located immediately adjacent to Oregon

City limits in the vicinity of Livesay Road. These 180 acres were brought into the UGB in the 1980s, but were not annexed into the City of Oregon City. The remaining 300 acres were brought into the UGB in 2002. The whole area within the UGB is comprised of 138 individual property owners, which consist mainly of single-family homes on large parcels. To date, the largest amount of acreage in the concept plan area under single ownership is approximately 48 acres. Thirty-eight acres are in public ownership, the majority of which comprise Ogden Middle School (Oregon City School District). Nearly half of the parcels in the study area are one acre or less. The 53 acres proposed to be annexed into the city are located in the area identified as the "north village" in the Park Place Concept Plan.

The Concept Plan will integrate a multi-modal transportation system with a mixed-use development pattern to achieve a highly efficient and sustainable design. The Concept Plan will identify a network of internal and external pedestrian, bicycle, transit and street connections that serve the study area and connect it to the surrounding community and the broader region. The City Commission adopted the Park Place Concept Plan in April 2007 and was developed through an extensive interactive public process and was guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents and an extensive public hearing process before the Oregon City Planning Commission and City Commission occurred prior to adoption of the concept plan.

LAND USE PLANNING

SITE CHARACTERISTICS

The eight properties have five single-family homes and several small agriculture / out buildings. The properties include drainage ways and streams and slopes ranging from 3% to more than of 35%. The home lots have typical rural residential landscaping and some properties are used for farm / timberlands. The Oregon City Comprehensive Plan designation is medium density residential.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that the City's annexation decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. Metro Chapter 3.09 contains the standards for annexations that cities must follow. The Code requires these findings and conclusions to address the following minimum criteria:

Metro Title 3.09.045(d)(1)(A) and (B)

Consistency with expressly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

Finding: This criterion requires that annexations be consistent with applicable provision of annexation plans and/or agreements that have been adopted pursuant to ORS 195. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit, and have been addressed in criterion 2 below. There are no adopted annexation plans applicable to this property. **This criterion is met.**

Metro Title 3.09.045(d)(1)(C)

Consistency with expressly applicable provisions of cooperative planning agreements between the annexing entity and a necessary party.

Finding: Sanitary Sewers. The City of Oregon City provides sanitary sewer service. The applicant reports that there is a 10-inch sewer line in Redland Road west of the Holly Lane intersection and an 8-inch sewer line in Holcomb Boulevard. Any future development or individual home connection in the area will require the lines be extended to serve the requested area.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001; however, the facility is currently being expanded to increase the available average dry weather capacity to 11.9 mgd.

Water. This territory is currently partially served by the Clackamas River Water District (CRW). The City and CRW have an urban service agreement (Holcomb-Outlook-Park Place or HOPP agreement) for portions of the annexation area. The HOPP agreement generally states that CRW will service homes above the 450 foot elevation within the specified HOPP boundary, but not specifically for the subject annexation area, so the properties should be individually evaluated for continued service, with annexation to or withdrawal from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

Address	Tax Lot	Water Provider	Recommended Action
15110 Holcomb Boulevard	1080	CRW	Stay in CRW until transfer
15030 Holcomb Boulevard	0600	CRW	Stay in CRW until transfer
15050 Holcomb Boulevard	0800	CRW	Stay in CRW until transfer
15076 Holcomb Boulevard	0900	CRW	Stay in CRW until transfer
No Address	0190	CRW	Connect to City water and withdraw from CRW
No Address	0100	na	Connect to City water
16472 Livesay Road	0180	CRW	Connect to City water
No Address	1000	CRW	Stay in CRW until transfer (above 450')

The remainder of the area will receive water service from Oregon City. The City has an adequate water supply in the general area of this annexation in Holcomb Boulevard, and Livesay Road. The five existing homes are on the public Clackamas River Water system and wells and will remain on this system until formal transfer proceedings are finalized with CRW.

Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. The City has a 16-inch city ductile iron waterline and CRW has a 12-inch CRW water line in Holcomb Boulevard, and a 4-inch City water line in Livesay Road. Tax Lot 0190 should be withdrawn from the CRW district upon voter and ordinance approval of the annexation.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 50 percent and West Linn 50 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

Stormwater. On-site or sub-regional stormwater drainage, water quality, and detention facilities will be required at the time of development. The Park Place Concept Plan has extensive language on the viability and recommended methodology to capture and treat stormwater. Additionally, the City is the final stages of developing new Stomwater and Low Impact Development (LID) standards. When development is proposed for the subject site, the owner will be required to design and construct a storm water collection and a detention system to compensate for the increase in impervious area of the property.

Fire Protection. This territory is currently within Clackamas Fire District # 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation; however, based on the November 2007 fire district annexation approval, staff recommends that the properties remain within the fire district.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the

automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.27 officers per 1000 population. The City is divided into three patrol districts with a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. Due to a lack of resources the department seldom staffs three patrol districts and emergency response averages nine-minutes. There will be some impact to police services upon annexation, any future development would negatively impact already strained police services.

The applicant has recognized the current shortcomings of police services to the area and has indicated that the owners of the consenting properties are proposing to pay a fee of $3,500 per dwelling unit into a fund for the Oregon City Police Department for any new home developed within the annexation area (Exhibit 4, pg. 7). Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 6).

Parks, Open Space and Recreation. The site's nearest park is Park Place Park, about 1.1 miles from the proposed annexation area. The Park Place Concept Plan has identified open space and park locations to serve the community. The Parks Department commented on the annexation application with regard to the appropriate minimum acreage for city maintained parks (Exhibit 10). No specific park size, location or ownership is required to be identified at the time of annexation, however this will be required at the time a Master Plan application for the development of the property is submitted.

Transportation. Access is provided from Holcomb Boulevard and Redland Road, minor arterials and Livesay Road, a local street. Any future development of these properties must take the county-owned arterials into consideration. The City-County UGMA requires the annexation to include the adjacent portions of all county streets. Most major intersections in the vicinity will be impacted by future full development of this site: Redland at Hwy 213 (3-leg Traffic Signal-controlled), Washington at Hwy 213 (4-leg Traffic Signal-controlled) and new intersections with Holcomb Boulevard and Redland Road, to name a few.

The Park Place Concept Plan will integrate a multi-modal transportation system with a mixed-use development pattern to achieve a highly efficient and sustainable design. The concept plan identifies a network of internal and external pedestrian, bicycle, transit, and street connections that serve the area and connect it to the surrounding community and the broader region. The concept plan ensures that the land brought into the City is planned in an efficient and sustainable manner that will identify compatible land uses, including industrial, office, commercial, and residential uses, thereby reducing the need for vehicle trips, improving the efficiency of public transportation, offering multi-modal transportation options, and reducing the need to expand the UGB in the future.

Transportation Planning Rule. The Staff Report findings for approval of the Park Place Concept Plan (L 07-01), deferred formal compliance with the Oregon Department of Transportation's Transportation Planning Rule (TPR) (OAR 660-012-0060) until the time of annexation and zoning of the property. The staff report finding (Exhibit 7) states:

> *"Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along*

with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area."

Oregon City annexations receive a default zoning designation to newly annexed property as a single process. This procedure has historically served the city well for annexing county land zoned FU-10 and Low Density Residential, since the default zoning has typically been to the comparably low density residential zoning R-10, with subsequent up-zoning to a higher density following annexation initiated by the developer.

Since the applicant has not completed a traffic impact analysis (TIA) study for any future project that indicates compliance with the TPR, the applicant has the option to 1) annex to the City now and maintain the existing County zoning designation, or 2) address the TPR for the default zoning of R-5 for the subject properties.

Option (1), annexation to the City while maintaining existing Clackamas County zoning, will meet all City requirements for annexation, and allow the applicant to move ahead to meet the May 18th, 2010 annexation vote deadline, while allowing time to prepare the additional analysis need to show compliance with the TPR at the time of future re-zoning. No additional development would occur until compliance with the TPR is demonstrated by the applicant.

The Park Place Concept Plan addresses preliminarily the forecasted traffic impacts, and remedies and infrastructure costs that are necessary to accommodate the additional growth in the annexation territory. The improvements have been included in the City's Transportation System Plan as part of the adoption of the Park Place Concept Plan, and the infrastructure costs have been included in the most recent updates to the City's System Development Charges. The adoption of these charges and updates will meet the necessary Level of Service requirements of the City and will meet the intent of ODOT's Transportation Planning Rule.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

Metro Title 3.09.045(d)(1)(D) and (E)
Consistency with expressly applicable provisions for boundary changes contained in any applicable Comprehensive land use plans and public facility and service plans.

The Oregon City Comprehensive Plan goals and policies are addressed below. The Clackamas County Comprehensive Plan states that annexations which convert Future Urbanizable lands to Immediate Urban lands should ensure the "orderly, economic provision of public facilities and urban services". As demonstrated below, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City.

The Clackamas County Comprehensive Plan implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan designation for these properties on the County's Oregon City Area Land Use Plan (Map IV-5) identifies the Low-density Residential designation but has not been updated to reflect the UGB expansion and the current designation of the properties as Future Urban. The County will need to update Map IV-5 again now that the Park Place Concept Plan has been adopted, which applies MDR-Medium Density Residential designation to the property. County zoning on the properties is FU-10 Future Urban, 10-acre minimum lot size and RRF5 - Rural Residential. The FU-10 zoning is a holding zone to prevent the creation of small parcels in areas

within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. The RRF-5 designation is a county rural residential zoning designation permitting single family dwellings and associated uses on sites not less than 5 acres. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Clackamas County Comprehensive Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable areas,* which are defined as:

"Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.

Clackamas County Policy 5.0 provides that land is converted from "*Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer."*

Clackamas County Policy 6.0 contains guidelines that apply to annexations, such as this one, that convert Future Urbanizable to Immediate Urban land:

a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Annexation of this property is appropriate when considering the surrounding land uses, which are all located either within the city limits or within the UGB, and the close proximity to existing city water, storm and sanitary sewer lines, which have been designed to accommodate the proposed density on the subject site. The Park Place Concept Plan assures that the Metro residential density requirements are met for net developable land within the UGB.

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Medium Density Residential. Consequently, when property is annexed to Oregon City, it already has a City zoning designation (unless rezoning is deferred to a separate application as with this application). The default zoning is R-5 single-family dwelling district.

The UGMA presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

4. *City and County Notice and Coordination*

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

5. *City Annexations*

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two inch asphaltic concrete overlay over the width of the then existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case by case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan.

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Since Redland Road and Holcomb Boulevard are arterial roads, their jurisdictional transfer would be evaluated on the case-by-case basis and is subject to negotiation. Holcomb Boulevard and Redland Road have not been annexed into the City and have not been transferred to the City for maintenance responsibility. Both roads will be included in the legal description for annexation. Upon development of the subject site, public sewer and water will be provided. **This criterion is met.**

Metro Title 3.09.045(d)(2)(A)

Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.

Finding: The proposed boundary change will promote with the timely, orderly or economic provision of public facilities and services in the area. The 53 acres of property are directly abutting Holcomb Boulevard and the Trailview Estates, Wasko Acres and Tracey Heights subdivisions to the north side that are located in the city, and have been developed with housing units, with street stubs to the properties. As demonstrated below, water, sanitary sewer and storm sewer are available in Holcomb Boulevard to north, Cattle Drive and Shartner Drive to the north and Journey Drive to the east. Gravity connection to sewer lines can be extended to Redland Road. **This criterion is met.**

Metro Title 3.09.045(d)(2)(B)

Whether the proposed boundary change will affect the quality and quantity of urban services

Finding: The proposed boundary change will provide levels of city police, fire, water, sanitary sewer and transportation services to serve urbanization of the annexed territories at the time of development as detailed in this report. **This criterion is met**.

Metro Title 3.09.045(d)(2)(C)
Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.
Finding*:* The proposed boundary change was forwarded to all applicable service provides for review and comment with the intent to avoid unnecessary duplication of facilities and services for the annexed territories. Annexation to or withdrawal from the applicable fire, road, water, sewer and sanitary sewer provider district has been addressed in this report and recommendations. **This criterion is met.**

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation. **This criterion is not applicable.**

Oregon City Municipal Code Section 14 - Annexations
The City's Code contains provisions on annexation processing. Section 14.04.060 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

The site access is discussed above in the Facilities and Services section. The area has Holcomb Boulevard to the north and Redland Road to south, both minor arterials. Any future development of the property will need to include half-street/full street improvements to Holcomb Boulevard and Redland Road and to new interior streets. Local street stubs are provided from Cattle Drive and Shartner Drive to the north and Journey Drive to the east.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

Park Place Concept Plan. Compliance with Metro Title 11, "Planning for New Urban Areas" was required as part of the Comprehensive Plan amendment process adopting the Park Place Concept Plan. Metro approved the Concept Plan as in compliance with Title 11. The City's Comprehensive Plan and Municipal Code was amended to implement the Concept Plan. Per Title 11, Concept Plans must address the following elements:

- Annexation
- Housing (density, diversity, and affordability)
- Commercial and industrial land
- Transportation
- Natural resources
- Public facilities
- Public schools
- Funding and Finance Sources

The Park Place Concept Plan (PPCP) includes Core Values, Goals, Policies and Implementation Strategies for each of these elements, as well as Evaluation criteria to be used to ensure that new urban development complies with the Park Place Concept Plan. Development properties will show compliance with the Concept Plan through a Type III Master Plan process in OCMC 17.65, or through the clear and objective design standards in OCMC 17.21

(applicable to new residential development not going through 17.65 process), or through the Type II Site Plan and Design Review process (commercial, multi-family or mixed use development). There are relatively few PPCP goals that deal expressly with annexation, since formal compliance with the Concept Plan can only be shown at the time development is proposed. The PPCP references Chapter 14 of the City code. Regarding annexation, however, it does include the following specific statements:

> (Page 60) *"Annexation of Park Place should be guided by the ability to serve subareas with public facilities such as roads, water, wastewater, and storm water. For these reasons, subareas of Park Place that are adjacent to existing city boundaries, facilities, and services are likely to be annexed first. The northern portion of Park Place was brought into the City's Urban Growth Boundary (UGB) in the 1980s, long before the rest of Park Place was in 2002, and is particularly primed for annexation, due to existing development and property owners' interest in developing."*

PPCP Annexation Goals, Policies, and Implementation Strategies

> *PPCP Goal*
> *Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in this Plan and meets overall city and regional requirements for annexation.*
>
> *PPCP Policies*
> *Ensure that public facilities and services can be provided to serve proposed development prior to annexation of any portion of the Park Place Concept Plan area, consistent with existing City and regional requirements.*
>
> *Provide residents within and adjacent to areas proposed for annexation with opportunities to review and comment on annexation proposals.*
>
> *PPCP Implementation Strategies*
> *Adhere to existing city regulations and procedures in accepting, reviewing and approving proposed future annexations of the planning area or portions of it.*
>
> *Review annexations proposals for adherence to the goals, policies and core values identified in the Park Place Concept Plan.*
>
> *Provide adequate notice of and opportunities for comment on proposed annexations pursuant to existing City notice requirements.*

This annexation application has been accepted and reviewed pursuant to city regulations and procedures. **Finding**: The applicable goals, policies and strategies of the Park Place Concept Plan have been implemented through comprehensive plan, zoning code and map amendments and will be further reviewed at the time of zoning and the Master Plan development review process of OCMC 17.65. Notice of the annexation was provided pursuant to OCMC 17.50. **This criterion is met**.

Section 14 of the Oregon City Comprehensive Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

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

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City has not prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this proposal. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to Holcomb Boulevard to the north. This annexation does maintain regular city boundaries as about 1,800 feet of the boundary of the properties touches the city limits. This annexation could help the city meet Metro targets for housing.

The zoning of the properties upon annexation is already set for R-5 by the municipal code as stated below in the Land Use section. Staff is recommending that the City Commission find that the property will annexed with the existing County zoning. The property owners will be responsible for submitting a zone change application addressing infrastructure needs and the State's Transportation Analysis Rule (TPR).

The following Oregon City Comprehensive Plan annexation goals and policies are approval criteria for annexations under Criteria 3 of the Metro Code. They provide that the Oregon City Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

Goal 14.4: Annexation of Lands to the City

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

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide Planning Rules, the city is identifying the effects the full build-out of these annexed properties will have on public services and any benefits to the city as a whole. As part of the Park

Place Concept Plan adoption, appropriate City Master Plans, such as the Transportation System Plan, Water and Sewer Master Plans for example, were updated to address the anticipated impacts of development of the properties. **This criterion is met.**

Policy 14.4.1 In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.

The proposed properties are contiguous to the city limits along 3,500 feet of the perimeter by touching the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation in order to demonstrate that the properties are contiguous to the city. If the annexation is approved the area would provide a large, contiguous block of new city land that would implement the Park Place Concept Plan, which promotes compact urban form and the efficient delivery of public services. **This criterion is met.**

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

The city identified the effects the full build-out of these annexed properties will have on public services, including the transportation system, and any benefits to the city as a whole. As part of the Park Place Concept Plan adoption, appropriate City Master Plans, such as the Transportation System Plan, Water and Sewer Master Plans for example, were updated to address the anticipated impacts and benefits to the city.

The Park Place Concept Plan includes an assessment of the fiscal impacts of providing public services to the area upon annexation. The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, water, sanitary sewer, storm water and parks. The infrastructure requirements and cost estimates have been provided in Exhibit 3.

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

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

This proposed annexation does not create unincorporated islands within the city, provided that the properties located at 15030, 15050 and 15076 Holcomb are included within this annexation request.

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

A public health hazard does not exist at this time. **This criterion is not applicable.**

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of Public Facilities
Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Policies
Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- *a. Streets and other roads and paths*
- *b. Wastewater collection*
- *c. Storm water management services*
- *d. Police protection*
- *e. Fire protection*
- *f. Parks and recreation*
- *g. Water distribution*
- *h. Planning, zoning and subdivision regulation*

Holcomb Boulevard and Redland Road will remain county-maintained roads until such time as the county and city agree to transfer the operations and maintenance responsibilities. This annexation will immediately add five (5) homes to the city's police and fire protection coverage. Upon annexation, the homes will start paying the current stormwater utility fee of $4/month. The homes are on the public Clackamas River Water system and will remain on this system until such time as the City annexes over 75% of the properties in that section. Any future development of this property will fall under the city planning, zoning, and land division regulations.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.

Policy 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The proposed land in this annexation can be provided urban services with the possible exception of staff-limited police resources. Future development will definitely require further analysis of this

service area. The Park Place Concept Plan identifies the necessary urban facilities and service improvements and costs necessary to implement the future zoning designations for the properties.

The applicant has recognized the service shortcomings of police (Exhibit 4, Page 7) and has indicated the owners of the consenting properties are proposing to pay $3,500 per unit into a fund for the Oregon City Policy Department for any new home developed within the annexation area. Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 6).

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of water and sanitary sewer from the existing utility stubs in Holcomb Boulevard and adjacent local streets.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to these five homes and the Park Place Concept Plan will provide the guidance to address the impacts of the full build-out of the area.

Goal 11.2: Wastewater
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The sanitary sewer is available to these properties by extending to the line in Redland Road that is located west of Holly Lane.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The district did not respond to the notice. No response is interpreted as no opposition. Before sanitary sewers can be extended to lands annexed to the City, those lands will need to annex to the Tri-City Service District. The property owner may initiate annexation to Tri-City Service District after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the annexation.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Holcomb Boulevard, Livesay Road and Redland Road at the intersection with Holly Lane. The five homes are on the public Clackamas River Water system and wells and will remain on this system until formal transfer proceedings are finalized with CRW. The City has a formal agreement with CRW, but not specifically for the subject annexation area.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality under the provisions of the City's Natural Resource Overlay District.

This annexation will not result in any changes to the stormwater drainage. Future development will require extension and connection to the existing stormwater connections leading to downstream Abernethy Creek and Livesay Creek drainages in conformance with city stormwater design standards. The Park Place Concept Plan has identified a three-tiered stormwater treatment approach that will be implemented as the properties are developed. The three-tiered stormwater approach will account for the existing and planned residents of Oregon City and will maintain the existing drainage ways in a natural state for maximum water quality, resource preservation, and aesthetic benefits.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policy 11.9.1 *Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.*

Because the City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City, it may consider whether it will be possible to do so when it decides an annexation proposal. The City will provide fire services through the current contract with Clackamas County Fire District #1. The subject annexation area should not be withdrawn from the district upon annexation voter and ordinance approval.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

The *Land Use* section of the Oregon City Comprehensive Plan identifies land use types.
The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.050.

CITY LAND USE CLASSIFICATIONS

Residential Type	City Zone
Medium-density residential	R-5, R-3.5

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:
"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:''

Plan Designation	Zone
Low Density Residential	R-10 Single Family Dwelling
Medium Density Residential	R-5 Single Family Dwelling
High Density Residential	R-2 Multi-Family Dwelling

Typically the annexed property would be rezoned to R-5 upon annexation as a single process. Since the applicant has not completed a traffic impact analysis (TIA) study for any future project that indicates compliance with the State's Transportation Planning Rule (TPR), the applicant has the option to 1) annex to the City now and maintain the existing County zoning designation, or 2) address the TPR for the default zoning of R-5 for the subject properties.

Option (1), annexation to the City while maintaining existing Clackamas County zoning, will meet all City requirements for annexation, and allow the applicant to move ahead to meet the May 1 annexation vote deadline, while allowing time to prepare the additional analysis need to show compliance with the TPR at the time of future re-zoning. No additional development would occur until compliance with the TPR is demonstrated by the applicant.

Compliance with OCMC 14.04.060 - Annexation factors. [Continued]

3. Adequacy and availability of public facilities and services to service potential development;

The adequacy and availability of existing public facilities and services is also addressed in criterion 2 of the Metro Boundary Change section above.

The Facilities and Services discussion of this report demonstrates that public facilities and services for potential development can be accounted for through implementation of the Park Place Concept Plan through the recently adopting zoning and code changes. There are existing city services available in adjacent developments and within Holcomb Boulevard that can be extended to serve the site. The Park Place concept Plan identifies the impacts to the public facilities and services and the remedies necessary to accommodate the potential development on the annexed properties. Additionally, the adequacy and availability of facilities and services will be reviewed when the properties are proposed for a zone change. **This criterion is met.**

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

The only criterion in ORS 222 is that annexed lands be contiguous to the City. The proposed properties are contiguous to the city limits along 3,500 feet of the perimeter by touching the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation demonstrating that the properties are contiguous to the city. If the annexation is approved the area would provide a large, contiguous block of new city land that would implement the Park Place Concept Plan, which promotes compact urban form and the efficient delivery of public services. Compliance with Metro Code 3.09 is addressed above in this report.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

The Park Place Concept Plan has identified water resources, steep slope and geologic areas that will require further investigation at time of development to demonstrate compliance with Oregon City Municipal Codes for water resource protection and geologic hazards standards. The Park Place Concept Plan also recommended several updates to the geologic hazards standards of OCMC 17.44 that have been adopted and will be applicable to development.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at the time of annexation;

The property is in the Livesay Creek and Abernethy drainage basin according to the Drainage Master Plan. The Park Place Concept Plan has identified natural resource and water resources, geologic and steep slope areas that will require further investigation at time of development to demonstrate compliance with existing Oregon City Municipal Code natural resource, water resource protection and geologic hazards standards. Any other specially designated areas identified, as part of the concept plan will be appropriately regulated pursuant to the Park Place Concept Plan and existing Oregon City municipal code.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

Annexation of the existing five homes will have virtually no affect on the economic, social, or physical environment of the community. The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory.

The City will have service responsibilities including fire, police, and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant, though an additional five homes may impact the existing response time of the Police Department. The applicant has recognized the service shortcomings of police (Exhibit 4, Page 7) and has indicated the owners of the consenting properties are proposing to pay $3,500 per unit into a fund for the Oregon City Policy Department for any new home developed within the annexation area. Staff has attached the Schedule A – Police Funding Fees annexation agreement (Exhibit 6).

If approved by City electors for annexation, the property owner will need to apply to the City for rezoning to a higher density along with any land use permits required to implement the development as outlined in the Park Place Concept Plan. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. Before any urban development can occur, the applicant must show compliance with the State's Transportation Planning Rule for the desired re-zoning, and the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

RECOMMENDATIONS

Oregon City Municipal Code section 17.04.080 states the following:

"*The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."*

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Set AN 09-02 for election on the May 18, 2010 ballot.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.
- Recommend not withdrawing the property from the Clackamas Fire District # 1.
- Recommend not withdrawing Tax Lots 1080, 0600, 0800, 0900 and 1000 from the Clackamas River Water District until formal transfer proceedings are finalized with CRW.

- Recommend withdrawing Tax Lot 0190 from the Clackamas River Water District and connection to Oregon City water service.
- Recommend that the City Commission should accept the applicant's offer for a solution to the police funding shortcomings as identified on Schedule A – Police Funding Fees AN 09-02.
- Recommend that the annexed properties maintain the existing county zoning designations of FU-10 and RRF-5 until the applicant requests rezoning to R-5;
- Recommend that the applicant demonstrate compliance with Oregon's Transportation Planning Rule (OAR 660-012-0060) at the time a re-zoning application is submitted to the City for approval.

Exhibits

Exhibit 1:	Site Map and Comprehensive Plan Designations;
Exhibit 2:	Site Map identifying properties that signed the petition;
Exhibit 3:	Park Place Concept Plan Map and cost estimates (Full concept plan on file);
Exhibit 4:	Applicant's submittal;
Exhibit 5:	Proposed Findings, Reasons for Decision and Recommendation;
Exhibit 6:	Draft Annexation Agreement: Police Funding Fees;
Exhibit 7:	Staff Report findings (Excerpt) for Park Place Concept Plan (L 07-01) regarding OAR 660-012-0060. (full staff report on file)
Exhibit 8:	Comments of Gail Curtis, ODOT Planner.
Exhibit 9:	City Attorney email regarding property ownership by LLCs.
Exhibit 10:	Parks Department comments.
Exhibit 11.	Modified Annexation Petition & Double Majority Worksheet.
Exhibit 12.	Ownership conveyance to LLCs paperwork.

AN 09-02
PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS
Based on the Findings, the Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.

3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).

4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Holcomb Boulevard, Redland Road, Journey Drive, Shartner Drive and Cattle Drive.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.

6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final

zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.

10. The City Commission recognizes that the applicant has offered a financial solution to the police funding shortcomings for future new homes and businesses.

11. The City Commission recognizes that the properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should be maintained in the CRW district until formal until formal transfer proceedings are finalized with CRW.

12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

13. The City Commission recognizes that the applicant is requesting an annexation at this time. The zone change request, which will address compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060, will come at a later date if the annexation is successful.

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth

AN 09-02 Comp. Plan Designation

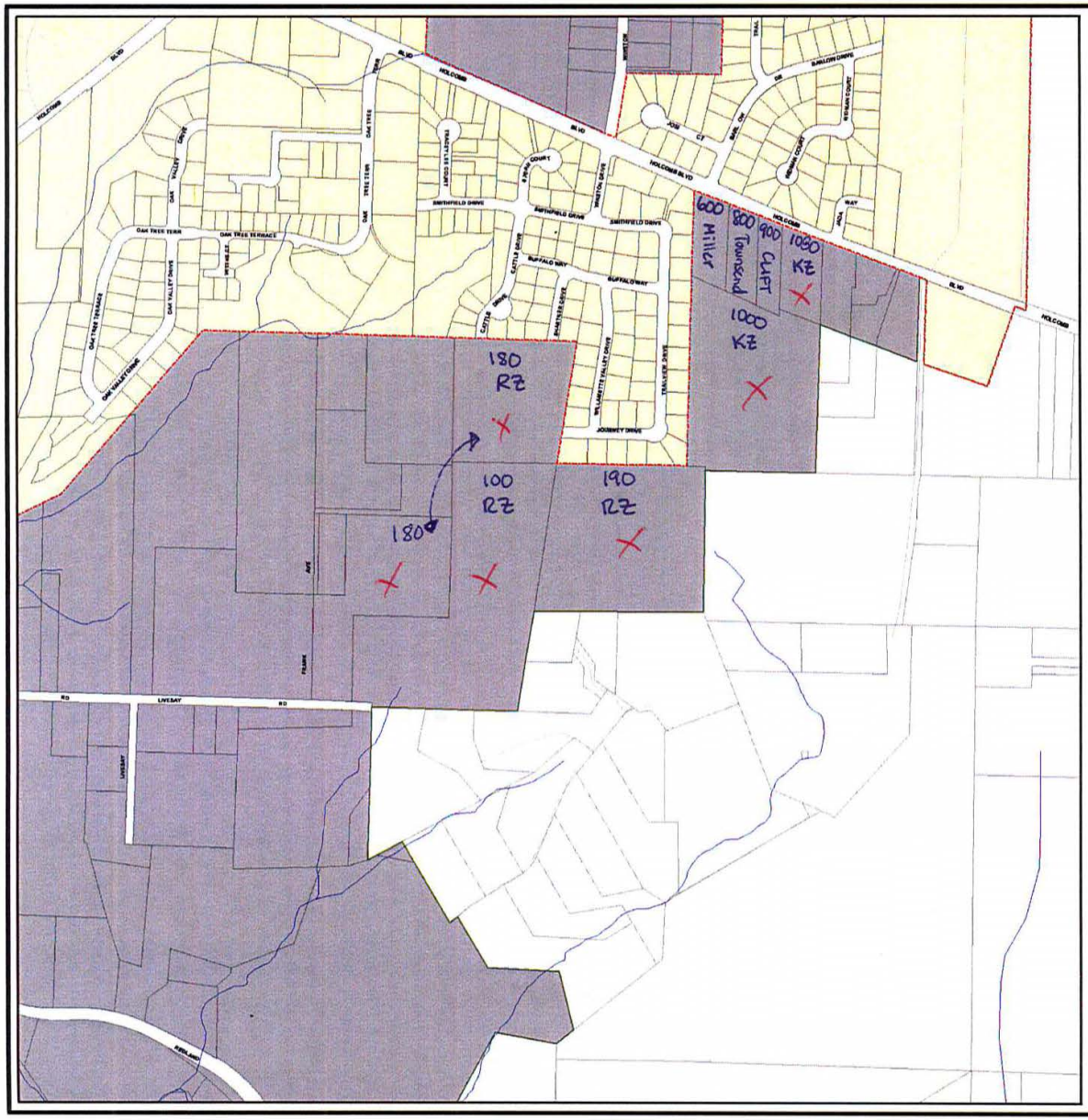
4

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

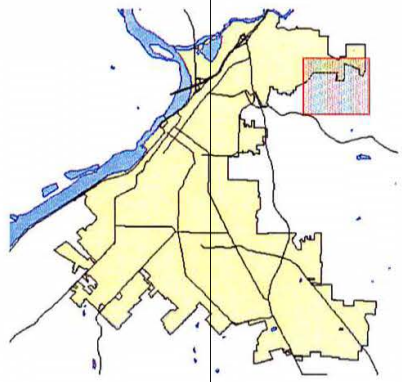
Map created with OCMap 2010

01/20/2010



Oregon City Planning

X = Signed Petition



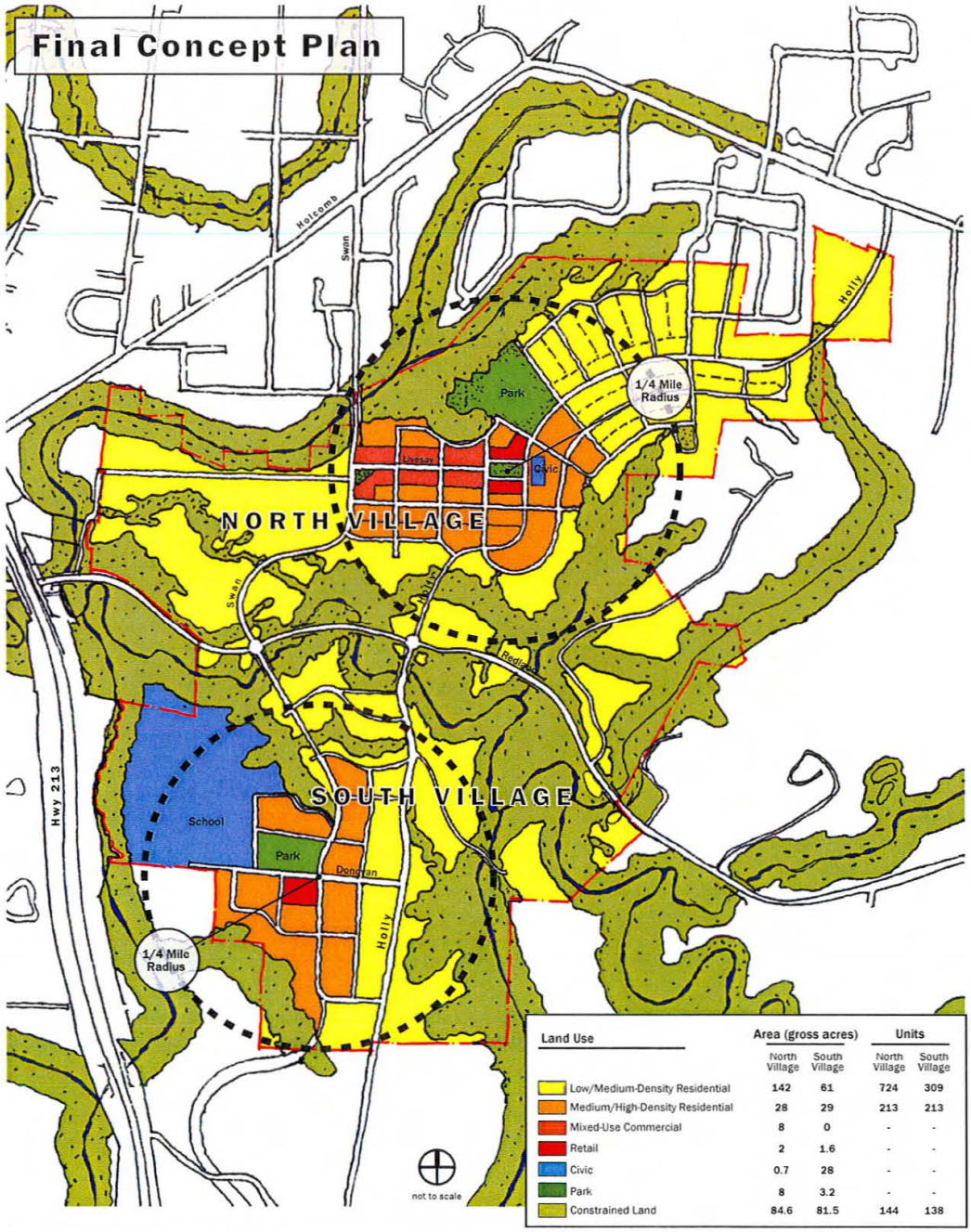
N
W E
S

City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2009

12/16/2009



Land Use	Area (gross acres)		Units	
	North Village	South Village	North Village	South Village
Low/Medium-Density Residential	142	61	724	309
Medium/High-Density Residential	28	29	213	213
Mixed-Use Commercial	8	0	-	-
Retail	2	1.6	-	-
Civic	0.7	28	-	-
Park	8	3.2	-	-
Constrained Land	84.6	81.5	144	138

Figure 1-1. Park Place Concept Plan Urban Growth Diagram

Exhibit 3

5. Funding and Finance

Introduction

The available public infrastructure currently in Park Place is insufficient to serve development proposed in the Park Place Concept Plan. Though Park Place does not have existing infrastructure, it is adjacent to existing service providers. The key public services that need to be developed are: transportation, drinking water, sanitary sewer, storm water, and parks.

Infrastructure Requirements

1. Transportation

To handle the traffic generated by future development in Park Place and in the surrounding urbanizing area, roadways will have to be improved inside and outside of Park Place. The construction costs for transportation improvements needed to indirectly or directly serve the area amounts to approximately $137-187 million in 2007 dollars. If Park Place develops as proposed in the Concept Plan, then $51.9 million of roadway and intersection improvements will be needed—the "Build" improvements in Table 5-1. Table 5-1 shows the costs by roadway and intersection.

Table 5-1 also summarizes the cost of improvements by type of roadway: Expressway, Minor Arterial, and Collector. These types of roadways imply different jurisdictional ownership and funding responsibilities.

Table 5-2 shows a preliminary distribution of ownership and funding responsibilities. ODOT owns the express roadways and is primarily responsible for their construction and maintenance. These roadways primarily benefit a larger regional population that will live in Park Place, and pass-by or through traffic. ODOT and the regional, county, and city governments share in the cost of improvements to ODOT's roadways based on regionally negotiated percentages: ODOT, 60%; Metro 20%; County, 15%; and City, 15%. In Table 5-2, these percentages are applied to the construction costs to allocate the funding responsibilities to each government.

The minor arterials are Clackamas County roadways that will eventually revert to City ownership after annexation and as agreed upon between the City and County. Generally, County roadways are brought up to "standard" before the transfer occurs. For this analysis, the County is assumed to fund 60% of the construction cost, and the City 40%. These roadways - Redland Road and Holly Lane - primarily benefit a larger county-wide population than will live in Park Place.

The new collector roadways to be built in Park Place, and as Park Place develops, are 100% the responsibility of the City. These roadways primarily benefit local traffic.

Those improvements or parts of improvements allocated to Oregon City are identified as No-Build and Build improvements. Regardless of the development of Park Place, the No-Build

improvements will have to be constructed as the City grows outside of Park Place. Metro is listed as a possible funding source but no allocation of project costs is shown for it. Metro may participate in some of the regional roadway projects, but at this time none of the projects is in Metro's Regional Transportation Funding Plan.

Table 5-1: Summary of Estimated Needs for Transportation Improvements (for concept planning purposes only)

Roadway	No Build	Build	Total
HWY 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000	0	75-125,000,000
Redland Road: Abernethy/Holcomb to Swan Ave.		11,500,000	11,500,000
Holly Lane: Redland to Maplelane	3,000,000	0	3,000,000
Livsey Road: Swan Ext to Holly Ext		1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School		1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd		1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road		9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln		9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		17,400,000	17,400,000
Total	78-128,000,000	51,600,000	130-180,000,000

Intersections			
Anchor Way/Redland	2,900,000		2,900,000
Holly Ln/Redland Rd	2,000,000		2,000,000
Holly Ln/Maplelane Rd	1,600,000		1,600,000
Swan Ave/Holcomb Blvd		300,000	300,000
Total Intersection Improvements	6,500,000	300,000	6,800,000
Grand Totals	85-135,000,000	51,900,000	137-187,000,000

Table 5-2: Facility Ownership and Estimated Construction Costs (for concept planning purposes only)

Roadway	ODOT	Clackamas	No Build	Build	Totals
Highway 213 Corridor Improvements (I-205 to Oregon City UGB)	75-125,000,000			0	75-125,000,000
Redland Road: Abernethy/ Holcomb to Swan Ave.		6,900,000	0	4,600,000	11,500,000
Holly Lane: Redland to Maplelane			3,000,000	0	3,000,000
Livsey Road: Swan Ext to Holly Ext			0	1,800,000	1,800,000
Donovan Road: Holly Lane to Ogden Middle School			0	1,200,000	1,200,000
Swan Ave Extension: Existing Swan Ave south to Holcomb Blvd			0	1,100,000	1,100,000
Swan Ave Extension: Livesay canyon to Redland Road			0	9,300,000	9,300,000
Swan Ave Extension: Redland Rd to Holly Ln			0	9,300,000	9,300,000
Holly Lane: Redland to Holcomb Blvd		10,400,000	0	7,000,000	17,400,000
Total Roadway	75-125,000,000	17,300,000	3,000,000	34,300,000	130-180,000,000

Intersections					
Anchor Way/Redland		1,700,000		1,200,000	2,900,000
Holly Ln/Redland Rd		1,200,000		800,000	2,000,000
Holly Ln/Maplelane Rd		1,000,000		600,000	1,600,000
Swan Ave/Holcomb Blvd		200,000		100,000	300,000
Total Intersection		4,100,000	0	2,700,000	6,800,000
Grand Totals	75-125,000,000	21,400,000	3,000,000	37,000,000	137-187,000,000

Source: Kittelson& Associates

To summarize, Oregon City will have to fund approximately $40 million of the identified $137-187 million of needs. Approximately $3 million will be funded city-wide, regardless of the Park Place Concept Plan. The Park Place area will be responsible for approximately $37 million.

The funding mechanisms for these improvements cannot be predicted with great accuracy, but the mechanisms can be identified and used to plan the improvements. As a part of the process to adopt the Park Place Concept Plan, the City and County will have to amend their Transportation System Plans to include all of the improvements identified above. The updated TSP also addresses funding by source of revenues. Once that is amended, the City and

County would update their transportation System Development Charges (SDCs) to include some portion of each capital improvement for eventual SDC funding. The projects in Park Place will then be ranked and scheduled for construction along with all of the other transportation projects in the City. These updates may or may not increase the amount of the current transportation SDC.

Outside of the federal, state, County, and City funding sources for transportation improvements, the City and County may look to other financing mechanisms. The City may require developers to pay for or construct some of the improvements. The City may also accept applications to fund some projects as local improvement districts (LIDs) or advance financing arrangements with developers.

2. Water

Park Place will be served by the South Fork Water Board, which is a regional water utility owned by the Cities of Oregon City and West Linn. The Park Place area will be served by the SFWB's ample supply of water, treatment, reservoirs, and transmission lines to Park Place. The planned capital improvements build an internal distribution system at an approximate cost of $3.8 million in 2007 dollars for approximately 26,306 lineal feet of water pipes and associated appurtenances.

Once the Park Place Concept Plan is accepted, the City's water master plan will have to be amended to include these projects. The water SDC will have to be amended to include these projects and perhaps to increase the City-wide water SDC (currently $4,445 for a ¾ x ⅝ inch water meter, varying by meter size). The update of the City's SDC would include the new projects and account for new users, and may or may not increase the amount of the SDC. It would make some parts of the water improvements in Park Place eligible for SDC funding. These costs will be absorbed by developers either through SDCs or construction of water system improvements as a condition of development approval.

3. Sanitary Sewer

The Tri-City Sewer District (TCSD), which includes Oregon City, West Linn, Gladstone provides the wastewater treatment plant (WWTP) and interceptor sewer lines from Park Place to the WWTP. The planned capital improvements provide the collection system within Park Place. Only the 36-inch sewer lines along Redland Road will provide service to areas outside of Park Place. The total cost of these improvements is approximately $5.52 million in 2007 dollars. The cost per EDU is approximately $2,483.

After adopting the Park Place Concept Plan, the City and TCSD will amend their SDCs to include these projects and perhaps increase the sewer SDC, which is currently $3,716 (sum of City and TCSD) per single-family residence on a ⅝ x ¾ inch water meter.

Table 5-3. Summary of Water System Improvements

Water System Improvement	Size	Length (ft)	Cost/ft	Total Cost
North Village:				
Livesay Rd - E of Swan	12"	1,500	$106	$159,000
Swan Ave - Livesay Rd to Redland Rd.	12"	1,969	106	208,714
Livesay Rd W of Swan	10"	1,888	90	169,920
Livesay Rd W. to Holcomb Rd.	10"	784	90	70,560
North Village to Redland Rd.	16"	1,981	126	249,606
North Village to Holcomb Rd.	10"	3,576	90	321,840
Subtotals		**11,698**		**1,179,640**
Redland Road:				
SFWB connection to Swan Ave	16"	2,805	$126	$353,430
Swan Ave to Holly Lane	16"	1,245	126	156,870
Holly Lane to UGB Boundary	16"	2,448	126	308,448
Subtotals		**6,498**		**$818,748**
South Village:				
Swan Ave - Redland Rd to Donovan Lane	16"	1,962	$126	$247,212
Swan Ave - Donovan Lane to UGB Bndry	10"	1,353	90	121,770
Holly Lane - Redland Rd to Donovan Lane	12"	1,906	106	202,036
Holly Lane - Donovan Lane to UGB Bndry	10"	1,244	90	111,960
Donovan Lane - Swan Ave to Holly Lane	16"	610	126	76,860
Donovan Lane - Swan Ave to School	16"	1,035	126	130,410
Subtotals		**8,110**		**$759,838**
	10"	8,845		
	12"	5,375		
	16"	12,086		
Total Lineal Feet of Water Lines		**26,306**		
Construction Cost				**$2,758,226**
Design Costs (20% of construction cost)				**551,645**
Construction + Design Cost				**3,309,871**
Contingency (15%)				**496,481**
Total Cost				**$3,806,352**

Source: David Evans & Associates

Funding of these improvements may be borne directly by developers either through payment of SDCs or construction of sewer system improvements as a condition of development approval. The City also may pay for part of these improvements through its own investments by issuing debt and paying debt service from user fees or SDCs. Updating the City's sewer SDC to include the Park Place projects and the numbers of new users may result in both new revenues to the City and qualify some of the Park Place sewer improvements for SDC funding or credits. The updated SDC may or may not be greater than it is currently. Formation of LIDs or advance financing agreements also may be

Sewer System Improvement	Size	Number	Length (ft)	Cost/ft	Total Cost
North Village:					
Livesay Rd - E of Swan	12"		1,500	$100	$150,000
Manholes	4'	5		$4,000	$19,000
Swan Ave - Livesay Rd to Redland Rd.	12"		1,947	$100	$194,700
Manholes	4'	6		$4,000	$23,470
Livesay Rd - W of Swan	10"		1,894	$95	$179,930
Manholes	4'	6		$4,000	$22,940
Livesay Rd - W to Redland Rd.	8"		839	$90	$75,510
Manholes	4'	3		$4,000	$12,390
North Village to Redland Rd	12"		1,964	$100	$196,400
Manholes	4'	6		$4,000	$23,640
North Village to Hilltop	10"		3,568	$95	$338,960
Manholes	4'	10		$4,000	$39,680
Subtotals		**25**	**11,712**		**$1,276,620**
Redland Road: *					
48" connection to Swan Ave	36"		1,891	$335	$633,485
Manholes	6'	6		$7,200	$41,238
Swan Ave to Holly Lane	36"		1,245	$335	$417,075
Manholes	6'	4		$7,200	$29,610
Holly Lane to UGB Boundary	36"		2,448	$335	$820,080
Manholes	6'	7		$7,200	$51,264
Subtotals		**17**	**5,584**		**$1,992,752**
South Village:					
Swan Ave - Redland Rd to Donovan Lane	12"		1,995	$100	$199,500
Manholes	4'	6		$4,000	$23,950
Swan Ave - Donovan Lane to UGB Bndry	10"		1,353	$95	$128,535
Manholes	4'	4		$4,000	$17,530
Holly Lane - Redland Rd to Donovan Lane	12"		1,910	$100	$191,000
Manholes	4'	6		$4,000	$23,100
Holly Lane - Donovan Lane to UGB Bndry	10"		1,244	$95	$118,180
Manholes	4'	4		$4,000	$16,440
Donovan Lane - Swan Ave to Holly Lane	8"		610	$90	Use Extg
Manholes	4'	3		$4,000	$10,100
Subtotals		**23**	**7,112**		**$728,335**
	8"		1,449		
	10"		8,059		
	12"		9,316		
	36"		5,584		
Total Lineal Feet of Sewer Lines			**24,408**		
Construction Cost					**$3,997,707**
Design Costs (20% of construction cost)					**$799,541**
Construction + Design Cost					**$4,797,248**
Contingency (15%)					**$719,587**
Total Cost					**$5,516,836**

Table 5-4. Summary of Sewer System Improvements

Source: David Evans & Associates

used to pay for some of the improvements.

4. Storm Water

The storm water system will in part be constructed as an element of the transportation system and in part from those improvements listed in Table 5-4. These improvements would not be constructed as part of a roadway. These non-roadway storm water improvements will cost approximately $765,845 in 2007 dollars.

Once the Park Place Concept Plan is adopted, the storm water master plan and SDC would be amended to include these improvements. These improvements will likely be constructed by developers as a condition of development approval. Updating the storm water SDC will have the same possible effects as updating the sewer and water SDCs.5. Parks

The Park Place Concept Plan identifies two parks: an 8- to 10-acre community park and a 3- to 5-acre neighborhood park. The development cost is estimated at $1.82 million in 2007 dollars. The current price of vacant residentially-zoned land in Park Place ranges from a low of approximately $30,000 per acre for undeveloped un-served to $125,000/acre for land adjacent to services. For this analysis, an average price for land with services is used that ranges from $100,000 per acre to $125,000 pre acre. The community park in the North Village would serve a larger area than Park Place, while the neighborhood park in the South Village would serve only Park Place.

Once the Park Place Concept Plan is adopted, the City will have to update its Parks and Open Space Master Plan to include these projects, and revise its park SDC, currently $3,056 per residential unit. This amount may or may not

Table 5-5. Summary of Storm Water System Improvements

Storm Water System Improvement	Quantity	Units	Cost/ft	Total Cost
Livesay Creek Basin				
Ponds - Assumes approx 10,000 cu ft	5	EACH	$15,000	$75,000
Pipe - Assumes 12”	1,200	LF	$68	$81,600
Subtotals				$156,600
Holcomb Creek Basin				
Ponds - Assumes approx 10,000 cu ft	1	EACH	$15,000	$15,000
Pipe - Assumes 12”	260	LF	$68	$17,680
Subtotals				**$32,680**
Abernethy Creek Basin				
Ponds - Assumes approx 10,000 cu ft	13	EACH	$15,000	$195,000
Pipe - Assumes 12”	2,510	LF	$68	$170,680
Subtotals				**$365,680**
Total Ponds	19			
Total Pipe	3,970			
Construction Cost				$554,960
Design Costs (20% of construction cost)				110,992
Construction + Design Cost				665,952
Contingency (15%)				99,893
Total Cost				**$765,845**

Source: David Evans & Associates

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth

Page 86 of 206

Table 5-6. Summary of Park Improvements

Park Type	Acres		Acquisition		Development		Total
	Range	Assumed	$/Acre*	$'s	$/Acre	$'s	
Community	8 to 10	9	$100,000	$900,000	$140,000	$1,260,000	$2,160,000
Neighborhood	3 to 5	4	125,000	500,000	140,000	560,000	1,060,000
Total Cost				**$1,400,000**		**$1,820,000**	**$3,220,000**

*The Clackamas County Office of Assessment and Taxation reports current market values for vacant unimproved land without services ranges as low as $33,000/acre. We assume a developable acre of land with services will be purchased for parks.

Development and Timing

Park Place is composed of about 109.1 acres of net buildable land and 368.5 acres in un-developable wetlands, steep slopes, or other physically constrained land. It provides upwards of 1,458 housing units and approximately 8 acres of land zoned for a mix of retail and office uses. The land area is divided into 138 parcels of private ownership that range from less than 1 acre in size to more than 30 acres. It also requires the investment of $50.3 million for public improvements. Assuming the planned housing and commercial development occurs, the development will provide 1,458 dwelling units (single and multiple housing developments) and commercial development that equates to about 162 equivalent dwelling units (EDU). Using the EDUs of 1,620, and assuming the park development costs are only to be paid by residential development, the cost per average EDU is approximately $31,300.

The public infrastructure improvements illustrated in Table 5-7 will not be built all at one time; however, development of any one parcel will require roadway, sewer, water, and storm water improvements to be installed at the time of development. This proposition creates a need to invent financing arrangements that accommodate both the particular requirements of any one development, and the public's ability to build or cause to have built the necessary public improvements.

Vacant land in an urbanizing area such as Park Place is converted to urban uses on a nearly random basis. Urban vacant land conversion studies show the reason a land owner either develops the land himself or sells to a developer has more to do with the owner's personal circumstances than with the rational expansion of urban development. Lifestyle changes (e.g., change in career, retirement, the onset of disease, bankruptcy, divorce) often trigger the sale of

Table 5-7. Improvements Summary

Service	Cost	Number of EDUs*	Cost per EDU
Transportation	36,980,000	1,620	$22,827
Water	3,806,352	1,620	2,350
Sanitary Sewer	5,516,836	1,620	2,405
Storm Water	765,845	1,620	473
Parks	3,220,000	1,458	2,209
Total Cost	$50,289, 032		$31,263

* An EDU for retail and office is assumed to equal about 10 percent of total trips, water usage, and sewage production

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Page 87 of 206

vacant land at the urban fringe. The likelihood of land adjacent to parcels with a full range of infrastructure is very small. The cost of building public improvements is minimized when they are built only when needed, and only as much as a proposed development would require. These circumstances rarely coalesce. Since the public lacks the authority and so many parcels exist in Park Place, neither the pubic nor a single private owner can orchestrate its sequential and timely development. Each development proposal will have to be evaluated for private and public feasibility, and any excess capacity in the public improvements likely will have to be financed by the private developer or the public.

Development in Park Place, as in all other similar areas, is more likely to include some vacant parcels. This development process gives rise to the need to extend linear public services like roadways, sewer and water lines, and storm drainage facilities through vacant parcels. Financing of improvements would be easier if the leapfrogged property owners were willing to pay their share of the cost. Typically, the leapfrogged property owner does not want to pay his or her share of improvement costs until development of the property, when service becomes necessary.

Land Owner and Developer Financing Tools

If the developer has only to pay for public improvements directly related to their own property with no excess capacity built into the improvements, then the developer would likely build the improvements and pay systems development charges. This circumstance rarely occurs in fringe urban areas where transportation, water and sewer improvements are needed.

In areas like Park Place, the developer will typically have to build roadways, sewer and water lines, storm drainage and perhaps park improvements that have capacity in excess of the development's own use. Generally, the developer cannot recover the cost of the excess capacity from the final development it sells (finished lots or finished lots and houses or commercial buildings). The developer as a rule has to finance this excess capacity in hopes that other development will occur to use the excess capacity and to purchase the excess capacity from the original developer.

Size also matters. The larger the development, the more property sales the developer needs to spread the cost of the excess capacity. The original developer has two possible tools to finance the excess capacity—a local improvement district (LID) or an advance financing agreement.

Local Improvement District

A developer may organize a LID for those properties that will eventually benefit from the excess capacity. Once formed by concurrence or vote of a majority of the property owners within the specified district, the City assesses each property for its proportionate share of the cost of constructing the public

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Page 88 of 206

improvements, including administration and financing costs. For those properties that do not pay their assessments in full and immediately, the City can issue a Bancroft bond to raise the rest of the cash needed to construct the improvements and pay the associated expenses. The City then assesses a tax each year on those properties that owe their assessments, plus interest and expenses, until the assessment is fully repaid. This form of borrowing—instigated by the developer and managed by the city—gives the developer a risk-free method of financing the excess capacity. It does, however, take agreement by a majority of the property owners in the LID to approve of the arrangement, and concurrence by the City to participate in the LID financing. If the property owners fail to make payment, the City has to foreclose on the non-paying properties and resell the property to recover the lost revenues. The City in effect provides the security for the loan and takes the risks of default.

Advance Financing (Reimbursement) Agreement

The other tool is an advance financing agreement (also commonly referred to as a reimbursement agreement). This arrangement works similar to a LID except that the developer takes all of the financial risks of default. Cities in Oregon have adopted several variations on this type of agreement. But generally, the affected property owners do not have a direct vote in the formation of the agreement, and the city computes an assessment for each property or each type of development (e.g., a single family house, per square foot of commercial space). The assessment is not paid until the property owner chooses to develop the land and connect to the public improvements financed by the original developer. At that time, the assessment is due. Some cities insist on full payment at the time of assessment, while others may accept financing of the assessment. The city collects the assessed amount from the next developer, keeps a small amount for administration, and pays the rest to the original developer. The city's financial risk is limited to administrative costs. In the event the developer does not collect all of the assessments within the time frame set in the agreement (typically 10 to 20 years), the agreement is rendered null and void and the developer suffers the financial consequences.

Public Financing Tools

Size makes a difference to a developer's ability to absorb risk. When properties in an area are small and proposed developments are small, such as a series of small sub-divisions for residential development or small commercial centers, the city may be the only financier available to absorb the financial risk of constructing the necessary public improvements. The city's risk is its ability to collect systems development charges, charge user fees and, if authorized by voters, to assess specific property taxes to repay general obligation bonds. Generally the city has three possible sources of capital to build excess capacity into public improvements—cash reserves, revenue bonds or state loans where available, and general obligation bonds.

Cash Reserves

If the City has cash reserves from past collections of systems development charges or from the net operating revenues of user-fee based services (sewer and water), then it can act as the financier in either a LID or advance financing agreement. It can also expect repayment from future payment of systems development charges. But the city must use its own cash to pay for construction of the improvements. No third-party lender would accept a promise of future SDC revenues to repay a debt because this stream of revenue is so unpredictable.

Revenue Bonds or Loans

Where the city charges monthly (or bimonthly) user fees for services, it has the ability to set those charges at a level that will pay all operating costs and pay the principal and interest (debt service) on a bond or loan. User fees provide a reliable stream of income that can be pledged to repay debts. Revenue collected for systems development charges can in part be applied to repay these debts. Specific laws guide the use of SDC revenues for this purpose. The city cannot levy a property tax to repay this debt.

General Obligation Bonds

Cities in Oregon can issue general obligation bonds only with the specific approval of voters at a general election and for a maximum specified amount and purpose. Revenue to repay this debt is primarily derived from a special property tax levy, though net income from user fees and SDC revenues may also be used to repay these debts.

Application Summary

Request:

Proposal to initiate annexation of approximately 53 acres into the City of Oregon City. The site is within the Oregon City UGB and the boundaries of the Park Place Concept Plan. Annexation is the next land use step required toward implementing the long-range development plans adopted by the City of Oregon City.

Location:

The properties are generally located south of Holcomb Road and north of Livesay Road, all within the boundaries of the UGB and the Park Place Concept Plan. The parcels are described by Clackamas County as tax maps/lots 22E27B - 01080, 01000, 00600, 00800, 00900; 22E28D 00190, 00100, 00180.

Applicant:

Park Place Enterprises, L.L.C.
Kent Ziegler
25020 SW Valley View Road
West Linn, OR 97068
503-701-9716

Applicant's Representative

Emerio Design, LLC
Kirsten Van Loo
6107 SW Murray Blvd., #147
Beaverton, OR 97008
Cell: 503-956-4180

Property Owners

22E27B-01080, 01000
Kent Ziegler
15110 S. Holcomb Road

2E27B-00600
Miller
15030 S. Holcomb Road

22E27B-00800
Townsend
15050 S. Holcomb Road

22E27B-00900
Clift
15076 S. Holcomb Road

22E28D – 00100, 00180, 00190
Ronald Ziegler
16472 S Livesay Road

Proposal

This application requests approval to annex approximately 53 acres of land into the incorporated boundary of Oregon City. The subject site is located within the Metropolitan Urban Growth Boundary (UGB), and the Park Place Concept Plan. The land will be zoned R-5 upon conclusion of the voter-approved annexation process.

Site Description

The subject properties are located south of Holcomb Boulevard and north of Livesay Road. Many of the surrounding properties are developed with single-family homes on large lots in a suburban/rural environment. A low-density, single-family detached subdivision inside the City is adjacent to the subject site along the northeastern boundary. The site is located within the Park Place Concept Plan Area and is adjacent to the north eastern-most boundary of the Oregon City Limits.

The subject properties are currently zoned Future Urbanizable 10 Acre District (FU-10) and Rural Residential Farm/Forest 5-acre District (RR-FF-5). The FU-10 zone is assigned to properties located within areas that will be developed at urban densities in the Future Urbanizable areas of the County as defined in the Comprehensive Plan. The RR-5 zone is assigned to rural properties that can be developed at densities of no more than one unit for every five acres when they are located outside the UGB. Within the UGB, and when identified as future urban land, subdivision of land into lots less than 20 acres is prohibited.

The proposed annexation area is located within the UGB and is within the Park Place Concept Plan, which was adopted by the City of Oregon City to plan for growth in this sector.

Compliance With Applicable City of Oregon City Municipal Code Provisions

Each of the applicable Chapters of the City of Oregon City Municipal Code will be addressed in the order in which they appear.

From OCMC 14.04.050

1. *Written consent form to the annexation signed by the requisite number of affected property owners, electors or both, provided by ORS 222, if applicable;*

Response: The consent form is signed by the majority of the property owners as defined by acreage of the land involved in the annexation.

2. *A legal description of the territory to be annexed, meeting the relevant requirements of the Metro Code and ORS Ch. 308. If such a description is not submitted, a boundary survey may be required. A lot and block description may be substituted for the metes and bounds description if the area is platted. If the legal description contains any deed or book and page references, legible copies of these shall be submitted with the legal description;*

Response: A legal description is included for the parcels proposed for annexation.

3. *A list of property owners within three hundred feet of the subject property and if applicable, those property owners that will be "islanded" by the annexation proposal, on mailing labels acceptable to the city manager;*

Response: A list of property owners within 300 feet is included.

4. *Two full quarter-section county tax assessor's maps, with the subject property(ies) outlined;*

Response: Copies of the ¼ section maps are included with the identified parcels proposed for annexation outlined.

5. *Twenty-five copies of a site plan, drawn to scale (not greater than one inch = fifty feet), indicating:*
   a. The location of existing structures (if any),
   b. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed,
   c. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flood data showing elevations of all property subject to inundation in the event of one hundred year flood shall be shown,
   d. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over six inches in diameter-as measured four feet above ground), and significant areas of vegetation,
   e. General land use plan indicating the types and intensities of the proposed, or potential development;

Response: 25 copies the drawing set are included with the application submittal.

6. If applicable, a double-majority worksheet, certification of ownership and voters. Certification of legal description and map, and boundary change data sheet on forms provided by the city.

Response: The double majority worksheet with certification of owners and voters is included with the application package.

7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including

Response: The narrative statement addressing conditions, service availability, demand for additional land within the city, additional infrastructure demands, financing methodologies, development concept, social benefits to the city, and action required to mitigate impacts is included with the application package.

a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities,

Response: The attached drawings show the location of existing infrastructure providing access to public utilities for the proposed annexation. Transportation availability is addressed in the attached Traffic Impact Analysis. Park and School facilities are addressed in the body of this document.

b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time,

Response: The Traffic Impact Analysis addresses the future need for any public street improvements.

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,

Response: The Traffic Impact Analysis addresses the future need for any public street improvements.

d. Statement outlining method and source of financing required to provide additional facilities, if any,

Response: The Traffic Impact Analysis addresses the future need for any public street improvements and potential sources for funding.

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,

Response: The annexation of this property will facilitate the implementation of a phase of the adopted Park Place Concept Master Plan. The potential for enhanced physical and social environments are discussed at length in that adopted Plan.

f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on 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,

Response: The annexation of this property will facilitate the implementation of a phase of the adopted Park Place Concept Master Plan. The potential for enhanced physical and social environments are discussed at length in that adopted Plan.

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;

Response: No plan map amendment is proposed with this annexation. The site will be zoned R-5 as indicated in the Oregon City Municipal Code section 17.68.025.

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.

Response: The required application fee and annexation deposit are included with the application package.

14.04.060 Annexation Factors

When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site;

Response: No physical development is proposed with this application. None of the current accesses to the properties would be altered under this proposal. Currently, all of the properties have access via Holcomb Road or Livesay Road. All of these streets were developed under Clackamas County road design and construction standards at the time they were constructed. No alterations to these roads would be required until the properties are ultimately developed for urban uses.

TRAFFIC ANALYSIS: When the properties develop, it is expected that full- and half-street improvements will be required to the streets impacted by any proposed development. Annexation of the site will facilitate the eventual connection of one of the two north-south collector streets (Holly Lane) that is proposed in the Park Place Concept Plan. Additionally, Cattle Drive, Journey Drive and Shartner Drive all stub to the subject site, and will be extended and connected in conjunction with development. Vehicular access is discussed in greater detail in the attached traffic impact analysis.

2. Conformity of the proposal with the City's Comprehensive Plan;

Response: The proposed annexation area is within the Park Place Concept Plan, adopted by the City to plan for growth in the subject area. The Plan has incorporated the Goals and Policies of the Comprehensive Plan relevant to the subject site. The Park Place Concept Plan is addressed later in this document.

3. Adequacy and availability of public facilities and services to service potential development;

Response: No physical development is proposed with this application. None of the current public facilities or infrastructure near or stubbing to the subject properties would be altered under this proposal. The majority of properties under consideration for this proposal currently have no public sewer or water service because they are vacant, or in the case of the properties with homes, are served by septic systems and have water service provided by the Clackamas River Water District or Oregon City. Upgrades and extensions of the water system are identified in the Park Place Concept Plan, and will occur in conjunction with eventual development of the area.

SEWER: Temporary sewer management strategies may be required until development allows a gravity connection to lines in Redland Road. Options include pumping sewage to existing mains, a "pre-packaged" on-site sewer treatment facility, or extension of gravity sewer mainlines. Those options will be explored further at such time that development is proposed.

STORM WATER MANAGEMENT: Storm water will be treated and detained as necessary to meet current state and local requirements. The implementation of storm water management strategies will be accomplished as a part of the development design for specific projects on the property subsequent to annexation.

SCHOOLS: During the process of developing the Park Place Concept Plan, it was determined that existing schools had capacity available to serve future development of the area. One or more local public elementary schools closed due to low enrollment. Continued reductions in federal and state

funding threaten the local school district with decreased budget revenue. Annexation of land into the city facilitates development and construction of homes, generating student population, and revenues in SDC funds and property taxes. All of these factors have a positive influence on the public school system.

FIRE PROTECTION: All of the properties in this area are currently served by the Clackamas County Rural Fire Protection District #1. A change in fire protection services may occur after the property is annexed into the City.

POLICE PROTECTION: The public service most likely affected by this annexation would be police service. The Oregon City police chief has indicated that annexation of the area would require additional officers and funding.

PARKS: The annexation if this property provides the initial step for implementation of the Park Place Master Concept Plan. That plan contains significant evaluation of the property for potential park and open space locations. Subsequent to annexation of the property, the development review process will require site-specific evaluation of the parcels to determine the proper location of pocket parks, walkways, open spaces and pedestrian connections all facilitating the vision embodied in the Park Place Master Concept Plan.

4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;

Response: The applicable criterion in ORS Ch. 222 requires that the site to be annexed is contiguous to the current city limits. In this case, the properties are contiguous to the existing city limits south of Holcomb Road and Journey Street (refer to drawings for map of contiguous boundary). Metro Code Section 3.09 is addressed later in this document.

5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;

Response: As currently proposed, no physical development of the properties proposed for this annexation would occur at this time. The entire area is included within the Park Place Concept Plan, and all known natural resources were preliminarily mapped through the process of developing that Plan. Additional site specific delineation of resources will occur at the time of a project-specific development proposal.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;

Response: The subject site is already designated for urbanization by its inclusion into the Metropolitan Urban Growth Boundary. No physical development of the property is proposed with this application. Any future development of the area, including any specifically designated open space, scenic, historical, or natural resources, would be subject to review and approval under the provisions of the Oregon City Municipal Code. The site is within the Park Place Concept Plan, specifically, within the North Village Neighborhood area of the plan, and has been designated primarily Low/Medium Density Residential with some Constrained Land areas. There is no potential for adverse impacts to any of the above-identified significant natural or cultural resources due to annexation of the property. Annexation of the parcels will in fact provide additional protection as afforded by the City of Oregon City's Community Development Code when site-specific development is proposed. The OC-CDC requires very thorough evaluation of any proposed development prior to approval and physical alteration through construction.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.*

Response: There is no evidence to suggest that annexation of the area would have an adverse effect on the economic, social, or physical environment. The City will realize a small increase in property tax revenues from adding additional properties to its tax roles. The City will also have jurisdiction over any future development of the properties proposed for annexation. The OC-CDC requires very thorough evaluation of any proposed development prior to approval and physical alteration through construction. As discussed in this narrative, the existing infrastructure is sufficient or can be made sufficient to serve the existing needs of the annexation area, and no physical development of the properties is proposed at this time. Clearly, it is the intent of Oregon City and the Metropolitan Regional Service District to urbanize this area over time as evidenced by the 2002 UGB expansion and the adoption of the Park Place Concept Master Plan. Considering that premise, it would be incumbent on the City and its service providers to deliver services to the new area including fire, police, and general administration duties. However, it its current state, the amount of services needed would be very minimal.

d. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.45.

3.09.045(d) To approve a boundary change through an expedited process, the city shall:

1. Find that the change is consistent with expressly applicable provisions in:

A. Any applicable urban service agreement adopted pursuant to ORS 195.065;

Response: There are no known urban service provider agreements for the area, and the property is within the adopted Park Place Concept Plan. Therefore, it is subject to future inclusion by the City of Oregon City.

B. Any applicable annexation plan adopted pursuant to ORS 195.205;

Response: The site is inside the Urban Growth Boundary and is within the Park Place Concept Plan and is subject to annexation by the City of Oregon City.

C. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Response: According to City staff, there is an active Intergovernmental Agreement (IGA) with the Clackamas County Rural Fire Protection District No. 1 to provide fire services.

D. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

Response: The area is within the Park Place Concept Plan, which addresses public facilities and services. The PPCP is addressed later in this document.

E. Any applicable comprehensive plan; and

Response: The proposed annexation area is within the Park Place Concept Plan, which incorporates the goals and policies of the Oregon City Comprehensive Plan. The Park Place Concept Plan is addressed later in this document.

2. Consider whether the boundary change would:

A. Promote the timely, orderly and economic provision of public facilities and services;

B. Affect the quality and quantity of urban services; and

C. Eliminate or avoid unnecessary duplication of facilities or services.

Response: There is no evidence to suggest that the proposed change will interfere with the orderly and efficient provision of services, as no new development is proposed with this application. Any future development on the property will be required to comply with the applicable requirements for public facilities and services as identified in the Park Place Concept Plan and the Oregon City Municipal Code.

The incremental development of the area as planned in the Park Place Concept Plan will ensure that the provision of public facilities and services is both timely and orderly.

e. *A City may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside the UGB to territory that lies outside the UGB.*

Response: The entire area proposed for annexation is inside the UGB.

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

(a) The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

(b) Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria in subsection (d) and includes the following information:

(1) The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

(3) The proposed effective date of the boundary change.

(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

Response: Compliance with this section of the METRO code is ensured by preparation of a staff report by City staff who make that report available to all interested persons. The criteria identified in (b) (1-3) are addressed in both this document and in the accompanying staff report. The complete application package submitted by the applicant demonstrates that the boundary change meets the applicable criteria.

Park Place Concept Plan

The Park Place Concept Plan embodies three core values that were used to derive evaluation criteria that eventually matriculated through the process to select plan alternatives and the preferred plan. These three core values are: Environment, Community Design, and Transportation/Traffic. A fourth category "other core values" contains values that were considered important, but didn't fit readily in the three primary categories.

The annexation of 53 acres of land contained primarily within the "North Village" area of the Park Place Concept Master Plan provides the foundation for implementation of the core values as the parcels are developed in compliance with the adopted plan. As discussed in prior sections of this document, the annexation will provide opportunity for eventual submittal of project development plans for sections of Park Place. As application for each segment is submitted for development the design and infrastructure proposals will be reviewed for compliance with ALL of the elements of the master plan, the Oregon City development code and all requirements for provision of necessary and desired infrastructure. The three core values, environment, community design and transportation/traffic will be addressed through the comprehensive development review of each phase. Without annexation of the property into the City, no such review or evaluation for compliance can be effected.

This application is a request to be given the opportunity to implement the core values through well considered residential community design. Annexation MUST be accomplished before any development can be proposed and approved using the core values identified by the community. The Park Place Concept Plan is a valuable document. It is only valuable as a tool used to guide and nurture land development if that land is annexed into the city. Thus, annexation of the subject properties is the critical first step necessary to address and honor the core values identified in the planning document.

Implementation

Compliance with Title 11 of METRO Urban Growth Management Functional Plan is required for any Concept Plan. The Concept Plan addresses specific elements.

Annexation

Annexation Goals, Policies, and Implementation Strategies

Goal

Ensure that annexation of land within the planning area is consistent with other goals, policies and strategies in this Plan and meets overall city and regional requirements for annexation.

Response: The area proposed for annexation was brought into the UGB, zoned Future Urbanizable, and included within the boundaries of the Park Place Concept Plan. Annexation is the next step toward implementing the adopted Plan.

Policies

- *Ensure that public facilities and services can be provided to serve proposed development prior to annexation of any portion of the Park Place Concept Plan area, consistent with existing City and regional requirements.*

Response: The Plan states that water and sewer are available to serve the area proposed for annexation, with upgrades and improvements identified in the Plan. The Oregon City Police Department has determined that more officers would be required to serve the area. Schools have been determined to have enough capacity to serve the area.

- *Provide residents within and adjacent to areas proposed for annexation with opportunities to review and comment on annexation proposals.*

Response: This policy is implemented by the Oregon City Municipal Code requirements for public notice, multiple public hearings as well as an election where the voters of the City determine whether to approve the annexation.

Land Use

Housing

Housing Goals, Policies, and Implementation Strategies

Goal

The concept planning area should incorporate Comprehensive Plan and Zoning designations that allow for a wide range of housing types and densities that meet the needs of households with a range of incomes.

Response: The adopted Plan includes zoning designations for the area proposed for annexation – mostly Low/ Medium-Density Residential, with some Constrained Land areas.

Policies

- *Apply zoning designations that allow for achievement of the goal above.*
- *Create flexibility in development standards to allow for alternative housing...*
- *Ensure connectivity of residential areas to commercial areas...*
- *Ensure that residential neighborhoods area bordered by parks...*
- *Orient residential streets to maximize solar exposure...*
- *Link the density of housing to the hierarchy of the street network.*
- *Work with other public agencies, non-profit organizations and developers...*
- *Provide a transition or buffer between existing and new residential development.*
- *Support architectural integrity and variety in residential and mixed use neighborhoods.*

Response: The policies related to housing are implemented by the Oregon City Municipal Code and by the Development Review process at such time that development is proposed.

Transportation

Transportation Goals, Policies, and Implementation Strategies

Goal

Plan for and implement a safe, interconnected system of roads and other transportation facilities that allow people to move freely within the neighborhood and connects them to other parts of the city and region.

Response: Approval of the annexation request will facilitate eventual implementation of the transportation improvements identified in the Park Place Concept Plan, including the north-south Holly Lane connection. The Holly Lane connection is one of two primary collectors proposed for the Park Place planning area. Shartner, Cattle and Journey Drives all stub to the site from the adjacent subdivision, and will be extended and connected in conjunction with development.

Policies

- *Support and encourage Metro and ODOT to construct improvements...*
- *Develop and apply basic road standards based on transportation analysis...*
- *Require that needed improvements to transportation facilities...*

Response: The transportation policies are addressed in the Traffic Analysis included with the annexation application package.

Natural Resources and Hazards

Natural Resources and Hazards Goals, Policies, and Implementation Strategies

Goals

Manage and conserve natural resources and values within the planning area, including riparian areas woodlands, wetlands and wildlife and plant habitat.

Minimize impacts to areas that pose hazards to personal property and the natural environment, including steep slopes, areas potentially susceptible to landslides and other such areas.

Response: Preliminary mapping of resources and hazards was completed in conjunction with the creation of the Park Place Concept Plan. Site specific resource and hazard evaluations, including geotechnical reports, will be required during the development review process for annexed areas at such time that development is proposed.

Policies

- *Distinguish between areas where development will not be allowed...*
- *Apply existing city regulations related to stream buffers, tree preservation...*
- *Reference most recently available geological maps in Oregon City zoning...*
- *Require geotechnical evaluation for new construction...areas with slopes of 25%...*
- *Require geotechnical evaluation for new construction...mapped as landslides...*
- *Require development specific investigation related to slope stability...*
- *Manage and protect archeological and historic resources...*
- *Conserve and improve streamside, wetland, and floodplain habitat...*
- *Conserve large areas of contiguous habitat and avoid habitat fragmentation.*
- *Conserve and improve connections between riparian corridors and upland habitat.*
- *Conserve and improve unique and at-risk habitats.*
- *Promote habitat-friendly development practices.*
- *Apply implementation code particularly relating to geologic hazard...*

Response: The policies will be implemented by the Oregon City Municipal Code and Development Review process at such time that development is proposed.

Public Facilities and Services

Public Facilities and Services Goals, Policies, and Implementation Strategies

Goal

Plan for and provide adequate facilities for water, wastewater and stormwater service.

Response: The Plan has identified proposed water and sewer system improvements, and stormwater management strategies.

Policies

- *Ensure that water, wastewater and storm water facilities have adequate capacity to meet public facility and services needs within the planning area.*

Response: An existing utilities plan included with the application package provides information about the public infrastructure in the vicinity. Several options are available for sewer and storm systems that could be completed in conjunction with development of the site.

- *Plan and pay for needed improvements in an equitable manner with the costs of new growth borne by future developments.*
- *Identify and implement best practices for on-site treatment of stormwater, water conservation and other practices and other practices to reduce service needs and impacts.*

Response: Theses policies are implemented by the City's Development Review process at such time that development is proposed.

Parks

Parks and Open Spaces Goals, Policies and Implementation Strategies

Goal

Provide parks, open space, and trails consistent with City or national standards, including trail or open space connections between centers.

Response: The area proposed for annexation has no designated park, but does include some designated trails, and designated open space that is located in conjunction with Constrained Lands.

Policies

- *Plan for neighborhood parks...*
- *Locate neighborhood parks within comfortable walking distance...*
- *Development and maintain a system of neighborhood trails...*
- *Design the trail system to connect parks and open spaces...*
- *Promote the location of neighborhood parks adjacent to higher density...*
- *Allow for flexibility in the siting of future parks...*
- *Support joint uses of community facilities...*
- *Conserve and protect natural areas...*

Response: Annexation is the next step toward implementing the proposed plan for parks and open space.

Public Schools

Public Schools Goals, Policies, and Implementation

Goal

Ensure that residents of the planning area have access to school facilities, consistent with school enrollment projections, and efficient provision of school facilities and educational services.

Response: No new school sites are identified for the Park Place area. At this time, the available capacity is expected to be adequate to serve new development in the Park Place planning area.

Policies

- *Ensure that children and families can safely access their area schools.*
- *Identify and encourage additional educational opportunities for area residents.*
- *Encourage creation of physical and educational linkages between elementary...*
- *Promote connections between schools and the surrounding community...*

Response: Annexation of the area will facilitate additional safe passages for accessing existing schools. At the time development is proposed, the school district will have the opportunity to ensure that the school needs for residents can be met.

Conclusion: This application package demonstrates that all applicable Chapters and subsequent Sections of the Oregon City Municipal Code and the Metro Code, as they relate to annexations, are satisfied. Annexation of the subject site will facilitate the implementation of the Park Place Concept Plan. Therefore, the applicant respectfully requests approval of this application.

10-20-09
PRE-APP.
OREGON CITY
ZIEGLER

ANNEXATION PROCESS. → NEIL
→ KENT

PUSHING SAFETY ACCESS / INCREMENTAL
PROCESS → TONY

ADEQUACY of PUBLIC FACILITIES

TRAFFIC ANALYSIS

T.S.P. UPDATE BEGINNING / 213
→ HOLCOMB / ABERNETHY
INFILL & CONNECTIVITY

SEWER MANG.

THE RIVERS PROJECT
THE COVE PROJECT

WATER

CITY TRAFFIC —
JOHN REPLINGER

PARKS

TRI-CITIES
SERVICE DISTRICT FOR SEWER
ON-SITE TREATMENT

SCHOOLS

STORM

~~APP~~

NOV ~~24~~, 2009 ←
INITIAL SUBMITTAL
DEC 8, 2009 ←
NOTICE DATE
PC. JAN -
CC. FEB -

ORS
222
METRO
3.09

HOUSE BILL
2229/17
ALL LANDS

CITY OF OREGON CITY
Pre-Application Form

File Number_____

Meeting Date ____/____/____ **Time:** 10 A.M. **Location:** 221 Molalla Ave., Ste. 200

Applicants and appropriate representatives are expected to present a detailed explanation of their proposal at the conference.

Applicant:

Name Ziegler Enterprises, Inc.

Contact Person Kent Ziegler

Address 25020 SW Valley View Road
West Linn OR. 97068

Phone 503.701.9716

Owner(s): Ziegler Enterprises, Inc.

Name Kent Ziegler

Address 25020 SW Valley View Road
West Linn OR. 97068

Phone 503.701.9716

Property Description:

Tax Assessor Map Number(s):
22E27B 01080 15110 S HOLCOMB BLVD OREGON CITY 1.49ac.
22E27B 01000 NO ADDRESS 9.65ac.
22E28D 00190 16472 S LIVESAY RD OREGON CITY 11ac.
22E28D 00100 16472 S LIVESAY RD OREGON CITY 14.07ac.
22E28D 00180 16472 S LIVESAY RD OREGON CITY 13.37ac.

Address:
22E27B 00600 15030 S HOLCOMB BLVD OREGON CITY 1.35ac.
22E27B 00800 15050 S HOLCOMB BLVD OREGON CITY 1.34ac.
22E27B 00900 15076 S HOLCOMB BLVD OREGON CITY 1.0ac.

Pre-Application Checklist:

Failure to submit a complete application may require additional fees and pre-application meetings.

Minimum Pre-Application Requirements
- [X] Pre-application Fee (Major or Minor)
- [X] Narrative
  A detailed narrative description of your proposal and any specific questions you would like the Community Development Department to respond to at the Pre-Application Conference.
- [X] Site/Plot Plan (8½" x 11" or 11" x 17")
  - ___ Parcel and building setback dimensions
  - ___ Existing and proposed structures
  - ___ Location and dimensions of easements and driveway
  - ___ Location of utilities – storm, sanitary sewers & water (including size of service and street location)
  - ___ Width of adjacent right of way
- [ ] Property Zoning Report (Obtained from City Hall)
- [ ] Additional Information / Requirements

Additional Subdivision / Minor Partition Requirements
- [ ] Slope map (if area is exceeds a 24% slope)
- [ ] Significant Tree Locations (all trees with a caliper over 6 inches)
- [ ] Utility layout
- [ ] Proposed detention system with topographic contours
- [ ] Location of on-site water resources
- [ ] Connectivity analysis that includes shadow plats of all adjacent properties demonstrating how they can be developed meeting existing code.

Additional Site Plan & Design Review Requirements
- [ ] Proposed elevations
- [ ] Parking lot layout
- [ ] Parking space calculations (based on use and square footage of building)

Proposed Development Action:

The proposed development action is to request annexation of the identified parcels into the City of Oregon City. The Park Place Master Plan has been developed with this next step necessary to proceed with the long-range development plans.

Applicant Signature Kent H. Ziegler Date 10/1/09

*The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal. Pre-Application Conferences expire six (6) months from the meeting date. Please submit **10 copies** of the required information.*

Please review this material and return comments prior to the above meeting date for consideration.

Routing: PW Dir. ☐; Bldg ☐; Eng ☐; Fire ☐; Finance ☐; Parks (DK) ☐; Clack Co (E) ☐; Clack Co (P) ☐; ODOT ☐; Schools ☐; Tri-Met ☐; Metro ☐; Police ☐; Other ____

CITY OF OREGON CITY
PRE-APPLICATION CONFERENCE SUMMARY

Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:
(A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
(B) A pre-application conference is required for all land use permits.
(C) Time Limit: A pre-application conference is valid for a period of six (6) months.
(D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice. *NOTE: The subsequent application may be submitted to any member of the Planning Staff.*

PRE-APP # 09-08 / DATE: 10/20/09
APPLICANT: Ziegler
SITE ADDRESS:
PROPERTY DESCRIPTION:
STAFF: Kraker ZONING:
PROPOSED USE/ACTIVITY: Annexation ~ ~~40~~ 54 acres
INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

1. PLANNING

- ☐ Zoning/ Setbacks
- ☑ Is the Site in a Water Resource Overlay District? (Yes or No)
- ☐ Is the Site in a Historic Overlay District? (Yes or No)
- ☐ List of Minimum Required Planning Processes:

1. Annexation

☑ OCMC 14-Annexations

- 20 copies of application + 1 electronic copy of entire application.
- as required in 14.04.050.E.1-8. Narrative shall address each criteria - applications that do not identify the criteria and then address will be rejected.
- Address each approval criteria in 14.04.060. Must address potential development on the site and potential infrastructure impacts / failures / remedies.
- Address Metro Code 3.09.050.A-D.

Other: - 02S 222 - Contiguous to City.
- O.C. Comp Plan : 14.1.2; 14.3; 14.4
- Incorporate Park Place concept plan. Address. Core Values, Concept Plan Elements.
- Submit by Nov. 24, 2009 for May election.

*****Note: Existing addresses are subject to change with the creation of new parcels******

CITY OF OREGON CITY

ANNEXATION PETITION

By signing below I indicate my consent or non-consent to and support of being annexed into the City of Oregon City or not, and my consent or non-consent for having my signature (below) used or not used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

NOTE: This petition may be signed by qualified persons even though they may not know their property description.

SIGNATURE	PRINTED NAME	I AM A *			ADDRESS	PROPERTY DESCRIPTION				CONSENT	DATE
		PO	RV	OV		LOT #	1/4 SEC	TWNSHP	RANGE	Yes (Y) or No (N)	
Member	PARK PLACE ENT. LLC KENT ZIEGLER			X	15110 S. HOLCOMB BLVD	1080	27B	2	2E	Y	
Member	↓			X	No address	1000	↓	↓	↓	Y	
	MILLER				15030 S. HOLCOMB BLVD	0600	↓	↓	↓		
	TOWNSEND				15050 S. HOLCOMB BLVD	0800	↓	↓	↓		
	CLIFT				15076 S. HOLCOMB BLVD	0900	↓	↓	↓		
	RONALD ZIEGLER	X			16472 SILVERTON RD	0190	28D	2	2E	Y	
	↓	X			↓ ↓ ↓	0100	↓	↓	↓	Y	
		X				0180	↓	↓	↓	Y	

* PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

CERTIFICATION OF PROPERTY OWNERSHIP OF

AT LEAST ONE-HALF LAND AREA

(City Double Majority Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners * of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.



NAME Mary Neigel Mary Neigel

TITLE Cartographer 2

DEPARTMENT Assessment & Tax

COUNTY OF Clackamas

DATE 12.01.2009

* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

ASSESSORS OFFICE

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

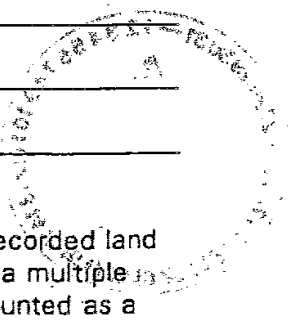
NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____



* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 22E 28D 100, 180, 190 22E 27B 600, 700, 800, 900, 1000, 1080) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Mary Neigel

TITLE Cartographer II

DEPARTMENT Assessment & tax

COUNTY OF Clackamas

DATE 12.01.2009

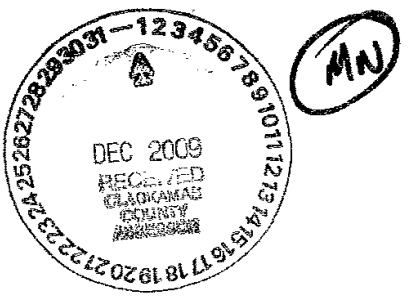
SURVEY OFFICE

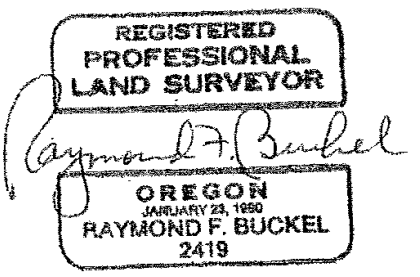
DESCRIPTION OF TAX LOTS 600, 800, 900, 1000 AND 1080 TAX MAP 2 2E 27B
TOGETHER WITH TAX LOTS 100, 180 AND 190 TAX MAP 2 2E 28D

Being a tract of land situated in the northwest quarter of Section 27, Township 2 South, Range 2 East and the southeast quarter of Section 28, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon. Said Tract being described as follows:

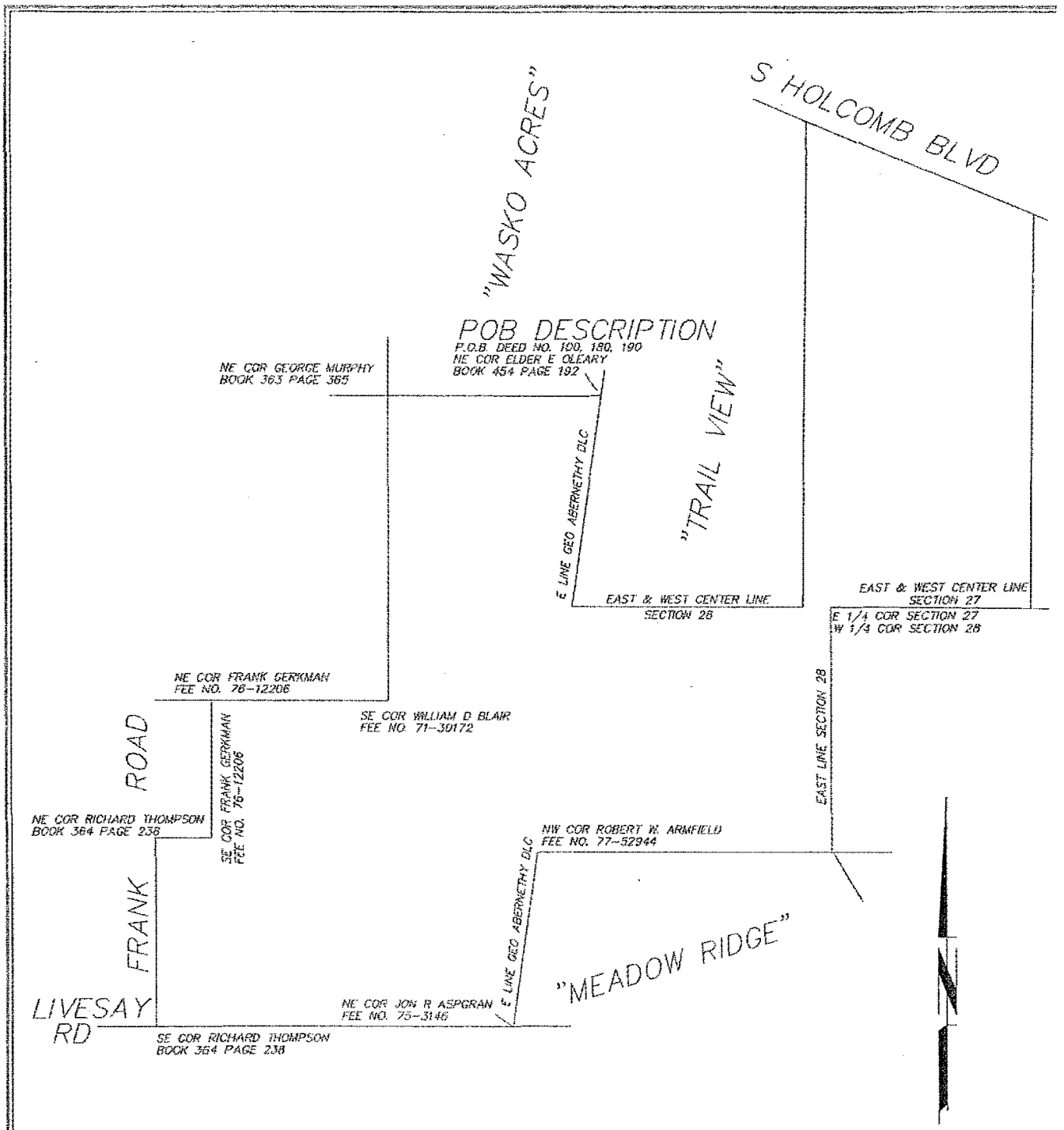
Beginning at the most northerly northeast corner of that certain land described in deed to Daniel A. Cook and Charlotte Cook, recorded in Fee No. 98-020598, Clackamas County Deed Records, also being the northeast corner of that tract conveyed to Elder E. O'Leary, et ux, by deed recorded March 6, 1952, in Book 454 Page 192, Clackamas County Deed Records; thence Westerly along the north line of said O'Leary tract a distance of 557 feet to the northeast corner of that tract of land conveyed to George Murphy, et ux, by deed recorded March 23, 1946 in Book 363 Page 365, Clackamas County Deed Records; thence South along the easterly line of said Murphy tract and it's southerly extension a distance of 800 feet to the southeast corner of that tract sold to William D. Blair, et ux, by contract recorded October 22, 1971, as Fee No. 71-30172, Clackamas County Deed Records; thence West along the south line of said Blair tract a distance of 455.1 feet to the northeast corner of that tract conveyed to Frank Gerkman, et ux, by deed recorded April 19, 1976, as Fee No. 76-12206, Clackamas County Deed Records; thence South along the east line of said Gerkman tract a distance of 359.20 feet to the southeast corner of said Gerkman tract; thence West along the south line of said Gerkman tract a distance of 146.5 feet to the northeast corner of that tract conveyed to Richard Thompson, et ux, by deed recorded April 3, 1948, in Book 364 Page 238, Clackamas County Deed Records; thence South along the easterly line of said Thompson tract a distance of 493.68 feet to the southerly line of said Thompson tract; thence East along said southerly line a distance of 950.7 feet to the easterly line of the George Abernethy Donation Land Claim No. 58, also being the northeast corner of that tract conveyed to Jon R. Aspgran, et ux, by deed recorded February 6, 1974 as Fee No. 75-3146, Clackamas County Deed Records; thence Northerly along the east line of said Donation Land Claim a distance of 462 feet to the northwest corner of that tract conveyed to Robert W. Armfield, et ux, recorded December 23, 1977, as Fee No. 77-52944, Clackamas County Deed Records; thence Easterly along the north line of said Armfield tract a distance of 770 feet to the east line of said southeast quarter of Section 28; thence North along said east line a distance of 659.66 feet to the east quarter corner of said Section 28, also being the west quarter corner of said Section 27; thence East along the East and West center line of said Section 27 a distance of 508.2 feet; thence North 00° 02" East a distance of 1030.3 feet to the center line of South Holcomb Boulevard; thence North 68° 15' West a distance of 623.45 feet; thence South 00° 02' West a distance of 1267 feet to the East and West center line of said Section 28, also being 71 feet west of said east quarter corner of Section 28; thence West along said East and West center line a distance of 588.76 feet to the east line of said Donation Land Claim; thence North along said Donation Land Claim a distance of 557.0 feet to the **Point of Beginning**.

Containing an area of 53.2 acres of land, more or less.





Buckel Associates, Inc. • 14631 S. Livesay Road • Oregon City, Oregon 97045 • Office (503) 655-4506 • FAX (503) 655-4510



14631 S. Livesay Road
Oregon City, Oregon 97045
(503) 655-4506
FAX (503) 655-4510

BUCKEL ASSOCIATES, INC.
LAND SURVEY & CIVIL ENGINEER CONSULTANTS

ANNEXATION AREA

PARK PLACE

PREPARED FOR:

KENT ZIEGLER

OREGON CITY, OR

Project:	03003
Designed:	
Drawn:	RFB
Scale:	NO SCALE
Date:	NOV. 27, 2009
Sheet:	1 of 1

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

ELECTIONS OFFICE

NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

SEE ATTACHED LIST

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

(7) _____

_____

(8) _____

_____

(9) _____

_____

(10) _____

_____

(11) _____

_____

(12) _____

_____

(13) _____

_____

(14) _____

_____

(15) _____

_____

(16) _____

_____

(17) _____

_____

(18) _____

II. REASON FOR BOUNDARY CHANGE

A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on 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;
7. 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.

B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of Sate Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter- - -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

A. What is the applicable County Planning Designation? _____
What City Planning Designation is being sought? MED DENS. RES.

B. What is the zoning on the territory to be served?
FU 10 & RRFF-5

What zoning designation is being sought? R-5

C. Is the subject territory to be developed at this time? IN THE NEXT 5YRS

D. Generally describe the anticipated development (building types, facilities, number of units).
200 +/- RES. UNITS

E. Can the proposed development be accomplished under current county zoning?
☐ Yes ☒ No

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes ☒ No

Please describe outcome of zone change request if answer to previous questions was Yes. _____

F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

☒ Yes ☐ No ☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.
POSITIVE

G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)			
Preliminary Subdivision Approval			X
Final Plat Approval			X
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			X

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

YES PARK PLACE CONCEPT PLAN

I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

IV. SERVICES AND UTILITIES

A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

HOLCOMB & LIVESAY

2. Location and size of nearest sewer line which can serve the subject area.

HOLCOMB & ON SITE

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

4. The time at which services can be reasonably provided by the city or district.
IMMEDIATELY

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)
DEVELOPER FINANCED + SDC'S

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____	Rural Fire Dist _____
County Service Dist. _____	Sanitary District_____
Hwy. Lighting Dist._____	Water District_____
Grade School Dist._____	Drainage District _____
High School Dist._____	Diking District_____
Library Dist._____	Park & Rec. Dist._____
Special Road Dist. _____	Other Dist. Supplying Water Service____

C. If the territory is proposed to be served by any of the above units or any other units of government please note.

D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

_____

_____

_____

APPLICANT'S NAME KENT ZIEGLER, MEMBER

MAILING ADDRESS _____

_____

_____

TELEPHONE NUMBER _____ (Work)

_____ (Res.)

REPRESENTING PARK PLACES BNT. LLC

DATE: 11-24-09

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
22E 27B 1080	ZIEGLER	1.49		Y
22E 27B 1000	"	9.65		Y
22E28D 0196	ZIEGLER	11		Y
22E28D 0180	ZIEGLER	13.87		Y
22E28D 0100	ZIEGLER	14.07		Y
22E27B 0600		1.35		
22E27B 0800		1.34		
22E27B 0900		1.0		
TOTALS		53.27		

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 4

NUMBER OF REGISTERED VOTERS WHO SIGNED 1

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 25%

TOTAL ACREAGE IN PROPOSAL 53 ac (53.27)

ACREAGE SIGNED FOR 49.58

PERCENTAGE OF ACREAGE SIGNED FOR 93%

CITY OF OREGON CITY
Incorporated 1844

320 WARNER MILNE ROAD • PO BOX 3040 • OREGON CITY, OREGON 97045
TEL. 503-657-0891 FAX 503-657-7892

Re: Tri-City Service District Annexation for Sanitary Sewer Connection for Newly Annexed Properties Within the City Limits of Oregon City

To Whom It May Concern:

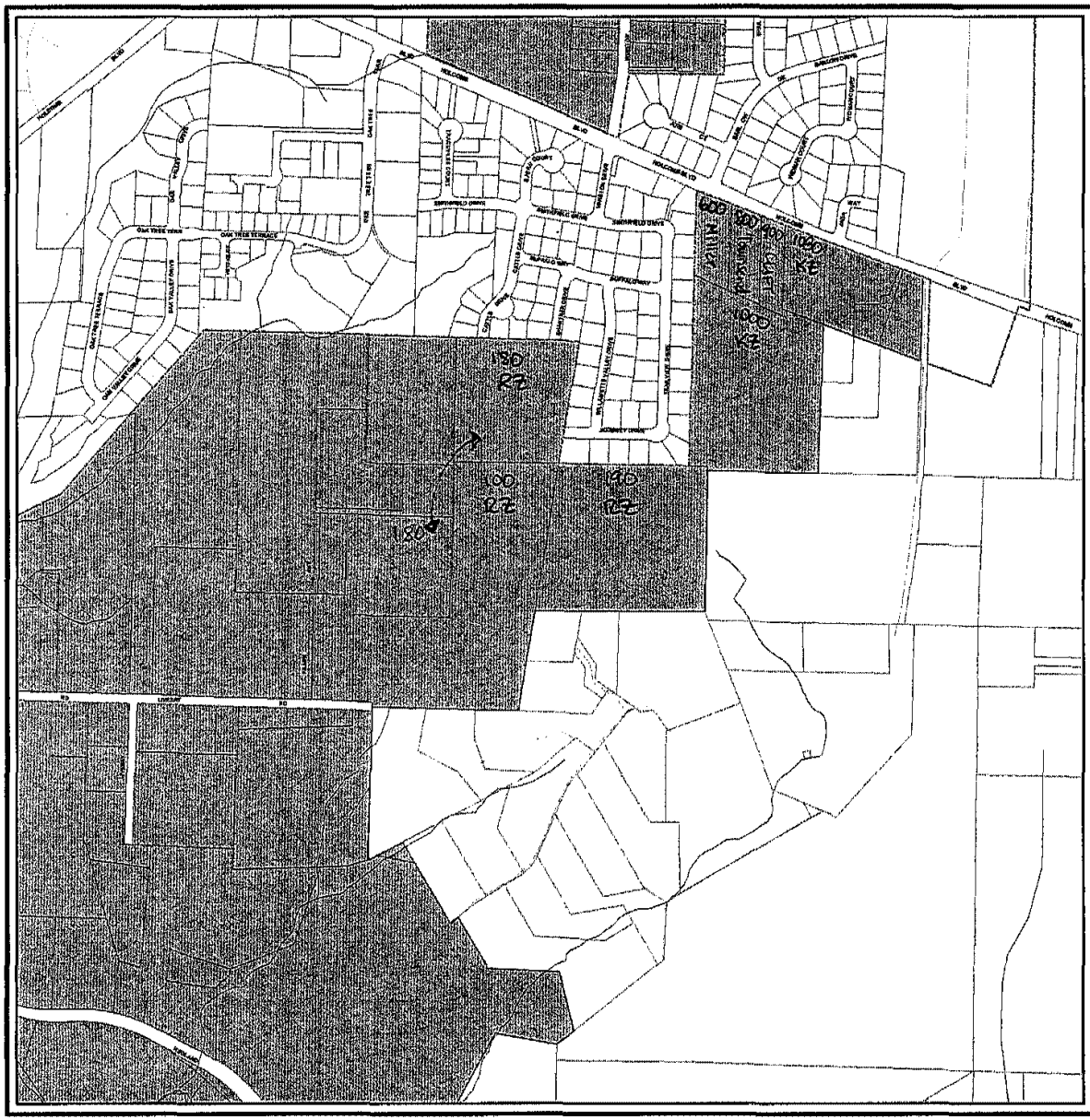
Tri-City Service District (TCSD) requires your property be separately annexed into their district before you can connect your property to sanitary sewer for newly annexed properties within the city limits of Oregon City. You should contact the TCSD point of contact for annexations, Don Kemp, at 503-353-4577 for further information/forms.

By my signature and date below, I acknowledge the above TCSD annexation requirement.

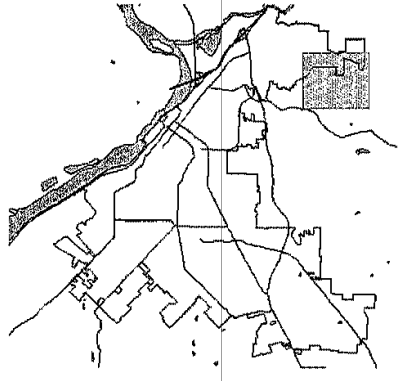
PARK PLACE ENTERPRISES, LLC

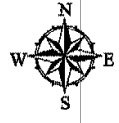
MEMBER 11/24/09

Applicant Signature Date



Oregon City Planning





City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2009

12/16/2009

OREGON CITY
Community Development – Planning
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

AN 09-02
PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS
Based on the Findings, the Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.

2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.

3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also says annexation which converts *Future Urbanizable* lands to *Immediate Urban* lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).

4. The Commission concludes that the annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Holcomb Boulevard, Redland Road, Journey Drive, Shartner Drive and Cattle Drive.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.

6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.

7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.

10. The City Commission recognizes that the applicant has offered a financial solution to the police funding shortcomings for future new homes and businesses.

11. The City Commission recognizes that the properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should be maintained in the CRW district until formal until formal transfer proceedings are finalized with CRW.

12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

13. The City Commission recognizes that the applicant is requesting an annexation at this time. The zone change request, which will address compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060, will come at a later date if the annexation is successful.

Schedule A
Police Funding Fees
AN 09-02 (Ziegler)

LAND USE	SERVICE RATING	FEE
Industrial / Employment	Low	$0.10 / sq. ft.
Commercial / Office	Low	$0.10 / sq. ft.
Urgent Care Clinics, Senior Living Facilities, Apartment Buildings, Hotels	High	$0.20 / sq. ft.
Residential	High	$3,500 / unit

Clackamas County, DLCD to develop the concept plan Core Values (See pages 7-9 of the Concept Plan) on which the plan is based. The Core Values were refined through 4 drafts to be come the basis for the public vision for the plan.

The consulting team provided sections of the draft plan (including the Core Values Statements, Existing Conditions Reports, Transportation Analysis, Preferred Alternatives, Opportunities and Constraints, and Geologic Hazards Report) for PAC review on an ongoing basis prior to preparation of an initial draft plan in March 2007. Two complete drafts of the plan were provided for PAC review and comment on:

- March 2, 2007
- June 8, 2007

Notice of the public hearing for the proposal was published in the newspaper and mailed to all Oregon City property owners on June 22, 2007, in accordance with the requirements of Measure 56.

D. Summary of Revisions

The City of Oregon City proposes to adopt a revised comprehensive plan, zoning ordinance amendments to implement the Park Place Concept Plan and Metro regional requirements, new amendments to the sewer and water master plans, and new amendments to the Park and Trails Plans. New comprehensive plan map designations and development code changes are proposed. As mentioned earlier, when properties within the concept plan area are annexed into the City, new zoning designations on specific parcels will apply.

Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

Oregon City must comply with the relevant portions of Metro's Urban Growth Management Functional Plan (Functional Plan). The Functional Plan is a regional land use plan that implements the 2040 Growth Concept. The Concept Plan is required to comply with Metro's title 11 requirements regarding residential density. Findings regarding Metro Title 11 are detailed below.

The proposed changes and additions to the Municipal Code and Comprehensive Plan are organized into three sections in Exhibit C:

1. Code amendments critical to Concept Plan implementation.
2. Updates to Existing Ancillary Comprehensive Plan Documents (Transportation System, Water, Sewer, and Parks and Trails Master Plans)
3. Amendments to further refine and implement Concept Plan policies

Please refer to Exhibit C, Proposed Code Changes As Part Of The Park Place Concept Plan Adoption Process

III. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

The following considerations, goals and policies apply to amendment of the Comprehensive Plan and Concept Plans.

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth

Analysis: The Concept Plan forecasts future travel and provides a horizon year study of 2027. The transportation analysis indicates that the region will grow to more than two million residents over a planning horizon of 20 years, traffic volumes will increase 55+%, the existing road system is inadequate, and regional solutions are required. The Concept Plan is responsible for resolving problems caused by its growth. The plan describes solutions and provides methods of funding to accomplish this task. Elements of the transportation system plan include recognition of regional improvements such as improvements to the I-205 corridor, rebuilding of the I-205/Highway 213 interchange, and improvements to the Highway 213 corridor. Due to the variety of impacts of regional traffic, local improvements are necessary within the concept plan area regardless of whether development occurs. These include the need to Widen Abernethy Road at the Redland Road Intersection, widen and signalize the Redland Road & Anchor Way Intersection, widen and signalize the intersection of Redland Road & Holly Lane, and widen and signalize Holly Lane at it's intersection with Maplelane Road.

Improvements that will be needed as a result of new development in Park Place include widening the Redland Rd Corridor to 5 Lanes (213 to Swan) and signalizing Anchor Way, Swan Avenue, & Holly Lane, constructing the Swan Ave. and Holly Lane Extensions, provide Holly Lane Corridor Safety Improvements, and Signalizing the Swan Ave/Holcomb Blvd Intersection.

Alternative modes of transportation have also been discussed and addressed as part of the transportation element of the concept plan. Implementation strategies and financing tools for these improvements have been identified at a preliminary level and will be further defined as part of the TSP and Capital Improvement Plan updates.

Rezoning of Property after adoption of the Park Place Concept Plan is subject to Oregon's Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area. The proposed transportation infrastructure improvements, financing and funding estimates, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to show compliance with this rule. Formal compliance with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

Finding: Complies. Implementation strategies and financing tools for the needed transportation improvements have been identified at a preliminary level and will be further defined as part of the TSP and Capital Improvement Plan updates.

Goal 13 Energy Conservation
To conserve energy.

Analysis: Goals and policies in the concept plan aim to conserve energy through efficient use of land, green streets, encouragement of construction practices and materials that result in energy conservation, implementing energy conservation measures in City activities and facilities, and supporting the concepts of sustainability.
Finding: Complies.

Goal 14 Urbanization
To provide for an orderly and efficient transition from rural to urban land use.

Analysis: This goal essentially defines the purpose of the Concept Plan. Oregon City's Urban Growth Boundary was expanded in December 2002 through Metro's regional review process to include more residential land. This was the result of a demonstrated need for additional land to accommodate projected

Oregon
Theodore R. Kulongoski, Governor

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

January 11, 2010

File code: PLA9-2B-OR213
ODOT Case No:3656

Tony Konkol, Community Development Director
Planning Department
221 Molalla Avenue, Suite #200
Oregon City, OR 97045-0304

RE: **AN 09-02: Ziegler Annexation Proposal**

Dear Mr. Konkol,

We have reviewed the applicant's proposal to annex 53 acres of the area designated under the Park Place Concept Plan. The site is in the vicinity of OR 213 (Cascades Highway) and I-205. ODOT is the transportation service provider with permitting authority for OR 213 and I-205 and has an interest in ensuring that the area transportation services are adequate to support the annexation and proposed residential land use.

The approval criteria before the Planning Commission and City Council requires a finding of "Adequacy of access to the site"; "Adequacy and availability of public facilities and services to service potential development"; and "Lack of significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation" amongst other factors per Oregon City Code 14.04.060.

The traffic impact statement submitted by the applicant does not include enough improvements in order to make the transportation system adequate under the 2014, year of build out conditions analyzed. It is possible that the Federal Regional Transportation Project titled "I-205/Hwy. 213 Interchange Phase 1" (Project ID #10141) could possibly, enable a finding of adequacy. In order for that finding to be made if the referenced project includes an additional north and south lane on 213 between Redland and I-205. Please provide clarification in the staff report to the Planning Commission as to whether this is the case since the project is an Oregon City initiative. Once we receive clarification we will provide additional comments.

Thank you for the coordination. If you have any questions please feel free to contact me at 503.731.8206 or Marty Jensvold who assisted in the analysis. His number is 503-731-8219.

Sincerely,

Gail Curtis

Gail Curtis, AICP, Senior Planner

Lainie Smith, Planning Manger, ODOT Region 1
Marty Jensvold, ODOT Region 1 Traffic

Pete Walter

From: Jennifer Bragar [JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 9:56 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

Although there aren't cases on point, we would expect that, if the properties are owned by separate entities, they should be considered separate owners for purposes of the annexation.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Thursday, January 14, 2010 9:26 AM
To: Jennifer Bragar; Carrie Richter; Tony Konkol
Cc: William Kabeiseman
Subject: RE: County Election Process

So,

If Kent were to put 4 parcels in 4 different LLCs, would each LLC count as a separate owner even though Kent is part of each LLC?

Pete

From: Jennifer Bragar [mailto:JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 8:34 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

4a. AN 09-02. The applicant is requesting to annex approximately 53 acres[1] into the City of Oregon City. The site is within the Oregon City Urban Growth

The triple majority under ORS 222.170 requires,

"***more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body***"

If the property is owned by an LLC, the entity would count as an owner for its parcel.

If the total number of owners who consent in writing constitute a majority of the landowners representing more than half of the assessed value of property in the contiguous annexation territory, then the written consent requirement of ORS 222.170 would be met.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Wednesday, January 13, 2010 11:20 AM
To: Carrie Richter; Jennifer Bragar; Tony Konkol
Subject: RE: County Election Process

We just met with Kent. Regarding this issue, a related question came up – if Kent were to convey title to a new LLC for one or more lots, would that change the majority?

Pete

From: Carrie Richter [mailto:crichter@gsblaw.com]
Sent: Tuesday, January 12, 2010 3:38 PM
To: Jennifer Bragar; Tony Konkol; Pete Walter
Subject: RE: County Election Process

Jenni:

Please run this by Bill too and let Tony and Pete know what comes of it.

Carrie

From: Jennifer Bragar
Sent: Tuesday, January 12, 2010 3:37 PM
To: Tony Konkol; 'pwalter@ci.oregon-city.or.us'
Cc: Carrie Richter
Subject: County Election Process

Dear Tony and Peter,

According to Clackamas County's Election Department, the county runs the election as directed by the City where the election is to occur. Floyd, the person who has the most experience with annexations, said the only election he remembers where the county was directed to separate the votes by territory v. City voters (as suggested by ORS 222.160) was in Canby several years ago.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

Pete Walter

From: Jennifer Bragar [JBragar@gsblaw.com]
Sent: Thursday, January 14, 2010 8:34 AM
To: Pete Walter; Carrie Richter; Tony Konkol
Cc: Bill Kabeiseman
Subject: RE: County Election Process

Dear Pete,

The triple majority under ORS 222.170 requires,

"***more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body***"

If the property is owned by an LLC, the entity would count as an owner for its parcel.

If the total number of owners who consent in writing constitute a majority of the landowners representing more than half of the assessed value of property in the contiguous annexation territory, then the written consent requirement of ORS 222.170 would be met.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]
Sent: Wednesday, January 13, 2010 11:20 AM
To: Carrie Richter; Jennifer Bragar; Tony Konkol
Subject: RE: County Election Process

We just met with Kent. Regarding this issue, a related question came up – if Kent were to convey title to a new LLC for one or more lots, would that change the majority?

Pete

From: Carrie Richter [mailto:crichter@gsblaw.com]
Sent: Tuesday, January 12, 2010 3:38 PM
To: Jennifer Bragar; Tony Konkol; Pete Walter
Subject: RE: County Election Process

Jenni:

Please run this by Bill too and let Tony and Pete know what comes of it.

Carrie

From: Jennifer Bragar
Sent: Tuesday, January 12, 2010 3:37 PM
To: Tony Konkol; 'pwalter@ci.oregon-city.or.us'
Cc: Carrie Richter
Subject: County Election Process

Dear Tony and Peter,

According to Clackamas County's Election Department, the county runs the election as directed by the City where the election is to occur. Floyd, the person who has the most experience with annexations, said the only election he remembers where the county was directed to separate the votes by territory v. City voters (as suggested by ORS 222.160) was in Canby several years ago.

This e-mail is for the sole use of the intended recipient(s). It contains information that is confidential and/or legally privileged. If you believe that it has been sent to you in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution or use of this information by someone other than the intended recipient is prohibited.

JENNIFER M. BRAGAR
jbragar@gsblaw.com

GARVEY SCHUBERT BARER
GSBLAW.COM
eleventh floor
121 sw morrison street
portland, oregon 97204-3141
TEL 503 228 3939 x3208 FAX 503 226 0259

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL

December 16, 2009

IN-HOUSE DISTRIBUTION

- ☑ BUILDING OFFICIAL
- ☑ DEVELOPMENT SERVICES MANAGER
- ☑ PUBLIC WORKS- OPERATIONS
- ☐ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☑ PARKS MANAGER
- ☐ ADDRESSING
- ☑ POLICE

TRAFFIC ENGINEER

- ☑ JOHN REPLINGER

MAIL-OUT DISTRIBUTION

- ☑ CIC
- ☑ NEIGHBORHOOD ASSOCIATION (N.A.)
- ☐ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - JOE MAREK
- ☐ CLACKAMAS COUNTY – KEN KENT
- ☑ FIRE CHIEF
- ☑ ODOT – Division Review
- ☑ SCHOOL DIST 62
- ☑ TRI-MET
- ☑ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY:	**Monday, January 11, 2010**
HEARING DATE:	PC : 1/25/10. CC : 2/3/10
HEARING BODY:	_Staff Review; _____Planning Commission; __**XX**___**City Commission**
IN REFERENCE TO FILE # & TYPE:	AN 09-02: Annexation
PLANNER:	Tony Konkol, Senior Planner (503) 496.1562
APPLICANT:	Kent Ziegler
REPRESENTATIVE:	Emerio Design
REQUEST:	The applicant is requesting approval of an annexation of approximately 53 acres into the City of Oregon City.
LOCATION:	The property is located in the Park Place neighborhood, south of Holcomb Blvd and north of Livesay Road.

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

_____ The proposal does not conflict with our interests.

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

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

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

Pg. 7 "Proper location of pocket parks". I believe we are no longer accepting pocket parks. PARKS should BE ~~between~~ Minimum 3 acres in size. Scott Archer

Signed Larry Potter

Title Park Operations Manager

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

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
	Coastal County Properties LLC			
22E27B1080	Kent Ziegler, Member	1.49		Y
22E27B1000	Park Place Estate Homes LLC	9.65		Y
	~~Heritage Properties LLC~~			
22 E2800190	Ron Ziegler, Member	11		Y
22E2800180	Ron Ziegler	13.37		Y
22E2800100	Ron Ziegler	14.07		Y
22 E27B 0600		1.35		
22E27B 0800		0.34		
22E27B 0900		1.0		
TOTALS		53.27		

Jan 16 10 01:50p Kent Ziegler 503 6313767 p.3

CITY OF OREGON CITY

ANNEXATION PETITION

By signing below I indicate my consent or non-consent to and support of being annexed into the City of Oregon City or not, and my consent or non-consent for having my signature (below) used or not used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

NOTE: This petition may be signed by qualified persons even though they may not know their property description.

SIGNATURE	PRINTED NAME	I AM A *			ADDRESS	PROPERTY DESCRIPTION				CONSENT	DATE
		PO	RV	OV		LOT #	1/4 SEC	TWNSHP	RANGE	Yes (Y) or No (N)	
	KENT ZIEGLER			X	15110 S. Holcomb Rd	1080	27B	2	2E	Y	
	ROCK CREEK ENTERPRISES LLC KENT ZIEGLER			X	NO ADDRESS	1000	↓	↓	↓	Y	
	MILLER				15030 S. Holcomb Rd	0600	↓	↓	↓		
	TOWNSEND				15050 S. Holcomb Rd	0800	↓	↓	↓		
	CLIFT				15076 S. Holcomb Rd	0900	↓	↓	↓		
	RONALD ZIEGLER MERITAGE PROPERTIES LLC	X			16472 S. Livesay Rd	0190	28O	2	2E	Y	
	RONALD ZIEGLER	X			↓ ↓ ↓	0100	↓	↓	↓	Y	
	RONALD ZIEGLER	X			↓ ↓ ↓	0180	↓	↓	↓	Y	

* PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

FAX TRANSMITTAL

DATE: 1/15/10

TO: PETE WALTER

FAX NO. (503) 722-3880

FROM: KENT ZIEGLER

FAX NO. (503) 722-2840

MESSAGE:

PETE,

HERE IS A FAX COPY OF THE MODIFIED EXHIBITS.

THANKS,

KENT

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Meritage Properties, LLC
25020 SW Valley View Rd.
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
Meritage Properties, LLC
25020 SW Valley View Rd.
West Linn, OR 97068

File No.: Courtesy Only (se)
Date: January 19, 2010

STATUTORY BARGAIN AND SALE DEED

Ronald H. Ziegler , Grantor, conveys to **Meritage Properties, LLC, an Oregon limited liability company**, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached exhibit "A" (Sec. 28D T2S R2E tax lot 190)

The true consideration for this conveyance is **$0.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 20 day of January, 2010.

Ronald H Ziegler

Ronald H Ziegler

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 20 day of January, 2010 by **Ronald H Ziegler**.

Julie L Dugan

Notary Public for Oregon
My commission expires: 6/30/2013

OFFICIAL SEAL
JULIE L DUGAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 439731
MY COMMISSION EXPIRES JUNE 30, 2013



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Coast and Country Properties LLC
25020 SW Valley View Rd.
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:
Coast and Country Properties LLC
25020 SW Valley View Rd.
West Linn, OR 97068

File No.: Courtesy Only (se)
Date: January 19, 2010

STATUTORY BARGAIN AND SALE DEED

Park Place Enterprises, LLC , Grantor, conveys to **Coast and Country Properties, LLC**, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

See attached exhibit "A" (Sec. 27B T2S R2E tax lot 1080)

The true consideration for this conveyance is **$0.00**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 20 day of January, 2010.

Kent H. Ziegler, Member of Park Place Enterprises, LLC

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 20 day of January, 2010 by **Kent H. Ziegler, Member of Park Place Enterprises, LLC.**

Julie L Dugan

Notary Public for Oregon
My commission expires: 6/30/2013

OFFICIAL SEAL
JULIE L DUGAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 439731
MY COMMISSION EXPIRES JUNE 30, 2013

TRANSPORTATION IMPACT ANALYSIS REPORT

PARK PLACE ANNEXATION

OREGON CITY, OREGON

Prepared For:
Kent Ziegler
25020 SW Valley Road
West Linn, Oregon 97068

Prepared By:
Dunn Traffic Engineering, LLC

Project #0121

November 2009

Table of Contents

EXECUTIVE SUMMARY 1
INTRODUCTION 5
EXISTING TRANSPORTATION CONDITIONS 5
BACKGROUND TRAFFIC CONDITIONS 12
FUTURE SITE DEVELOPMENT PLAN 16
TOTAL TRAFFIC CONDITIONS 21
CONCLUSIONS AND RECOMMENDATIONS 29
REFERENCES 30

Appendices

Appendix A Traffic Count Data Sheets
Appendix B Description of Level-of-Service Methods and Criteria
Appendix C Existing Year Traffic Operations Analysis Worksheets
Appendix D Crash Data and Accident Rate Calculations
Appendix E In Process Trip Data
Appendix F Year 2014 Background Traffic Level-of-Service Worksheets
Appendix G Park Place Concept Plan
Appendix H Year 2014 Total Traffic Level-of-Service Worksheets
Appendix I Year 2014 Total Vehicle Queuing Analysis Results
Appendix J Left Turn Lane Warrant Analysis Worksheets
Appendix K Right Turn Lane Warrant Analysis Worksheets



List of Figures

Figure 1 Site Vicinity Map....3
Figure 2 Site Boundary Map....4
Figure 3 Existing Lane Configurations and Traffic Control Devices....6
Figure 4 Existing Traffic Conditions, Weekday AM Peak Hour....8
Figure 5 Existing Traffic Conditions, Weekday PM Peak Hour....9
Figure 6 Year 2014 Background Traffic Conditions, Weekday AM Peak Hour....14
Figure 7 Year 2014 Background Traffic Conditions, Weekday PM Peak Hour....15
Figure 8 Assumed Lane Configurations and Traffic Control Devices....17
Figure 9 Estimated Site Trip Distribution Pattern....18
Figure 10 Site Traffic Assignment, Weekday AM Peak Hour....19
Figure 11 Site Traffic Assignment, Weekday PM Peak Hour....20
Figure 12 Year 2014 Total Traffic Conditions, Weekday AM Peak Hour....22
Figure 13 Year 2014 Total Traffic Conditions, Weekday PM Peak Hour....23

List of Tables

Table 1 Roadway Facility Inventory....5
Table 2 Intersection Crash Summary (Year 2004 Through Year 2008)....11
Table 3 Analysis Of Potential Redland Road/Highway 213 Mitigation Measures (Year 2014 Background Traffic Conditions)....13
Table 4 Site Trip Generation Estimate....16
Table 5 Analysis Of Potential Redland Road/Highway 213 Mitigation Measures (Year 2014 Total Traffic Conditions)....21
Table 6 Signalized Vehicle Queue Analysis Results (Year 2014 Total Traffic Conditions)....24
Table 7 Unsignalized Vehicle Queue Analysis Results (Year 2014 Total Traffic Conditions)....25
Table 8 Sight Distance Analysis Results....28

EXECUTIVE SUMMARY

This study evaluates the transportation impacts of the proposed Park Place Annexation in Oregon City. Once annexed into the city limits, the underlying zoning of the eight subject parcels will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Given that the long-term effects of changing the underlying zoning of these parcels and the remaining properties located within the all-encompassing Park Place Concept Plan (Reference 1) area have already been analyzed and approved by the City of Oregon City, the purpose of this study is to analyze the transportation impacts associated with annexation and actual development on the subject site, within a more limited timeframe.

Once annexed, the subject properties within the Park Place Annexation site boundary are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. This limit reflects the maximum development potential of the subject site under the planned R5 zoning and considering factors such as the amount of developable property that is available. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Upon development, vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This roadway would traverse through the site boundary in a manner that is consistent with the vision of the Park Place Concept Plan. The three other external site access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, all of which are located in the adjacent subdivision to the north and which lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

The following sections summarize the scope of this study and detailed findings of the transportation impact analysis associated with the proposed annexation of the subject property, followed by the conclusions and recommendations.

STUDY INTERSECTIONS

Based on a scoping arrangement with the City's traffic engineering sub-consultant, operational and safety analyses were performed at the following study intersections during the weekday a.m. and p.m. peak hours:

- Abernethy Road at Washington Street;
- Abernethy Road-Holcomb Boulevard at Redland Road;
- Redland Road at OR Highway 213 (Cascade Highway);
- Anchor Way at Redland Road;
- Holcomb Boulevard at Apperson Boulevard;
- Holcomb Boulevard at Front Avenue;
- Holcomb Boulevard at Swan Avenue;
- Holcomb Boulevard at Winston Drive; and,
- Holcomb Boulevard at Jada Way.

EXISTING TRAFFIC CONDITIONS

- The subject site is currently located within METRO's urban growth boundary but outside the city limits. The current zoning for the subject parcels is a mix of FU10 and RR5, but with annexation approval and recent approval of the Park Place Concept Plan, a new zoning designation of R5 (Medium Density Residential) is expected to apply.
- There are five single family residences present on five of the eight subject parcels.
- The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east, south, and west. METRO's urban growth boundary is present along the eastern site boundary.
- Based on the operational analysis conducted at the study intersections, all the study intersections are currently operating within the operating standards enforced by the City of Oregon City and ODOT. However, the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or approaching 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.
- A review of five-year historical crash data at the study intersections did not indicate any high crash frequencies, reoccurring crash patterns, or potential safety hazards.

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS

- Year 2014 background traffic conditions (without development on the subject site) were evaluated based on a ten percent increase in existing traffic levels to account for a conservative regional growth pattern over the next five years.
- Two in-process developments were identified in the site vicinity. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use development. The peak hour trips associated with these two developments were accounted for in the future traffic forecast.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is forecast.

FUTURE SITE DEVELOPMENT PLAN

- The subject site, once annexed, will be developed in conformance with the vision of the approved Park Place Concept Plan. Upon development, the subject site will consist of up to 200 single family detached homes.
- Using ITE trip generation equations, 200 single family homes will generate a total of 1,967 average weekday trips with 149 trips (37 in, 112 out) occurring during the weekday a.m. peak hour and 200 trips (126 in, 74 out) occurring during the weekday p.m. peak hour.
- Future vehicular access will take place at Holcomb Boulevard in the northeast corner of the subject site via a new primary street connection. Other connections will be made to the three street stubs at the adjacent subdivision to the north, all of which lead to Holcomb Avenue via Winston Drive.
- The subject site, once annexed, is expected to be fully developed and occupied within five year and by the year 2014.

YEAR 2014 TOTAL TRAFFIC CONDITIONS

- The analysis of year 2014 total traffic conditions reflects the addition of site trips to the year 2014 background traffic volumes.
- All the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hour periods, except for the Redland Road/Highway 213 intersection during the weekday p.m. peak hour, where a v/c ratio greater than 1.0 is

forecast. Further analysis of mitigation measures indicates that adding a third southbound through travel lane on the highway would improve intersection operations considerably during the weekday p.m. peak hour, with a resulting v/c ratio of 0.89.

- Planned improvements for the Redland Road/Highway 213 intersection are not yet funded, and it is likely that developments in the study area will not be able to take on the responsibility for making substantial physical improvements to this intersection as a means of traffic impact mitigation. Instead, the City should establish a proportionate share cost collection program for developments that send vehicle trips through this intersection. Such programs have been implemented by the City in the past.
- The results of a 95th percentile vehicle queuing analysis indicate vehicle queues will exceed available striped storage at several locations, but in each case, vehicle queues can be accommodated within the residual turn lane taper transition areas or within the adjacent through travel lane without adversely affecting safety or operating conditions. These locations are as follows:
    - Left-turn lane queue on southbound approach of Redland Road at Abernathy-Holcomb Boulevard is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available.
    - Left turn lane queue on northbound approach of Redland Road at Abernathy-Holcomb is forecast to reach 275 feet during the weekday a.m. peak hour, with only 125 feet of striped storage available.
    - Left turn lane and outside through-right-turn lane queues on westbound approach of Holcomb Boulevard at Redland Road are forecast to reach 175 feet and 225 feet, respectively, during the weekday a.m. peak hour, with only 100 feet of striped lane storage available today in both lanes.
    - Left turn lane queue on northbound approach of Highway 213 at Redland Road is forecast to reach 225 feet of storage during weekday p.m. peak hour, with 200 feet of striped storage available.
- Left turn lane warrants were evaluated for the westbound left turn movement at the Holcomb Avenue/Winston Drive intersection and the westbound left turn at the future Holcomb Avenue/Site Access intersection. The analysis results indicated left-turn lane warrants would not be satisfied during either the weekday a.m. or p.m. peak hours.
- Right turn lane warrants are forecast to be met at three study intersections:
    - Southbound Approach of Redland Road at Anchor Way - The warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand.
    - Eastbound Approach of Holcomb Boulevard at Winston Drive - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
    - Eastbound Approach of Holcomb Boulevard at New Site Access Street - The warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. The warrant would be triggered by development of the subject site.
- The proposed location for the future street access to Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected as a suitable point of access for the following reasons:
    - Represents the approximate location shown in the approved Park Place Concept Plan.

  - Access has been pushed as far east as possible to maximize sight distance along Holcomb Boulevard.
  - Would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.
  - Would allow for the access to be realigned directly across from Jada Way, once the parcel to the east is brought into the UGB, annexed into the city limits, and rezoned for urban development. A final configuration with access across from Jada Way would satisfy the City's local street access spacing standard of 400 feet.

- Intersection and stopping sight distances would be adequate at the proposed location of the primary street access to Holcomb Boulevard, west of Jada Way.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

INTRODUCTION

This study was prepared to evaluate the transportation impacts associated with a proposal to annex eight properties totaling 53.8 acres in size into the city limits of Oregon City. A site vicinity map is provided in Figure 1 with a site boundary map of the Park Place Annexation properties illustrated in Figure 2. As shown in the site boundary map, the Park Place Annexation site is located along the south side of Holcomb Boulevard between Barlow Drive and Jada Way, the south side of an existing residential subdivision, and the east side of the east end of Livesay Road. The subject properties are already located within METRO's urban growth boundary.

Upon annexation into the city limits, the underlying zoning of the subject properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. Future development activity on the subject properties is expected to include a residential subdivision with up to 200 single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. The remaining three external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

STUDY SCOPE

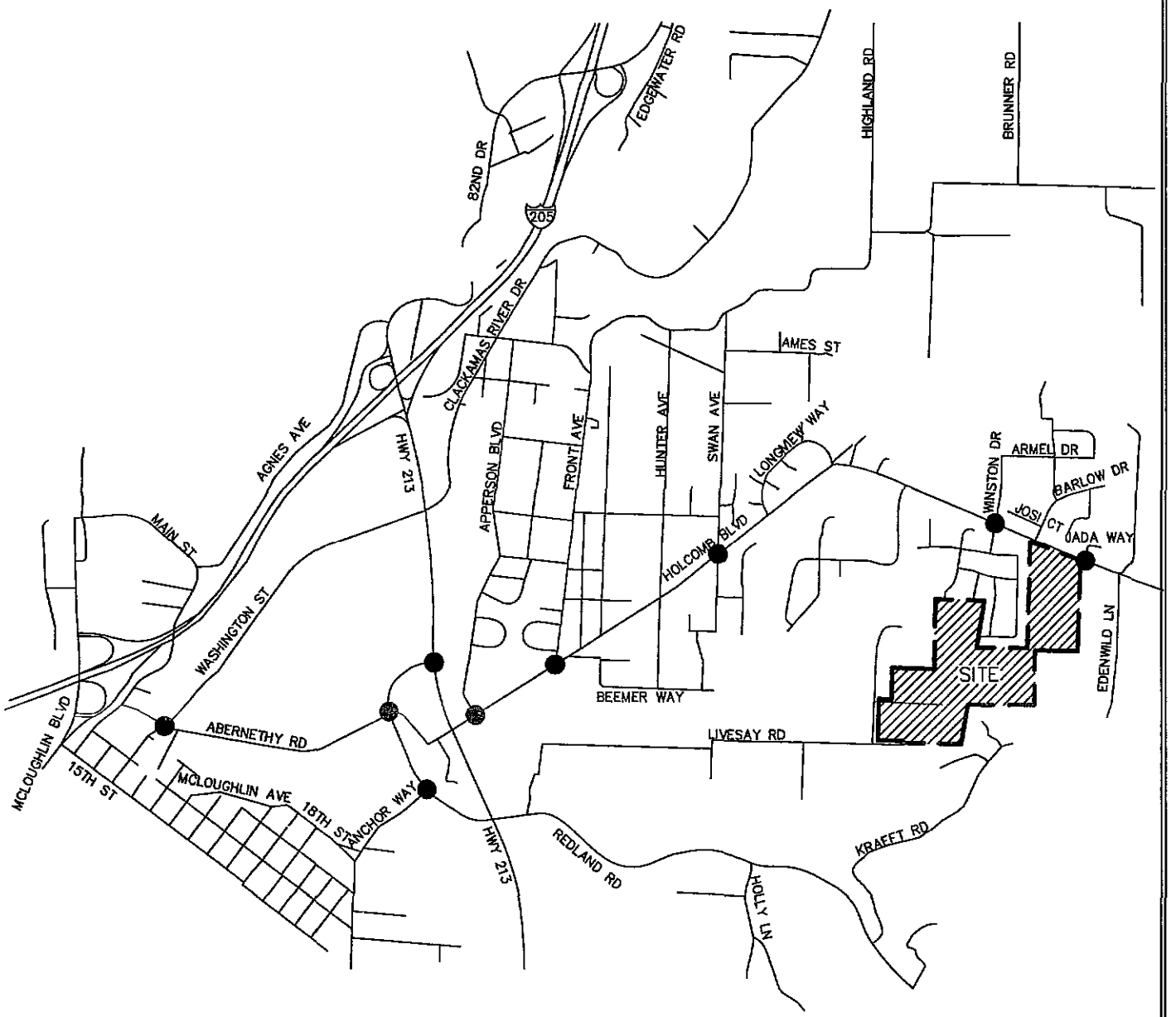
This study was prepared to identify any traffic operation and safety-related impacts that will result from the proposed Park Place Annexation in Oregon City. The study scope was determined through careful review of the *City of Oregon City Guidelines for Transportation Impact Analyses* (Reference 2), and through a study scoping arrangement with City's traffic engineering sub-consultant. Based on the scoping discussions with the City's sub-consultant, operational and safety analyses were performed at the following study intersections for the weekday a.m. and p.m. peak hours:

- Abernethy Rd. at Washington St.;
- Abernethy Rd.-Holcomb Blvd. at Redland Rd.;
- Redland Rd. at OR Hwy 213 (Cascade Hwy.)
- Anchor Way at Redland Road;
- Holcomb Blvd. at Apperson Blvd.;
- Holcomb Blvd. at Front Ave.;
- Holcomb Blvd. at Swan Ave.;
- Holcomb Blvd. at Winston Dr.; and,
- Holcomb Blvd. at Jada Way.

This study examines the transportation impacts of the proposed site annexation and future development potential. Specifically, this report addresses the following transportation issues:

- A review of existing transportation system conditions, including an inventory of transportation facilities and access locations, analysis of weekday a.m. and p.m. peak hour traffic operations, and a review of vehicle crash statistics and crash rates;
- A review of planned transportation improvements, in-process developments in the study area, and an assessment of future background traffic growth rates;
- An assessment of future year 2014 background traffic conditions (without any development on-site) during the weekday a.m. and p.m. peak hours at all identified study intersections;

- Site trip generation estimates for the average weekday and the weekday a.m. and p.m. peak hours, based on ITE trip rates/equations;
- An evaluation of future year 2014 total traffic conditions during the weekday a.m. and p.m. peak hours at all identified study intersections and planned external site access locations;
- A review of vehicle queuing needs, turn lane warrants, and access spacing and sight distance requirements;
- Identification of possible mitigation measures to remedy any site development impacts; and,
- Conclusions and recommendations.



LEGEND	SITE VICINITY MAP	FIGURE No.:
▨ = SITE BOUNDRY ● = STUDY INTERSECTION	NOVEMBER, 2009	1

Dunn TRAFFIC ENGINEERING

N

(NO SCALE)



LEGEND	SITE BOUNDARY MAP	FIGURE No.:
▨ = SITE BOUNDRY	NOVEMBER, 2009	2

EXISTING TRANSPORTATION CONDITIONS

The existing conditions analysis identifies conditions of the subject Park Place Annexation site and surrounding land uses, provides an inventory of the geometric characteristics of roadways in the study area, and summarizes existing traffic operations and safety at the study intersections. The purpose of this discussion is to provide a basis for comparison to future conditions analyses.

SITE CONDITIONS/SURROUNDING LAND USES

The eight parcels comprising the subject site are currently located within the urban growth boundary of METRO, but outside the city limits of Oregon City. The parcels are currently zoned for a mixture of FU10 and RR5 uses in Clackamas County. There are five single family residences present on five of the eight subject parcels.

The site is bordered by an urban residential subdivision and Holcomb Boulevard to the north, and rural residential properties to the east towards METRO's urban growth boundary, south to Redland Road, and west to Livesay Road.

ROADWAY FACILITIES AND STUDY INTERSECTIONS

An inventory was performed in November 2009 of all roadway facilities within the site's study area. These facilities are described in detail in Table 1. Figure 3 identifies the location of all existing study intersections and their respective lane configurations and traffic control devices.

TABLE 1
Roadway Facility Inventory

Roadway	Classification	Cross-Section	Speed Limit	Sidewalks?	Bicycle Lanes?	On-Street Parking?
OR Highway 213	Expressway	4-5 lanes	45 mph	No	Yes	No
Abernethy Road	Minor Arterial	3 lanes	35 mph	Partial	Yes	No
Washington Street	Minor Arterial	3 lanes	35 mph	Yes*	Yes	No
Redland Road	Minor Arterial	2-4 lanes	45 mph	Partial	Yes	No
Anchor Way	Minor Arterial	2 lanes	25 mph	No	No	No
Holcomb Boulevard	Minor Arterial	2 lanes	40 mph	Partial**	No***	No***
Apperson Boulevard	Neighborhood Collector	2 lanes	25 mph	Yes	No	Yes
Front Avenue	Collector	2 lanes	25 mph	Yes	No	Yes
Swan Avenue	Collector	2 lanes	25 mph	No	No	No
Winston Drive	Local	2 lanes	Not Posted	Yes	No	Yes
Jada Way	Local	2 lanes	Not Posted	Yes	No	Yes

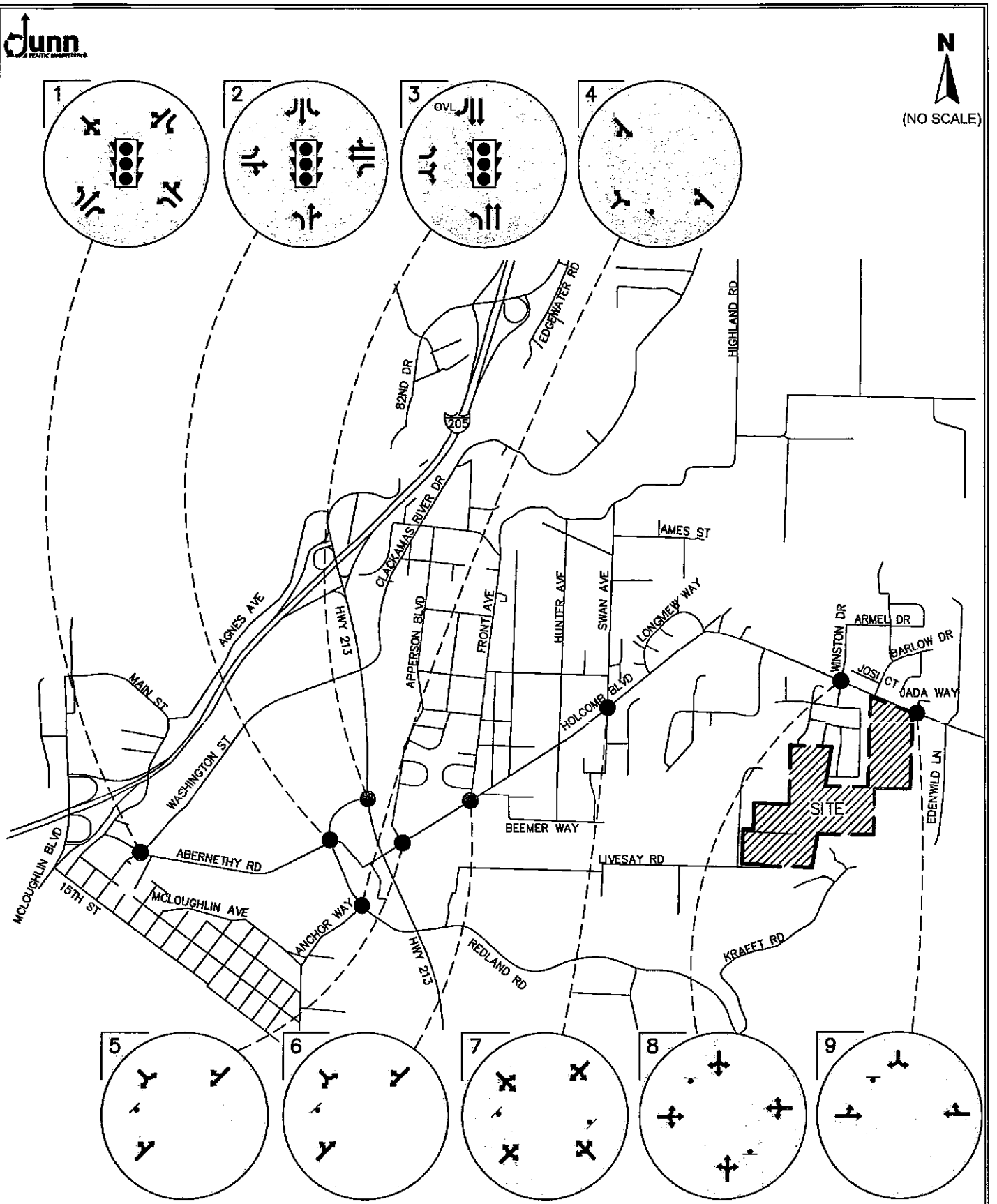
Notes:

*- East of Abernethy Road, there is partial sidewalk along north side of road, but a continuous multi-use path on the south side. West of Abernethy Road there is continuous sidewalk present along both sides of the street.

**- Continuous sidewalk is now under construction on north side of street from Front Street out to Longview Way.

***- Wide paved shoulders allows for some on-street parking opportunities but bulk of paved shoulders used for bicycle travel, although there is no striping for bike lanes.

As shown in Figure 3, traffic signals are present at the three study intersections between Abernethy Road/Washington Street, Abernethy Road-Holcomb Avenue/Redland Road, and Redland Road/Highway 213. Apart from these intersections, the remaining study intersections are unsignalized with free-flowing conditions on the major street approaches (i.e. Holcomb Avenue and Redland Road) with stop-control present only on the minor street approaches (i.e. Anchor Way, Apperson Boulevard, Front Avenue, Swan Avenue, Winston Drive, and Jada Way.)



LEGEND		
= STOP SIGN	OVL = RIGHT TURN OVERLAP SIGNAL PHASE	EXISTING LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES
= TRAFFIC SIGNAL		NOVEMBER, 2009

FIGURE No.: 3

PEDESTRIAN AND BICYCLE FACILITIES

As indicated by the previous table, continuous sidewalks are present in sporadic locations within the study area. Continuous sidewalk facilities are present along Apperson Boulevard, Front Avenue, Winston Drive and Jada Way. And along Washington Street, there is a multi-use path along the south side of the street east of Abernethy Road, with continuous sidewalks along both sides of Washington Street west of Abernethy Road. Continuous sidewalk facilities are generally lacking along the remaining study area roadways. However, it should be noted that construction is now underway on a new continuous sidewalk along the north side of Holcomb Boulevard from Front Avenue out to Longview Way.

In terms of bicycle facilities, continuous bicycle lanes are present along Highway 213, Abernethy Road, Washington Street, and Redland Road. Additionally, in most locations along Holcomb Avenue, there is a wide enough paved shoulder to allow for bikers to separate themselves from through traffic. No bike lanes are present on any of the remaining study area roadways.

Overall, bicycle activity was observed to be low in the site vicinity, and based on the results of the traffic counts collected for this study, pedestrian activity is also relatively low, with most intersections experiencing no pedestrian activity during peak travel hours. Several intersections did experience between one and five pedestrian crossings during the peak travel hours. No pedestrians were observed walking along Holcomb Boulevard along the site frontage.

TRANSIT FACILITIES

Tri-Met provides public transit service along Holcomb Boulevard, but only as far out as Longview Way at Clackamas Heights and at very infrequent intervals. Bus Route #34 (River Road) proceeds east from the Oregon City Transit Center along Abernethy Road and Holcomb Boulevard up to Longview Way. Bus Route #34's regular route heads between the Oregon City Transit Center and the Milwaukie Transit Center via McLoughlin Boulevard. The transit center in Oregon City provides access to many other bus routes including #32 (Oatfield), #33 (McLoughlin), #35 (Macadam/Greeley), and #79 (Clackamas/Oregon City). At the Holcomb Avenue/Longview Way bus stop, buses arrive on weekdays at 5:51 a.m., 8:30 a.m., 2:33 p.m., 5:35 p.m., and 6:35 p.m. There is no bus service on weekends.

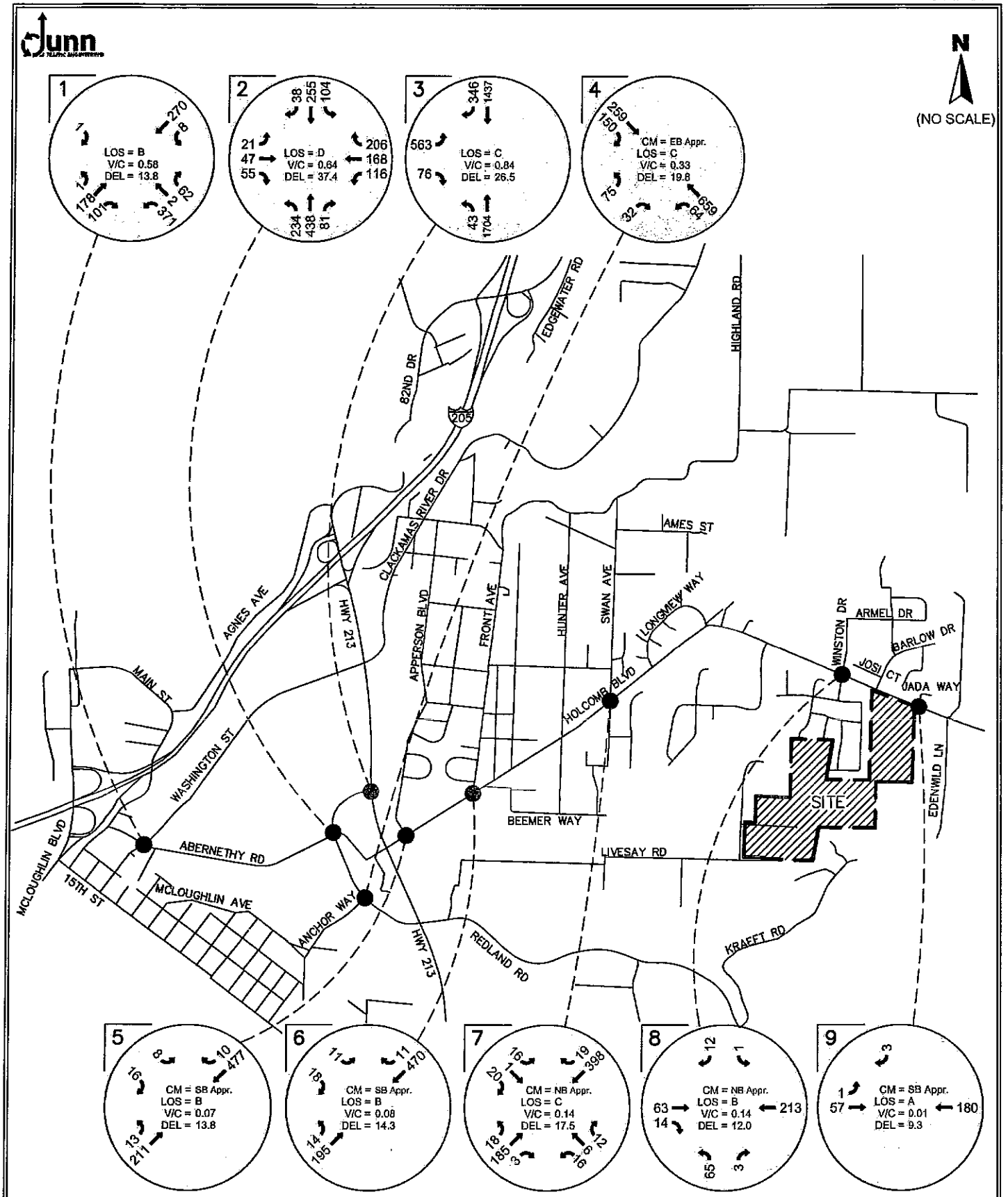
EXISTING TRAFFIC VOLUMES

Based on the City's traffic impact study guidelines and through discussions with the city's traffic engineering sub-consultant, traffic counts were collected for this study during both the weekday morning and evening periods to capture the worst-case peak hour periods for evaluating traffic conditions. Manual turn movement traffic counts were conducted at all study intersections on a mid-week day in November 2009 during the morning period from 7:00 a.m. to 9:00 a.m. and during the late afternoon period from 4:00 p.m. until 6:00 p.m.

Based on the traffic count data collected in the field, the weekday a.m. peak hour was found to occur from 7:10 a.m. to 8:10 a.m., and the p.m. peak hour was found to occur from 4:45 p.m. to 5:45 p.m. Figures 4 and 5 illustrate the existing turn movement volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *All traffic count worksheets are provided in Appendix "A".*

INTERSECTION OPERATING STANDARDS

All intersection operations analyses described in this report were performed in accordance with the procedures stated in the *2000 Highway Capacity Manual* (Reference 3). *A description of level of service and the criteria by which they are determined is presented in Appendix "B."* This appendix indicates how level of service is measured and what is generally considered the acceptable range of level of service.

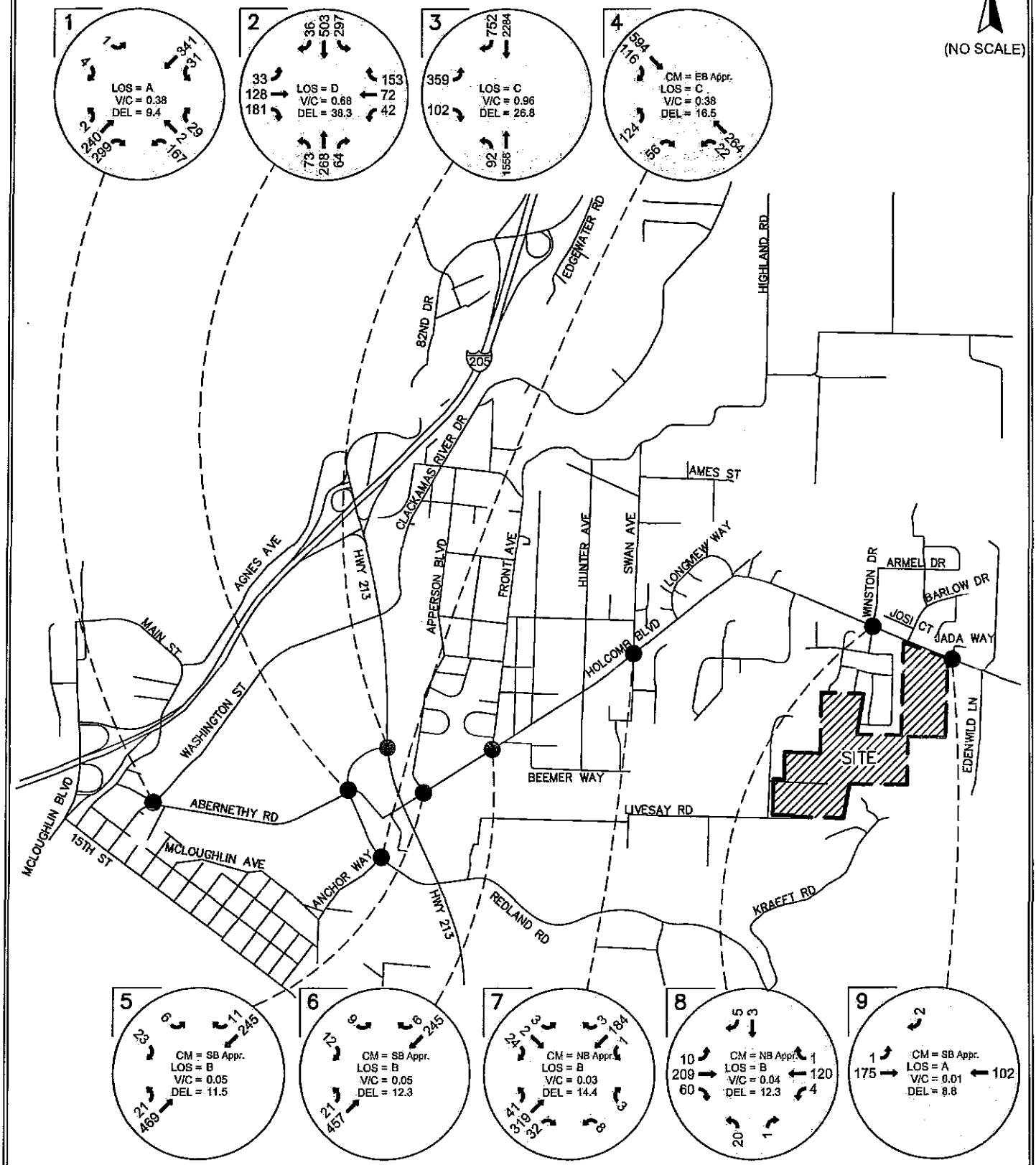


LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

EXISTING TRAFFIC CONDITIONS
WEEKDAY AM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 4



LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

EXISTING TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 5

To ensure that this analysis was based on reasonable "worst-case" conditions, the peak 15-minute flow rates observed during the weekday a.m. and p.m. peak hours were used in the evaluation of all intersection levels of service. For this reason, the analysis reflects conditions that are only likely to occur for fifteen minutes out of each peak hour. The traffic conditions during all other weekday hours will likely operate under better conditions than those described in this report.

At signalized intersections, operational performance is measured by the level of service (LOS) and the volume-to-capacity (v/c) ratio. LOS is based on the average control delay per vehicle for the entire intersection, while the v/c ratio is a measurement of intersection's capacity to accommodate only the critical movements. For unsignalized intersections, operational performance is also measured by the level of service and the volume-to-capacity ratio. However, the LOS and v/c ratio are based on the average control delay per vehicle for the critical movement (typically minor left-turn or approach).

Based on the City's *Guidelines for Transportation Impact Analyses,* the City standard for signalized intersections is "LOS "D" or better for the intersection as a whole, with no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements". For unsignalized intersections under the jurisdiction of the City of Oregon City, the City supports a policy of LOS "E" or better for the poorest operating approach and with no movement serving more than 20 peak hour vehicles at worse than LOS "E". In other words, LOS "F" will be tolerated for the critical movements during a peak hour as long as demand is at or below 20 vehicles.

Intersections under the jurisdiction of the Oregon Department of Transportation (ODOT) such as those in the Highway 213 corridor are subject to the mobility standards outlined in *1999 Oregon Highway Plan* (OHP, Reference 4). The OHP specifies a maximum v/c ratio of 0.99 for all intersections along OR Hwy 213, given its location within the Portland metropolitan area and its designation as an "Expressway".

PEAK HOUR OPERATIONS

Figures 4 and 5 also summarize the existing operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, including resulting levels-of-service, average vehicle delay, and v/c ratios. *Appendix "C" includes the existing year level of service worksheets.* As the figure results show, all study intersections operate within the standards enforced by the City of Oregon City and ODOT. However, it is important to note that the Redland Road/Highway 213 intersection is known to suffer heavy congestion during peak travel periods, with v/c ratios close to or at 1.00, which exceeds ODOT's minimum v/c ratio standard of 0.99 or less.

REVIEW OF DRIVER SAFETY

The Oregon Department of Transportation maintains a database of vehicle crash statistics for public streets and highways in Oregon. Using crash data provided by ODOT for the five-year period beginning in 2004 and ending in 2008, a detailed accounting of the crash history for each study intersection was prepared to identify any apparent safety hazards. The results of the crash analysis are summarized in Table 2, which includes a breakdown of the various collision types, accident severity, total crashes, and crash rates expressed in terms of crashes per million entering vehicles (crashes/mev). Typically, crash rates exceeding 1.0 crashes per million entering vehicles indicate a potential safety hazard and reason for closer inspection of the crash data. Further discussion on the crash histories of each study intersection are provided in the sections that follow. *Detailed crash data provided by ODOT along with the crash rate calculations are presented in Appendix "D".*

Abernethy Road/Washington Street

A total of two turning-type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Both turning-type crashes were unrelated. One crash involved property damage only and one crash involved an injury. The resulting vehicle crash rate was determined to be low at 0.10 crashes/mev, indicating no apparent safety concern.

TABLE 2
Intersection Crash Summary
(Year 2004 Through Year 2008)

Intersection	Collision Type				Severity		Totals	
	Rear-End	Turning	Angle	Other	Property Damage	Injury	Total Crashes	Crash Rate*
Abernethy Road/Washington Street	0	2	0	0	1	1	2	0.10
Abernethy Road-Holcomb Boulevard/ Redland Road	3	0	0	0	2	1	3	0.09
Redland Road/OR Highway 213	2	4	2	0	4	4	8	0.09
Anchor Way/Redland Road	1	6	0	0	5	2	7	0.33
Holcomb Boulevard/Apperson Blvd.	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Front Avenue	0	0	1	0	0	1	1	0.07
Holcomb Boulevard/Swan Avenue	0	0	0	0	0	0	0	0.00
Holcomb Boulevard/Winston Drive	0	2	0	0	1	1	2	0.25
Holcomb Boulevard/Jada Way	0	0	0	0	0	0	0	0.00

*- Crash rate expressed in terms of accidents per million entering vehicles.

Abernethy Road-Holcomb Boulevard/Redland Road

A total of three rear-end type vehicle crashes were reported at this intersection in the five-year history of reported crashes. Two of the crashes were on the same approach with the remaining crash on the opposing approach. Two crashes involved property damage only and one crash involved an injury. The resulting vehicle crash rate was low at 0.09 crashes/mev, indicating no apparent safety concern.

Redland Road/Highway 213

A total of eight vehicle crashes were reported at this intersection in the five-year history of reported crashes. Four of the crashes were turning-type crashes, with two rear-end crashes, and two angle crashes. Two of the four turning-type crashes involved a northbound driver failing to yield right of way before turning left off the highway. Also, both angle crashes involved a driver on the minor street approach failing to yield right of way to through traffic on the highway. In both cases, these crashes may indicate the need for additional green or clearance time. Nevertheless, the number of crashes for this intersection is relatively low, as seen by the low crash rate of 0.09. Hence, no safety mitigation is recommended at the intersection.

Anchor Way/Redland Road

A total of seven vehicle crashes were reported at this intersection in the five-year history of reported crashes. Six of the crashes were turning-type crashes, with one rear-end crash. Four of the six turning-type crashes involved an eastbound driver on Anchor Way failing to yield right of way to through traffic on Redland Road, which is indicative of a potential need for signalized traffic signal. Even with seven crashes reported at this intersection, the crash rate was still determined to be low at 0.33. Hence, no safety mitigation is recommended at the intersection, except for perhaps a traffic signal installation when one becomes warranted.

Holcomb Boulevard/Front Avenue

Only one vehicle crash was reported at this intersection in the five-year history of reported crashes. The resulting vehicle crash rate of 0.07 crashes/mev is very low, indicating no apparent safety concern.

Holcomb Boulevard/Winston Drive

Only two vehicle crashes were reported at this intersection in the five-year history of reported crashes. These two turning-type crashes were unrelated. The resulting vehicle crash rate of 0.25 crashes/mev is low, indicating no apparent safety concern.

BACKGROUND TRAFFIC CONDITIONS

The analyses of background traffic conditions examines how the study area's transportation system will operate in the year 2014 when the proposed annexation is complete and the site is expected to be fully built-out and occupied. The analyses of background traffic conditions account for increased traffic from all approved "in-process" developments and from expected traffic growth trends, but does not include traffic from the subject site.

PLANNED TRANSPORTATION IMPROVEMENTS

Based on a review of Oregon City's Transportation System Plan (TSP, Reference 5) and approved master plans, through discussions with the City's traffic engineering sub-consultant, and a review of the *ODOT Statewide Transportation Improvement Program* (Reference 6), only one planned and funded transportation improvement has been identified within the study area. This includes the first phase of the pedestrian sidewalk facility now under construction along Holcomb Boulevard from Front Avenue out to Longview Way. Based on this sole planned and funded transportation improvement, no traffic capacity enhancements can be anticipated at any the study intersections over the next five years.

IN-PROCESS DEVELOPMENTS

Research was conducted to identify trips associated with any "in-process" developments in the site vicinity. "In-process" developments are projects that have been approved for construction but have yet to be occupied or are partially occupied. Based on research of Oregon City land use records, a total of two "in-process" developments were identified. These include the second phase of the Red Soils Master Plan and the Clackamette Cove Mixed-Use Development. All trip assignments associated with these two developments were collected from the City and accounted for in the analysis of future background traffic conditions. *The trip assignment figures for these developments are provided in Appendix "E".*

BACKGROUND TRAFFIC FORECAST VOLUMES

Background traffic volumes at all study intersections for the forecast year 2014 (without any development on the subject site) were developed by increasing existing traffic volumes by a factor of ten percent to reflect five years of two percent annual growth beyond the date of the November 2009 traffic counts. This conservative ten percent total growth rate was determined from a review of a historical traffic growth trends in highway volumes along Highway 213 and from discussions with the city's traffic engineering sub-consultant. Figures 6 and 7 summarize the resulting year 2014 background traffic volumes at all study intersections during the weekday a.m. and p.m. peak hours, respectively.

2014 BACKGROUND TRAFFIC OPERATIONS

Figures 6 and 7 also summarize year 2014 background operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "F" includes all year 2014 background traffic conditions level of service worksheets.* As the results in these two figures show, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. This intersection is forecast to operate with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

Potential Mitigation Measures for Redland Road/Highway 213 Intersection

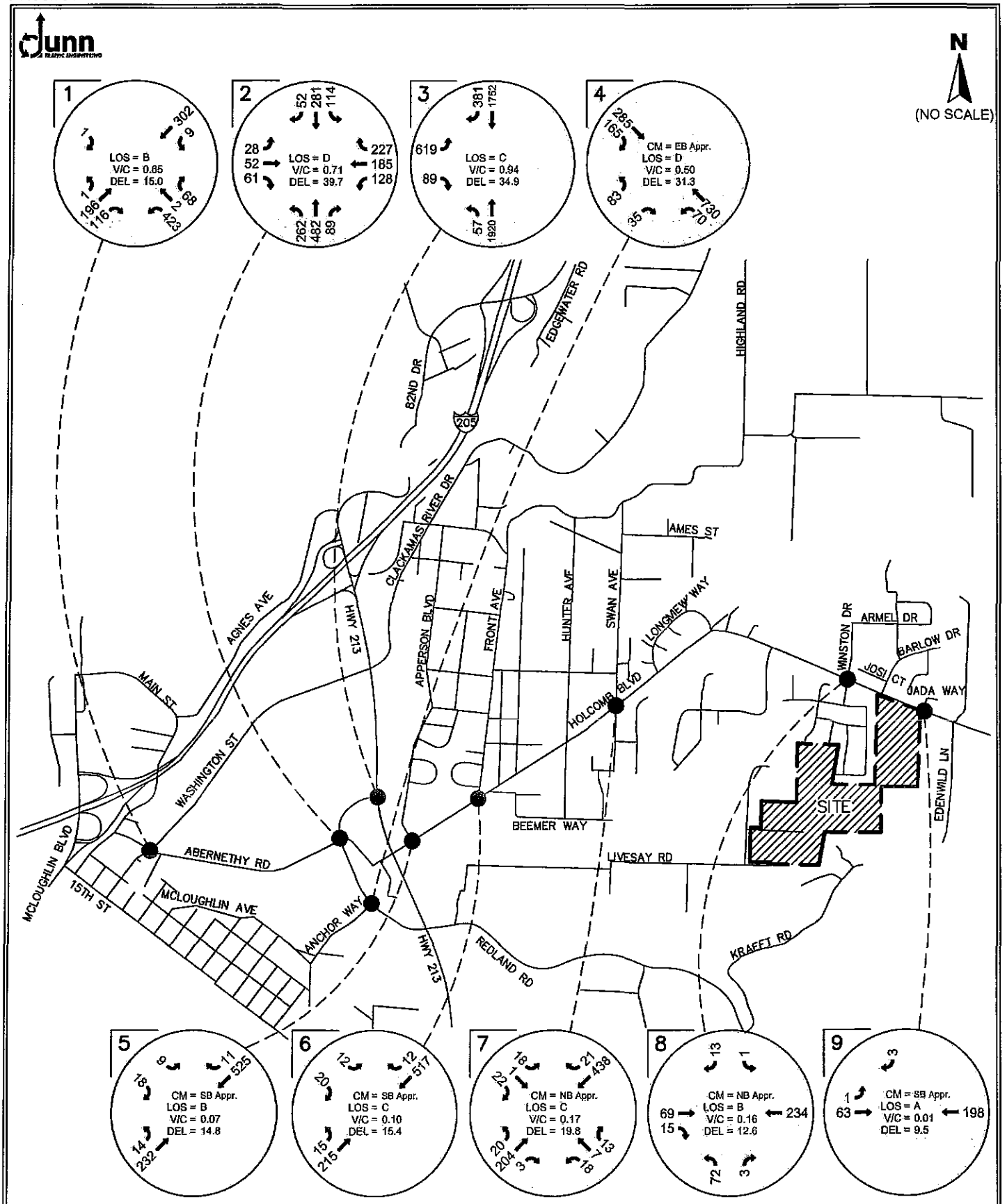
Kittelson & Associates, Inc. along with OBEC Consulting Engineers recently concluded a "Pre-Design" study that identifies and analyzes a variety of capacity enhancements for this intersection to meet long-term traffic demand needs for a design year of 2030. The study was intended to find a design solution that best optimizes traffic operating conditions at the intersection while making the best use of funding available at the time. The technical work prepared by Kittelson & Associates, Inc. in the form of a technical memorandum (Reference 7) reviewed a host of intersection improvement solutions and

associated construction costs. Two of the geometric design elements discussed and recommended in the Kittelson memorandum as part of a long-term phased solution included restriping the eastbound approach of Redland Road to provide an exclusive right-turn lane for an estimated construction cost of $70,000, and widening Highway 213 to add a third southbound through travel lane on the highway for a construction cost of $1.82 million (includes cost of new traffic signal). These two design elements were tested separately and together to determine whether or not the subject highway intersection could function adequately under forecast year 2014 background traffic conditions. The results of the analysis are presented in Table 3. *Analysis results for this evaluation are presented at the end of Appendix "F".*

TABLE 3
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Background Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.94	34.9	C	>1.00	47.6	D
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.88	28.8	C	>1.00	31.8	C
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.94	30.2	C	0.85	24.8	C
Solution "A" & "B" Together	0.88	25.7	C	0.76	18.5	B

As the results in the table above show, Solution "B" by itself would achieve acceptable levels of operation during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.94 and below. Solution "A" by itself would still not provide an acceptable v/c ratio during the weekday p.m. peak hour. Both solutions together would result in favorable intersection operations.

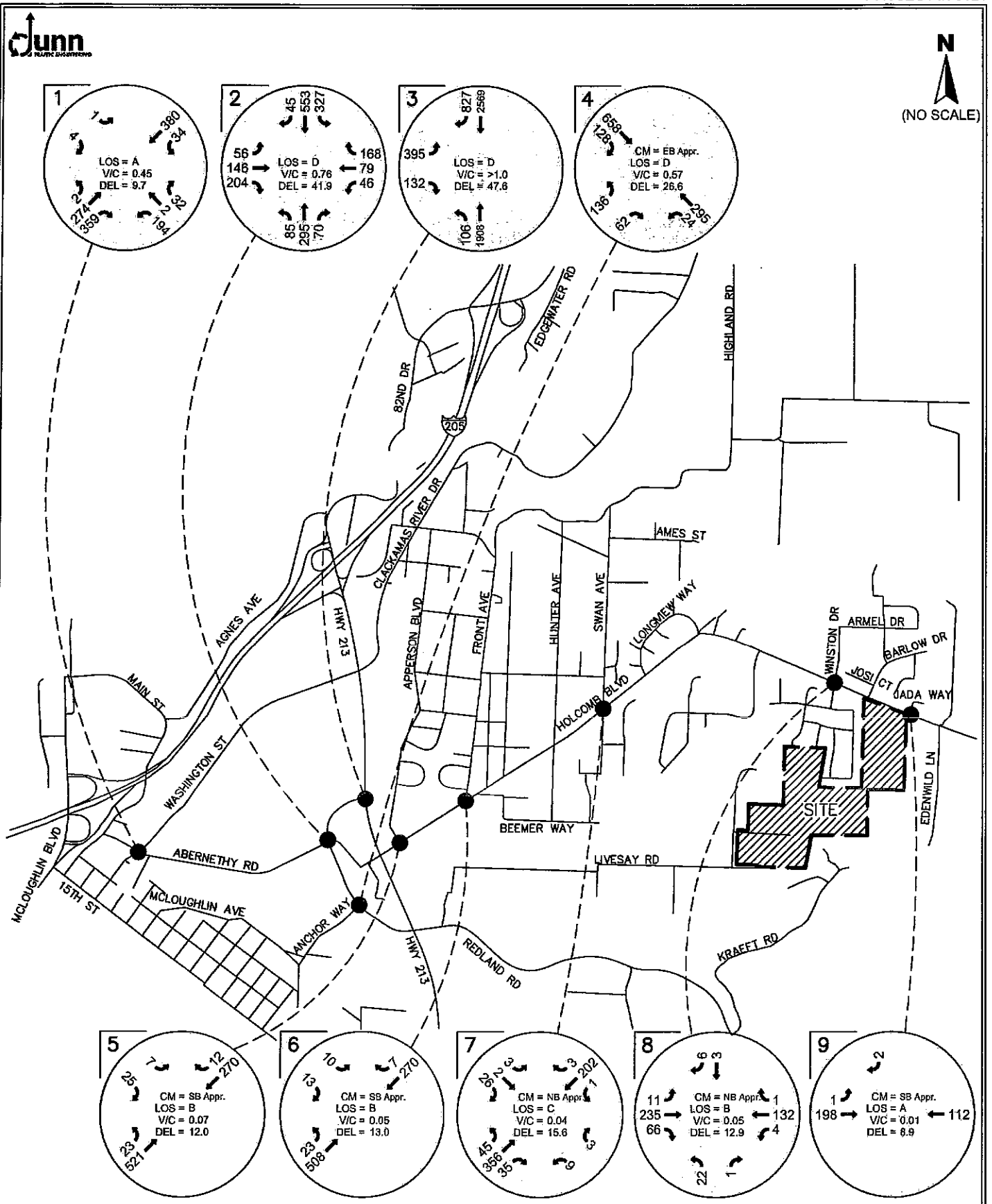


LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS WEEKDAY AM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 6



LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 BACKGROUND TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 7

FUTURE SITE DEVELOPMENT PLAN

Upon annexation into the city limits, the underlying zoning of the Park Place Annexation properties will change from a mixture of FU10 and RR5 to a new city designation of R5 (Medium Density Residential) per City Code Section 17.68.025. As such, the subject properties are expected to develop into a residential subdivision, with the potential for up to 200 units of single family detached homes. For the purposes of this study, the subject site is expected to be fully developed and occupied within the next five years by 2014.

Vehicular access to the site is expected to occur at four external locations. One would be a primary public street connection to Holcomb Boulevard just west of Jada Way. This location is consistent with the vision set forth in the approved Park Place Concept Plan. (*See concept plan figure provided in Appendix "G"*). The three other external access points will be established via connections to the street stubs of Cattle Drive, Shartner Drive, and Journey Drive, which lie within the adjacent subdivision to the north and lead to a single street access to Holcomb Boulevard via Winston Drive. For the purposes of this study, no vehicular access is expected to take place along Livesay Road within the five-year forecast build-out period as this roadway is currently substandard and would be unsafe for travel by residents of the development. Future access to Livesay Road and by extension to Redland Road will eventually be made once infill development occurs along this roadway and the street is brought up to urban standards.

Figure 8 illustrates the lane configurations and traffic control devices assumed to be in place at all the study intersections upon development of the site.

SITE TRIP GENERATION

Estimates of the average weekday and weekday a.m. and p.m. peak hour vehicle trip ends for a future 200-unit residential subdivision were prepared using the standard reference *Trip Generation, 7th Edition* (Reference 8). The trip rates for ITE Land Use Category #210 (*Single Family Detached)* were utilized, as they are derived from empirical observations made at similar developments.

Using ITE trip generation equations, Table 4 shows the estimated trip generation potential for the assumed residential subdivision.

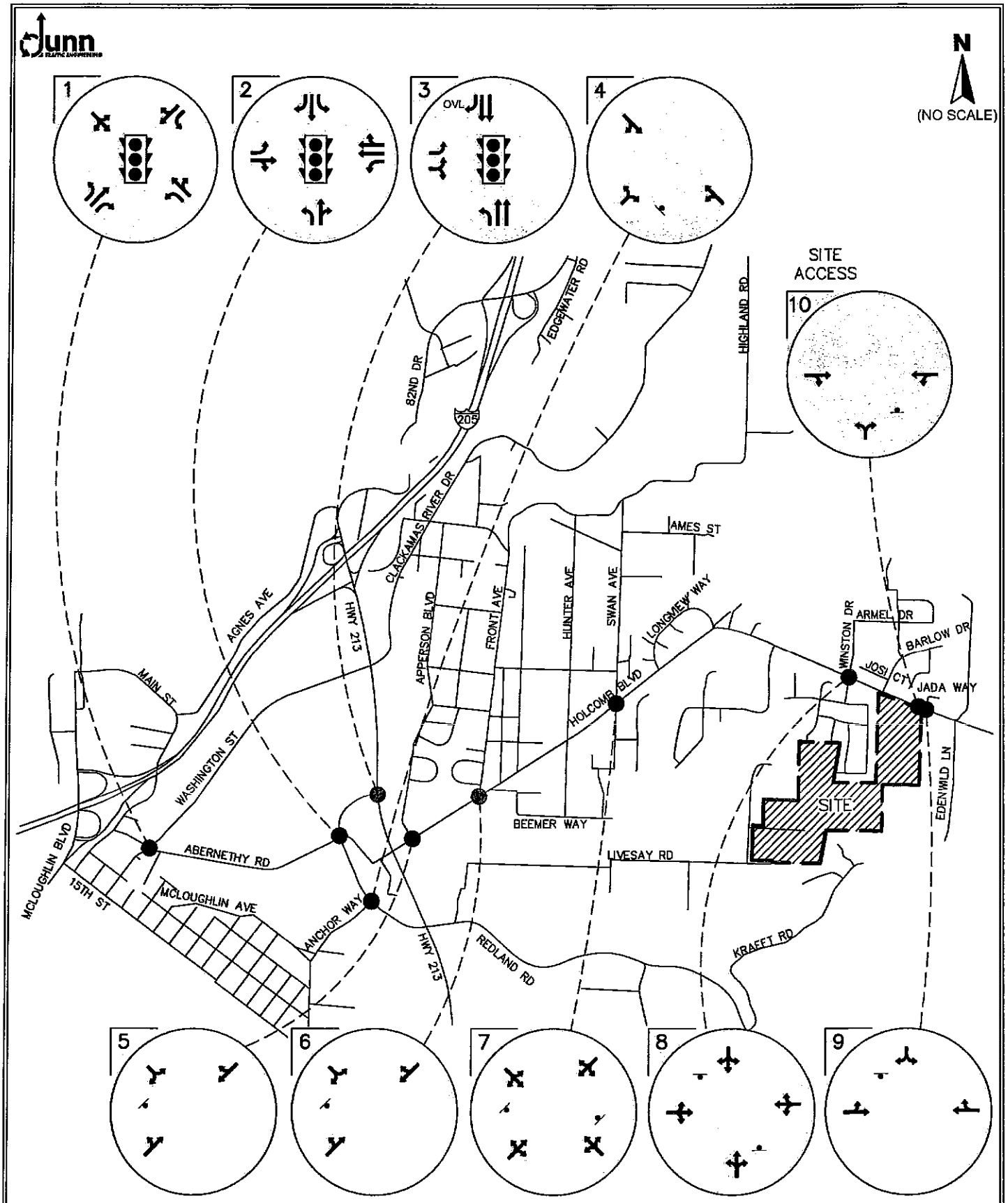
TABLE 4
Site Trip Generation Estimate

Land Use	ITE Code	Size	Average Weekday Trips	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
				Total	In	Out	Total	In	Out
Single Family Detached Home	210	200 units	1,967	149	37	112	200	126	74

As shown in the table above, the proposed site development is expected to generate a total of 1,967 average weekday trips, 149 (37 in, 112 out) weekday a.m. peak hour trips, and 200 (126 in, 74 out) weekday p.m. peak hour trips.

SITE TRIP DISTRIBUTION/ASSIGNMENT

The distribution of site-generated trips onto the surrounding study area roadways was based on the location of the subject site relative to the surrounding transportation network, turn movement patterns observed from the existing traffic counts conducted for this study, and through discussions with the city's traffic engineering sub-consultant. Figure 9 illustrates the overall trip distribution pattern selected for the assignment of all weekday a.m. and p.m. peak hour site-generated trips. The resulting site traffic assignments for the weekday a.m. and p.m. peak hours are shown in Figures 10 and 11, respectively.



LEGEND

= STOP SIGN

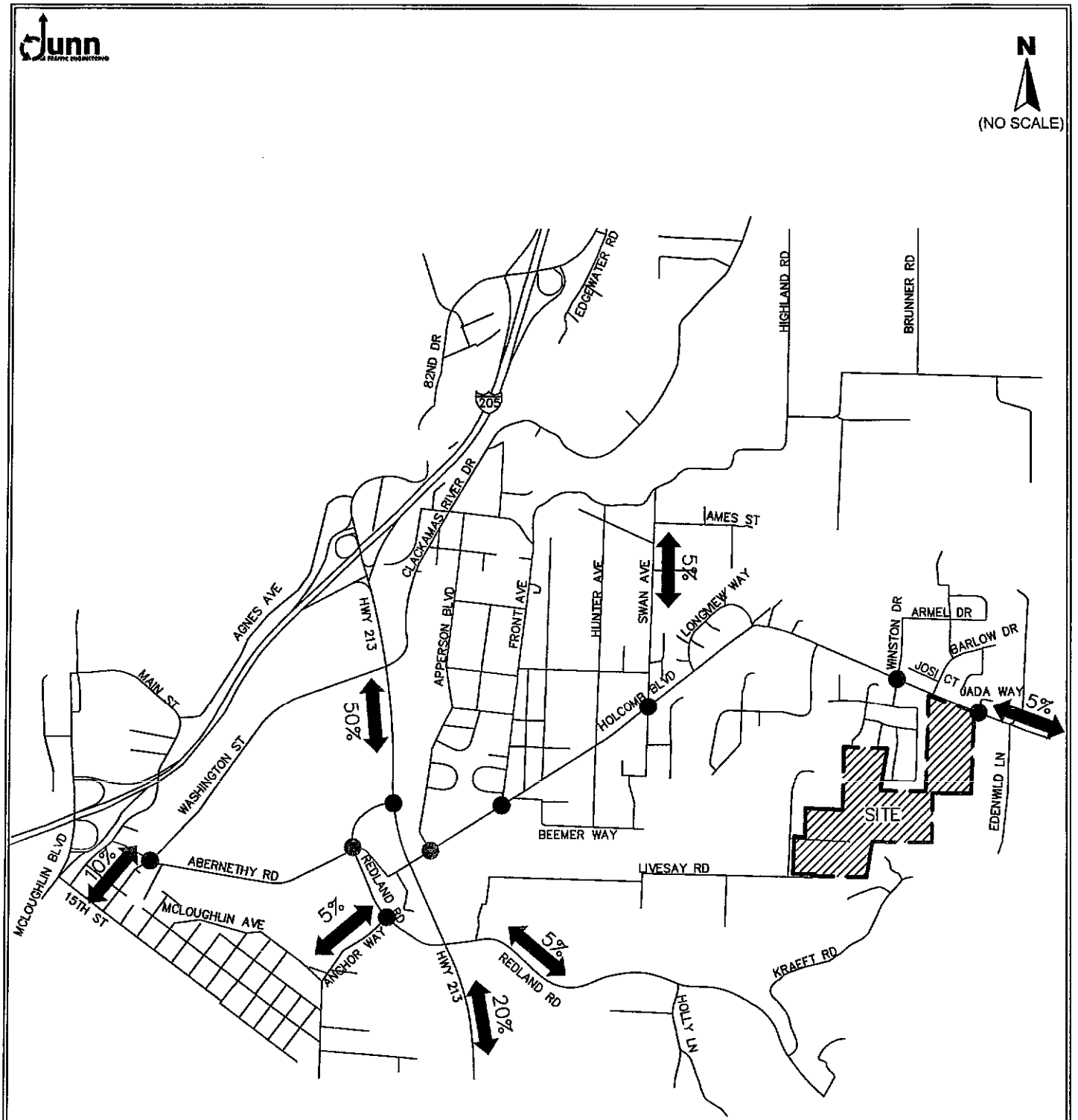
= TRAFFIC SIGNAL

OVL = RIGHT TURN OVERLAP SIGNAL PHASE

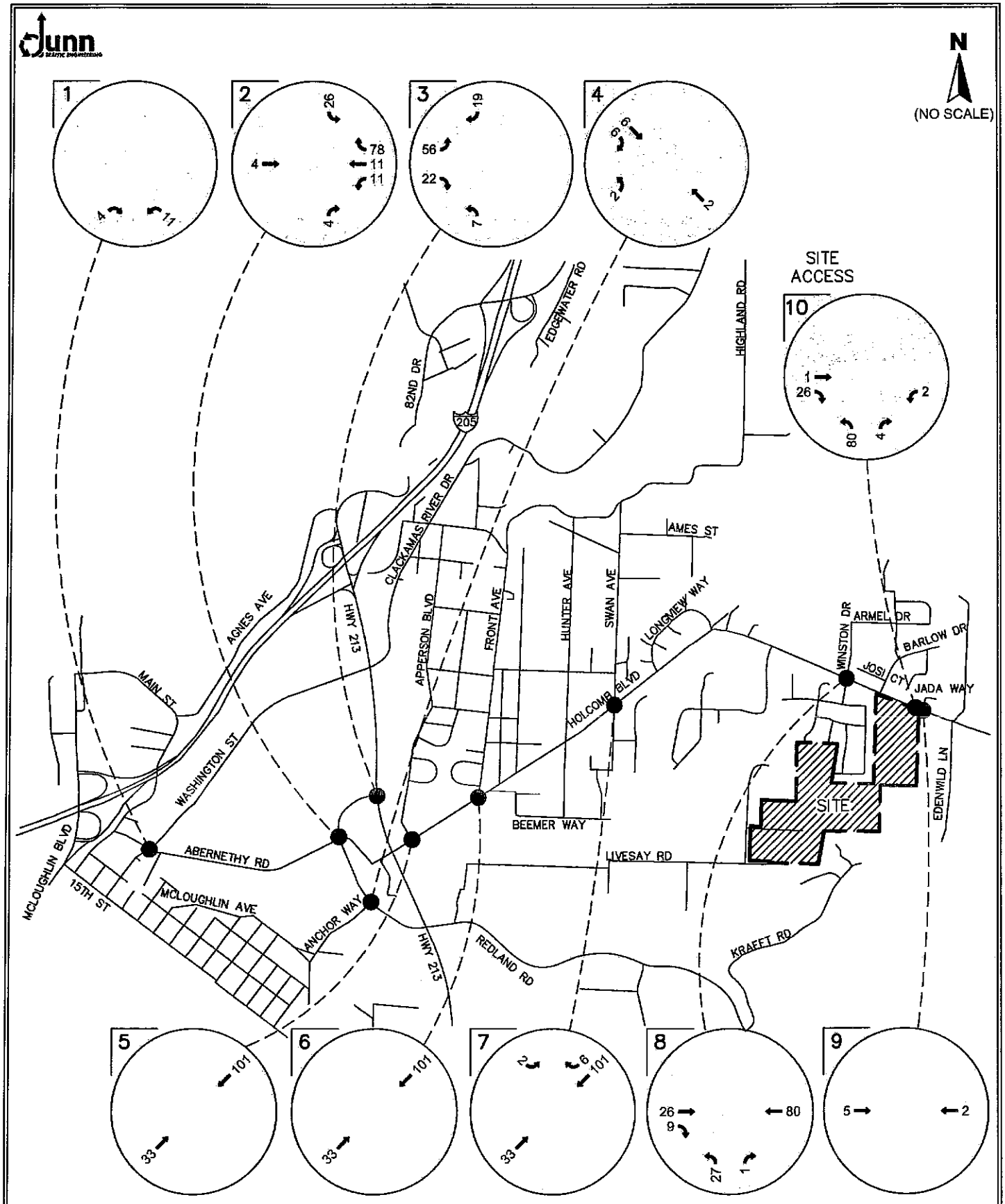
ASSUMED LANE CONFIGURATIONS AND TRAFFIC CONTROL DEVICES

NOVEMBER, 2009

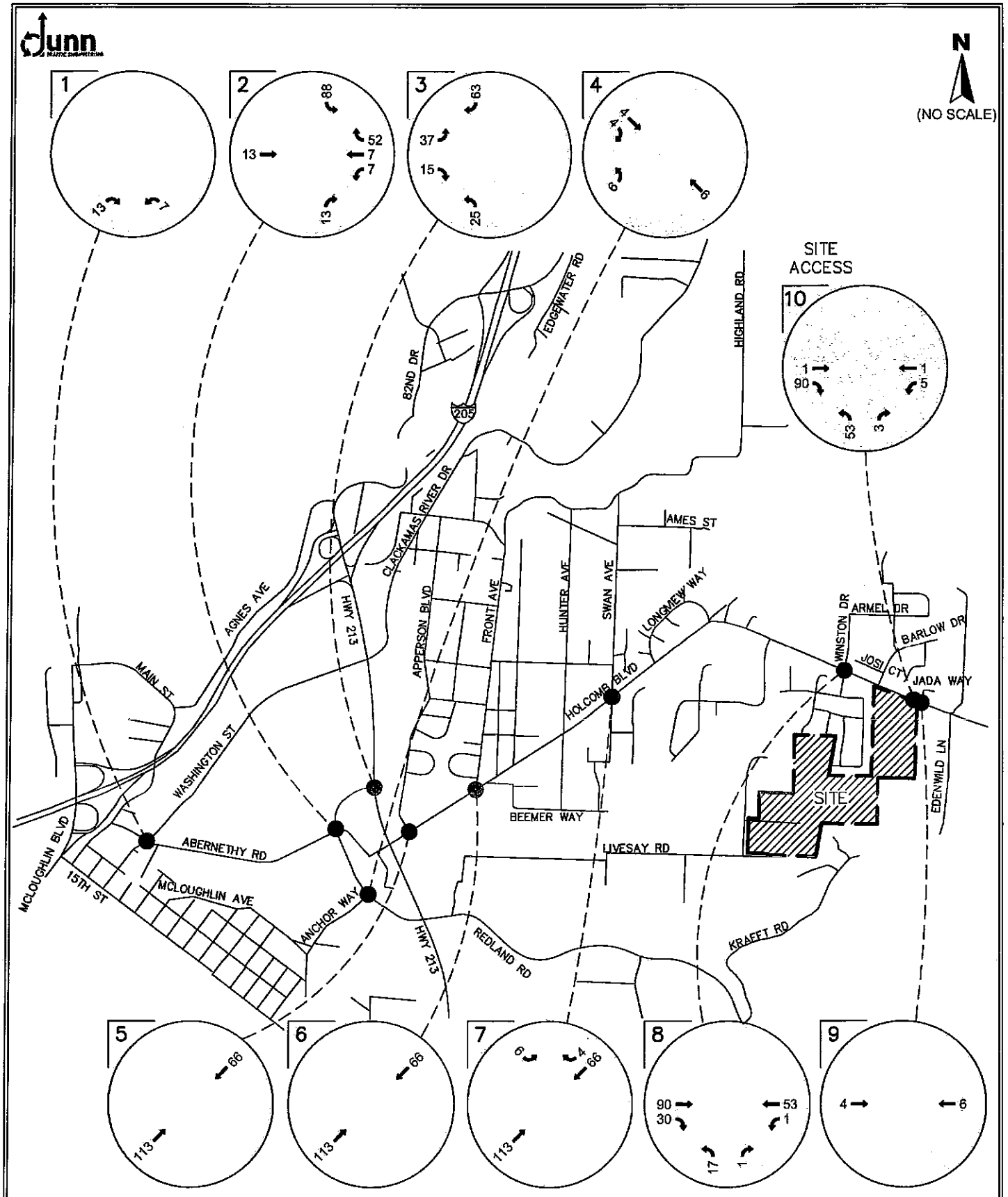
FIGURE No.: 8



LEGEND	ESTIMATED SITE TRIP DISTRIBUTION	FIGURE No.:
x = PERCENT SITE TRIP DISTRIBUTION	NOVEMBER, 2009	9



LEGEND	SITE TRAFFIC ASSIGNMENT WEEKDAY AM PEAK HOUR NOVEMBER, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		10



LEGEND	SITE TRAFFIC ASSIGNMENT WEEKDAY PM PEAK HOUR NOVEMBER, 2009	FIGURE No.:
## = PEAK HOUR TRAFFIC VOLUME		11

TOTAL TRAFFIC CONDITIONS

The analysis of total traffic conditions examines how the study area's transportation system will operate when the Park Place Annexation site is fully built-out and occupied in the year 2014.

FORECAST TRAFFIC VOLUMES

Traffic volumes for site build-out conditions in the year 2014 were determined by adding the site traffic assignments for the weekday a.m. and p.m. peak hours shown in Figures 10 and 11 to the associated 2014 background traffic volume forecasts shown in Figures 6 and 7 for these same time periods. The resulting total traffic volumes for the year 2014 during the weekday a.m. and p.m. peak hours are shown in Figures 12 and 13, respectively.

2014 TOTAL TRAFFIC CONDITIONS

Figures 12 and 13 also summarize year 2014 total traffic operating conditions at all study intersections during the weekday a.m. and p.m. peak hours, respectively. *Appendix "H" includes the year 2014 total traffic conditions level of service worksheets.* As shown in the figures, all the study intersections are anticipated to operate acceptably and meet jurisdictional standards during both the weekday a.m. and p.m. peak hours, except for the Redland Road/Highway 213 intersection. Like the background traffic condition, this intersection is forecast to continue operating with a v/c ratio greater than 1.0 during the weekday p.m. peak hour.

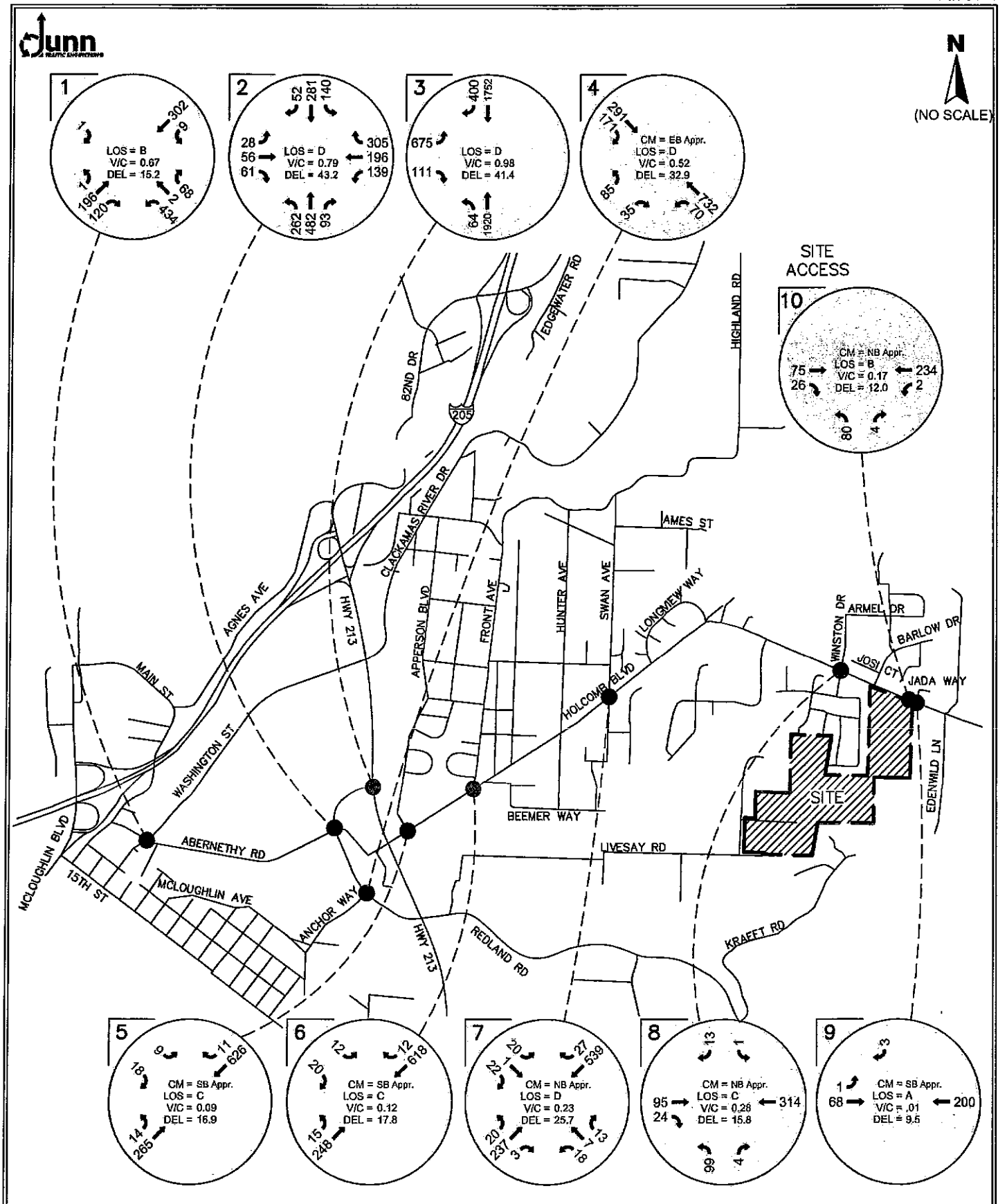
Potential Mitigation Measures for Redland Road/Highway 213 Intersection

The same two design elements evaluated previously in the background traffic conditions section of this report were tested again separately and together to determine whether or not the Redland Road/Highway 213 intersection could function adequately under forecast year 2014 total traffic conditions. The results of the analysis are presented in Table 5. *Analysis results for this evaluation are presented at the end of Appendix "H".*

TABLE 5
Analysis Of Potential Redland Road/Highway 213 Mitigation Measures
(Year 2014 Total Traffic Conditions)

Improvement Option	Weekday AM Peak Hour			Weekday PM Peak Hour		
	V/C Ratio	Avg. Delay	LOS	V/C Ratio	Avg. Delay	LOS
No Improvement	0.98	41.4	D	>1.00	56.3	E
Solution "A": Restripe Redland Road approach to provide exclusive right-turn lane.	0.90	31.8	C	>1.00	37.6	D
Solution "B": Widen Highway 213 to include third southbound through travel lane	0.98	35.0	C	0.89	28.0	C
Solution "A" & "B" Together	0.90	28.1	C	0.79	20.7	C

As the results in the table above show, Solution "B" by itself would satisfy ODOT's v/c ratio standard during the weekday a.m. and p.m. peak hours, with intersection v/c ratios of 0.98 and below. Solution "A" by itself would still not provide an acceptable v/c ratio result during the weekday p.m. peak hour. Both solutions together would operate in a manner that satisfies ODOT's v/c ratio standard during both peak hour periods.

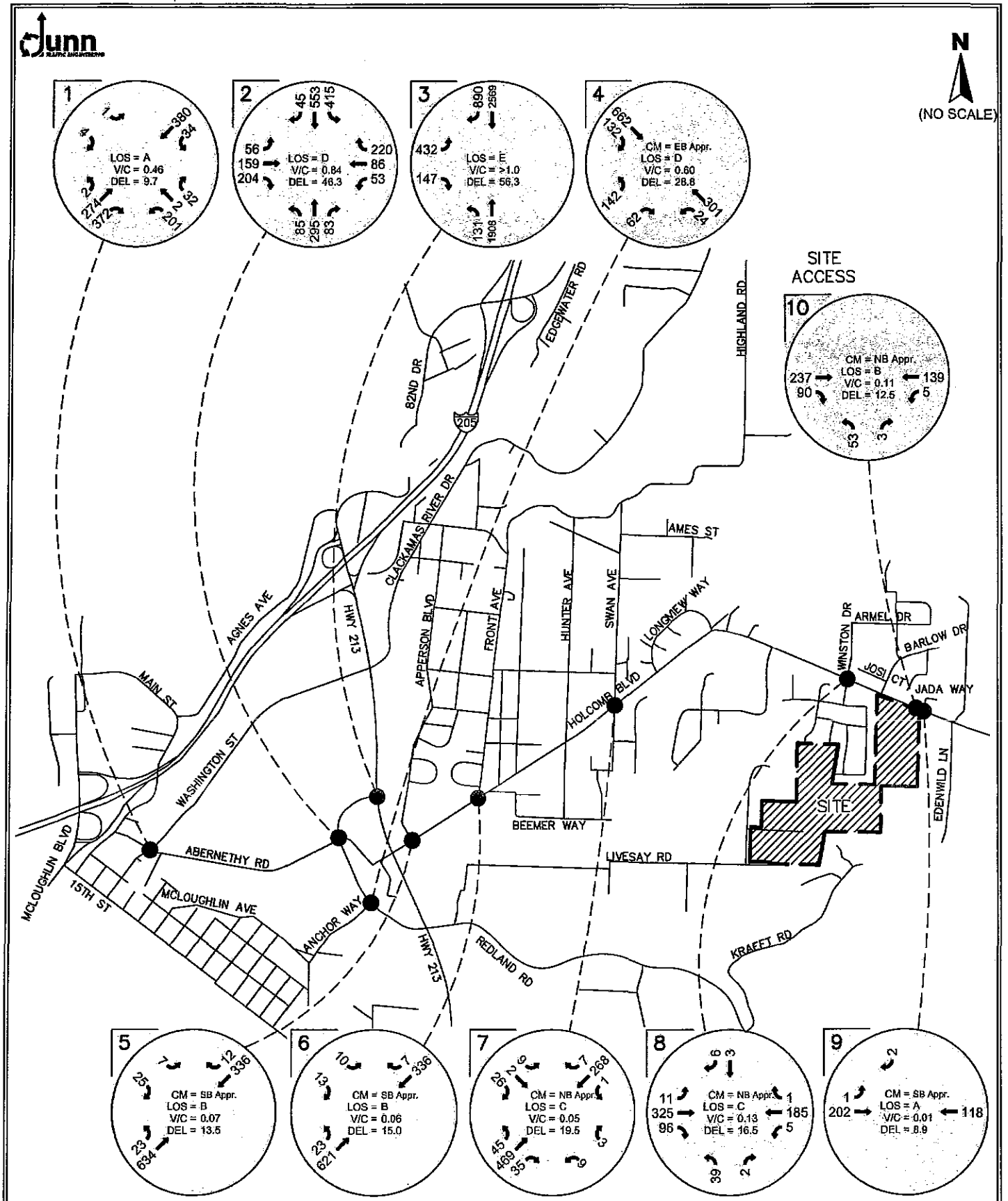


LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS
WEEKDAY AM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 12



LEGEND
CM = UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
LOS = LEVEL OF SERVICE FOR SIGNALIZED INTERSECTION OR UNSIGNALIZED CRITICAL MOVEMENT/APPROACH
DEL = AVERAGE CONTROL DELAY (SECONDS)
V/C = VOLUME-TO-CAPACITY RATIO

YEAR 2014 TOTAL TRAFFIC CONDITIONS
WEEKDAY PM PEAK HOUR

NOVEMBER, 2009

FIGURE No.: 13

Proportionate Share Cost Collection Program for Redland Road/Highway 213 Improvements

It is likely that future developers in the study area will not be able to absorb the full cost of making substantial physical improvements at the Redland Road/Highway 213 intersection as a means of mitigating the traffic impacts of their developments. Instead, the City should establish a proportionate share cost collection fee program. The City or Oregon City has, in the past, employed such a method to extract fees from developers in a manner that is commensurate or proportionate to their traffic impact. A recent example is the City's efforts to collect impact fees from local area developers for improvements needed at the Highway 213/Meyers Road intersection. Developers who send vehicle trips through this intersection are conditioned to pay a fee that covers their share of impact.

It is our recommendation that City staff consider employing a proportionate share cost collection program for the Redland Road/Highway 213 intersection to begin collecting the funds that will be necessary to improve this intersection in the near future. Such a program would create a mechanism for the future developer of the Park Place Annexation site to meet the City's concurrency standards.

VEHICLE QUEUING ANALYSIS

A vehicle queuing analysis was conducted for individual lane movements at the study intersections, whereby the 95th percentile vehicle queues were estimated for the weekday a.m. and p.m. peak hours of year 2014 total traffic conditions. Tables 6 and 7 summarize the results of the signalized and unsignalized vehicle queuing analyses under both peak hour periods along with comparisons to available lane storage. *Appendix "I" contains all the queuing analysis worksheets for year 2014 total traffic conditions.*

TABLE 6
Signalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Abernethy Road/ Washington Street	AM	0	125	100	25	175		0			150	50	
	PM	0	125	150	25	150		25			125	50	
	Avail. Storage	115	Cont.	225	125	Cont.		250			165	Cont.	
	Adequate?	Yes	Yes	Yes	Yes	Yes		Yes			Yes	Yes	
Abernethy Road-Holcomb Boulevard/ Redland Road	AM	275	400		200	275	75	75	175		175	225	
	PM	125	375		375	375	50	100	350		100	150	
	Avail. Storage	125	900**		215	750**	750**	115	Cont.		100	Cont./100	
	Adequate?	**No***	Yes		**No*****	Yes	Yes	Yes	Yes		**No*****	**No*****	
Redland Road/OR Highway 213	AM	125	500	N/A	N/A	500	125	400			N/A	N/A	N/A
	PM	225	375	N/A	N/A	600	250	350			N/A	N/A	N/A
	Avail. Storage	200	13,000**	N/A	N/A	1,600**	1,600**	750**			N/A	N/A	N/A
	Adequate?	**No***	Yes	N/A	N/A	Yes	Yes	Yes			N/A	N/A	N/A

Notes: Cont.= continuous approach lane with significant storage potential.
* - Additional 175 feet available within taper transition area.
**- Distance shown is to next adjacent intersection.
*** - Sufficient additional storage available within adjacent through lane.

TABLE 7
Unsignalized Vehicle Queue Analysis Results
(Year 2014 Total Traffic Conditions)

Intersection	Period	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Anchor Way/ Redland Road	AM								75				
	PM								100				
	Avail. Storage								>100				
	Adequate?								Yes				
Holcomb Boulevard/ Apperson Blvd.	AM					25							
	PM					25							
	Avail. Storage					>50							
	Adequate?					Yes							
Holcomb Boulevard/ Front Avenue	AM					25							
	PM					25							
	Avail. Storage					>50							
	Adequate?					Yes							
Holcomb Boulevard/ Swan Avenue	AM		25			25							
	PM		25			25							
	Avail. Storage		>50			>50							
	Adequate?		Yes			Yes							
Holcomb Boulevard/ Winston Drive	AM		50			25							
	PM		25			25							
	Avail. Storage		>50			>50							
	Adequate?		Yes			Yes							
Holcomb Boulevard/ Jada Way	AM					25							
	PM					25							
	Avail. Storage					>50							
	Adequate?					Yes							
Holcomb Boulevard/ Site Access	AM		25										
	PM		25										
	Avail. Storage		>50										
	Adequate?		Yes										

As the previous table shows, there are a total of five movements at signalized intersections where the 95th percentile vehicle queues are forecast to exceed beyond striped lane storage during the weekday a.m. and/or p.m. peak hours. In all cases for the unsignalized intersections, available lane storage would be adequate to meet demand. The following sections further summarize the intersection movements that are forecast to exceed available striped storage.

Southbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left-turn lane queue demand is forecast to reach 375 feet during weekday p.m. peak hour, with only 215 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has sufficient storage (375 feet of unused storage) to handle any spillover that may occur beyond this left-turn lane without affecting the overall safety or operating capacity of the intersection. Also, both the Kittelson "Pre-Design" study and the approved Park Place Concept Plan indicate no long-term need to extend the length of this turn lane. The long-term plan for this intersection, per the Park Place Concept Plan is to widen Redland Road to a five-lane section. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Redland Road at Abernathy-Holcomb Boulevard

The left turn lane queue demand is forecast to reach 275 feet during weekday a.m. peak hour, with only 125 feet of striped storage available. Based on current conditions, there is additional space (175 feet) to handle vehicle spillback into the left-turn lane taper transition area. This condition should be acceptable in the interim period until Redland Road is ultimately upgraded to a five lane section per the Park Place Concept Plan recommendations. Based on these findings, no changes are required to the existing lane storage.

Westbound Approach of Holcomb Boulevard at Redland Road

The left-turn and outside through-right-turn lane demand on this approach are forecast to reach 175 feet and 225 feet, respectively, during the critical weekday a.m. peak hour, with only 100 feet of striped storage available. Based on the results of the vehicle queuing analysis, the adjacent through lane has continuous and sufficient storage to handle any spillover that may occur from these turn lanes without affecting the overall safety or operating capacity of the intersection. Also, the approved Park Place Concept Plan indicate no long-term need to extend the lengths of these turn lanes. Based on observations in the field and a review of city records, there is no additional space available for widening the roadway approach due to the roadway's steep grade and slope support, and limited right-of-way. Based on these findings, no changes are required to the existing lane storage.

Northbound Approach of Highway 213 at Redland Road

The left turn lane demand on this highway approach is forecast to reach 225 feet during weekday p.m. peak hour, with only 200 feet of striped storage available. Based on the future capacity enhancements that may be implemented at this intersection (i.e. additional southbound through travel lane) it may be possible to reduce the 95th percentile queue demand by providing more green time to this movement. Alternatively, there is additional storage space present within the taper transition area; enough to accommodate an additional vehicle or two in the queue, without impacting the safety of traffic in the through travel lanes. Based on these findings, no changes are required to the existing lane storage.

LEFT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies,* an analysis was conducted to determine if exclusive left-turn lanes would be warranted at key study intersections. The analysis was performed for the following movements at two stop-controlled intersections:

- Westbound left turn at the Holcomb Avenue/Winston Drive intersection; and
- Westbound left turn at the Holcomb Avenue/Site Access intersection.

The turn lane analysis was conducted using the left turn lane criterion contained in the ODOT *Analysis Procedures Manual* (Reference 9), i.e. traffic volume demand, crashes and special cases. Based on the results of the analysis, left-turn lanes will not be warranted for either of the movements cited above during the weekday a.m. and p.m. peak hours of the 2014 total build-out traffic condition. Therefore, exclusive left-turn lanes are not recommended for construction along the site frontage of Holcomb Avenue at Winston Drive or the proposed site access street. *Appendix "J" contains the left turn lane warrant analyses worksheets.*

RIGHT TURN LANE WARRANTS ANALYSIS

Using the criteria outlined in the City's *Guidelines for Transportation Impact Studies,* an analysis was conducted to determine if exclusive right-turn lanes would be warranted at any of thee unsignalized study intersections. *Appendix "K" contains all the right turn lane warrant analyses worksheets.* The turn lane analysis was conducted using the right turn lane criterion contained in the ODOT *Analysis Procedures Manual*, i.e. traffic volume demand and crashes. Based on the results of the analysis, right-turn lanes would be warranted for three individual movements in the 2014 total build-out traffic condition. They are as follows:

- Southbound right-turn movement on Redland Road at Anchor Way;
- Eastbound right-turn movement on Holcomb Boulevard at Winston Drive; and,
- Eastbound right-turn movement on Holcomb Boulevard at the Proposed Site Access.

Southbound Approach of Redland Road at Anchor Way

The right-turn lane warrant would be satisfied for the southbound right turn movement during weekday a.m. and p.m. peak hours primarily due to existing heavy right-turn demand. In fact, further analysis shows that the right-turn lane warrant is already or would be met during the existing year 2009 and future background year 2014 traffic conditions over the same analysis periods. In addition, a review of the historical crash data indicates no reported crashes between right-turning vehicles and other vehicles in the through traffic lane. Lastly, the Park Place Concept plan targets this intersection for signalization in addition to widening Redland Road to a five lane section. Based on these findings, a right-turn lane may be warranted today, but the need should diminish once a traffic signal is installed and Redland Road is widened to provide multiple through travel lanes. Therefore, no action is recommended.

Eastbound Approach of Holcomb Boulevard at Winston Drive

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. A review of historical crash data does not support need for right turn lane as there were no reported crashes involving right-turning vehicles. Interestingly, the right-turn lane warrant would not be satisfied during the year 2014 background condition, thus indicating the warrant will be triggered by traffic associated with development on the Park Place Annexation properties. Nevertheless, a right-turn lane cannot be constructed here because half-street improvements have already been established along the site frontage of the adjacent subdivision on the south side of the street. To address and mitigate this issue, it is recommended that an exclusive right-turn lane be constructed further to the east along Holcomb Boulevard at the ultimate location of the new street providing direct access to the Park Place Annexation properties. This should attract some of the right-turn traffic demand away from Winston Drive.

Eastbound Approach of Holcomb Boulevard at New Site Access Street

The right-turn lane warrant would be satisfied for the eastbound right turn movement during weekday p.m. peak hour only. As stated previously, an exclusive right-turn lane is recommended for this movement to be placed at the ultimate location of the new street providing direct access to the Park Place Annexation properties.

ACCESS SPACING REVIEW

The City of Oregon City Transportation System Plan (TSP) outlines the access spacing standards for city streets and private access driveways. For *Minor Arterial* streets like Holcomb Boulevard, the City's policy is for a minimum public street intersection spacing of 400 feet between local streets.

The proposed location for the future street access between the Park Place Annexation properties and Holcomb Boulevard is approximately 70 feet west of Jada Way (north side), 415 feet west of Edenwild Lane (south side) and 475 feet east of Barlow Drive (north side). This location has been selected for several reasons. First, the access represents the approximate location as shown in the Park Place Concept Plan. Second, the access has been pushed as far east as possible in an effort to maximize the

amount of sight distance that would be available along Holcomb Boulevard (see summary in next section). Thirdly, with the access pushed up to the eastern site boundary, it would allow for the construction of a future right-turn deceleration lane off of Holcomb Avenue.

It should be emphasized here that it will not possible to locate the proposed street access to the Park Place Annexation properties directly across from Jada Way, which would be ideal. The reason is because the adjacent property to the east, across from Jada Way, is still outside METRO's urban growth boundary. This property would have to be brought into the urban growth boundary, annexed into the city limits, and rezoned for urban uses before an urban street access could be made. Until then, it is recommended that if the Park Place Annexation properties develop prior to annexation and development of the parcel to the east, an interim street access be established to Holcomb Avenue, subject to future realignment directly across from Jada Way. Creating a four-way intersection between Holcomb Boulevard, Jada Way, and the street accessing the Park Place Annexation properties would meet the City's access spacing policy.

SIGHT DISTANCE REVIEW

Analyses of intersection and stopping sight distances were conducted at the proposed future location of the public street access to Holcomb Boulevard. For the analysis, sight distances were evaluated using measurements obtained in the field (70 feet west of Jada Way). Intersection sight distances were measured from a viewpoint 15 feet behind the edge of the traveled way and from a height of 3.5 feet above the ground, looking toward an object that is 4.25 feet above the ground. Stopping sight distances were measured in the field from a height of 3.5 feet above the ground looking toward an object that is 2.00 feet above the ground. All sight distance measurements were taken using procedures that are consistent with the sight distance design standards specified in *A Policy on Geometric Design of Highways and Streets* (AASHTO, Reference 10).

Table 8 summarizes the results of the intersection and stopping sight distance analyses. Intersection sight distance results reflect the distance drivers can see in each direction along the mainline roadway from a stop-controlled minor road approach. Stopping sight distance reflects the distance drivers can see along the mainline roadway as they approach an intersecting street. It was also assumed for this analysis that a design speed of 40 mph applies along Holcomb Boulevard, given the roadway character and posted speed.

TABLE 8
Sight Distance Analysis Results

Roadway Section	Travel Direction	Available Intersection Sight Distance (feet)	Required Intersection Sight Distance (feet)	Available Stopping Sight Distance (feet)	Required Stopping Sight Distance (feet)	Adequate Sight Distance Available?
Holcomb Boulevard at Future Street Access	Eastbound	>700	445	>700	305	Yes
	Westbound	>700	445	>700	305	

As the results show in the previous table, adequate intersection and stopping sight distance would be provided at the proposed future street access to Holcomb Boulevard.

It should be emphasized here that there is a crest vertical curve present along the Holcomb Boulevard alignment, right at the Jada Way intersection. This crest vertical curve does not adversely affect sight distance at this intersection and it will not adversely affect sight distance at any future intersection that may be located west of Jada Way, unless such an intersection were located more than 150 feet away from Jada Way. Beyond this distance, the crest vertical curve in Holcomb Boulevard severely limits sight distance to the east.

CONCLUSIONS AND RECOMMENDATIONS

Based on the transportation impact analysis findings documented in this report, the proposed Park Place Annexation project in Oregon City can be completed and developed while maintaining acceptable levels of operation and safety on the surrounding transportation system. This study resulted in the following recommendations:

City of Oregon City

- Establish a proportionate share cost collection system to pay for future improvement needs at the Redland Road/Highway 213 intersection. Improvements needed to meet ODOT's v/c ratio standard within the year 2014 forecast period include the addition of a third southbound through travel lane on the highway and a new traffic signal.
- Periodically assess the need for a traffic signal at the Redland Road/Anchor Way intersection.

Applicant/Developer

- Participate in a proportionate share cost collection system to mitigate site traffic impacts to the Redland Road/Highway 213 intersection.
- Establish a new public street access to Holcomb Boulevard approximately 70 feet west of Jada Way. The minor street approach to this access should be designed for possible relocation in the future to align directly across from Jada Way, once the adjacent parcel to the east is brought into the UGB, annexed into the city limits, and developed for urban uses.
- Construct an eastbound right-turn deceleration lane along the Holcomb Boulevard site frontage for the new public street access into the site.

REFERENCES

1. Oregon City & Various Consultants. *Park Place Concept Plan.* March 12, 2008.
2. Oregon City. *City of Oregon City Guidelines for Transportation Impact Analyses.* November 2, 2005.
3. Transportation Research Board. *Highway Capacity Manual.* 2000.
4. Oregon Department of Transportation (ODOT). *1999 Oregon Highway Plan and all associated updates.*
5. Oregon City. *Transportation System Plan.* 2001
6. ODOT. *2008-2011 Statewide Transportation Improvement Program (STIP).* November 14, 2007. http://www.oregon.gov/ODOT/HWY/STIP/index.shtml
7. Kittelson & Associates, Inc. *Technical Memorandum OR 213/Redland Road Intersection Improvements Pre-Design Study.* September 12, 2008.
8. Institute of Transportation Engineers (ITE). *Trip Generation, Seventh Edition.* 2003.
9. ODOT. *Analysis Procedures Manual.* December 2007.
10. American Association of State Highway and Transportation Officials (AASHTO). *A Policy on Geometric Design of Highways and Streets.* 2004.

Pete Walter

From: Ryan O'Brien [ryanobrien1@verizon.net]
Sent: Sunday, January 24, 2010 11:55 PM
To: Pete Walter
Cc: Kent Ziegler; Brian Dunn; Kirsten Vanloo
Subject: Ziegler Annexation
Attachments: 160 - Responce to Annexation.doc; 160 - Annexation Exhibit.pdf

Peter,

Attached are a short memo and map we want to present to the Planning Commission on Monday. Please review it for comments and forward it to the City Attorney and Tony Konkol. In the event the Planning Commission does not approve our request, we need to know if a zone change application can be submitted to the city right away so it can be reviewed with a Traffic Impact Analysis in compliance with the TPR prior to the May 15 annexation vote. Even though the property will not be in the city until May, we believe the city can process a zone change application in accordance with Section 17.68.025 which allows rezoning upon annexation. The code does not say the rezoning needs to be concurrently approved with the annexation. Please let me know the policy of the City. If we need to wait until May to submit the zone change, then development of the first phase in the summer of 2010 may be very difficult. Please call if you want to discuss this further.

Ryan O'Brien, Urban Planner
Planning & Land Design, LLC
cell: 503-780-4061
office: 503-846-1095
ryanobrien1@verizon.net

T r a n s m i t t a l

Planning & Land Design LLC
1862 NE Estate Drive
Hillsboro, Oregon 97124
Cell: 503-780-4061
Office: 503-846-1095
Email: ryanobrien1@verizon.net

TO: Oregon City Planning Commission

FROM: Ryan O'Brien

DATE: 1-25-10

SUBJECT: AN 09-02

The applicant, Kent Ziegler, is requesting approval of R-5 zoning for the 53 acre annexation. If the Planning Commission does not agree, then the applicant is requesting R-5 zoning for the first phase which contains about 6.5 acres as shown on the attached site plan to allow construction in the summer of 2010. The first phase would be limited to 31 dwelling units. The applicant would like to develop this first phase to eliminate 3 dead end roads stubbed to the property and construct an emergency access to Livesay Road. In the past, Livesay Road has been blocked because of flooding. All of the subdivisions to the north only have one access which is Winston Drive connecting to Holcomb Road. Emergency access is necessary as a public safety issue. The applicant is unable to start construction of the first phase and provide the emergency access without annexation and R-5 zoning. Section 17.68.025 of the Oregon City Code allows rezoning of the property with annexation.

The staff report indicates that a Traffic Impact Analysis (TIA) has not been prepared in compliance with the Transportation Planning Rule (TPR) identified in OAR660-012-0060. We agree this traffic analysis has not been prepared. However, we request that the Planning Commission approve R-5 zoning with a condition that requires a TIA in compliance with the TRP before the R-5 zoning becomes effective. The annexation vote will not occur until May 15, 2010 which provides adequate time for the TIA to be reviewed and approved by the Planning Commission. In order to comply with the recent Court of Appeals decision in *WILLAMETTE OAKS, LLC v. CITY OF EUGENE,* the city needs to make a finding of ***significant affect***. The problem with the above case is that the City of Eugene did not make the ***significant affect*** finding with the zone change. The City intended to determine the significant affect and compliance with the TPR with a later application even though the zone change was conditioned that no development can occur on the site until compliance with the TPR. The court

ruled that there is no guarantee that DLCD or ODOT would receive notice of the future TIA with an opportunity to review the TIA for compliance with the TPR. Based on this court case, the city also needs to condition the zone change requiring ODOT and DLCD notification of the TIA review. The proposed conditions are as follows:

> Amend the second to the last recommendation on page 20 of the staff report to read "Recommend that the annexed properties be zoned R-5, but maintain the existing county zoning designation of FU-10 and RRF-5 until a Traffic Impact Analysis has been approved by the Planning Commission in compliance with the Transportation Planning Rule in OAR 660-012-0060."

Eliminate the last recommendation on Page 20 of the Staff report.

Finding 13 on page 23 of the staff report should read as follows:

> The City Commission recognizes that the applicant is requesting annexation and conditional zoning which requires approval of Traffic Impact Analysis (TIA) in compliance with the Oregon Statewide Transportation Planning Rule, OAR 660-012-0060 prior to the effective date of the R-5 zoning. Until the TIA is approved by the Planning Commission, the existing RRF-5 and FU-10 county zoning will remain in effect.

The Traffic Analysis for the Park Place Village Master Plan identified necessary transportation improvements which were included in the City's Transportation System Plan. The improvement costs were included in the most recent updates to the City's System Development Charges. The adoption of these charges and updates will meet the necessary Level of Service requirements of the City and the intent of ODOT's Transportation Planning Rule. The TPR requires the TIA to be completed before a zone change is allowed. In this case, a condition on the zone change would prevent the zoning from becoming effective until the TIA is reviewed and approved by the Planning Commission. During the interim, the County FU-10 and RRF-5 zoning would remain on the property. For reference, the following is the first section of the TPR which determines ***significant affect.***

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function,

capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

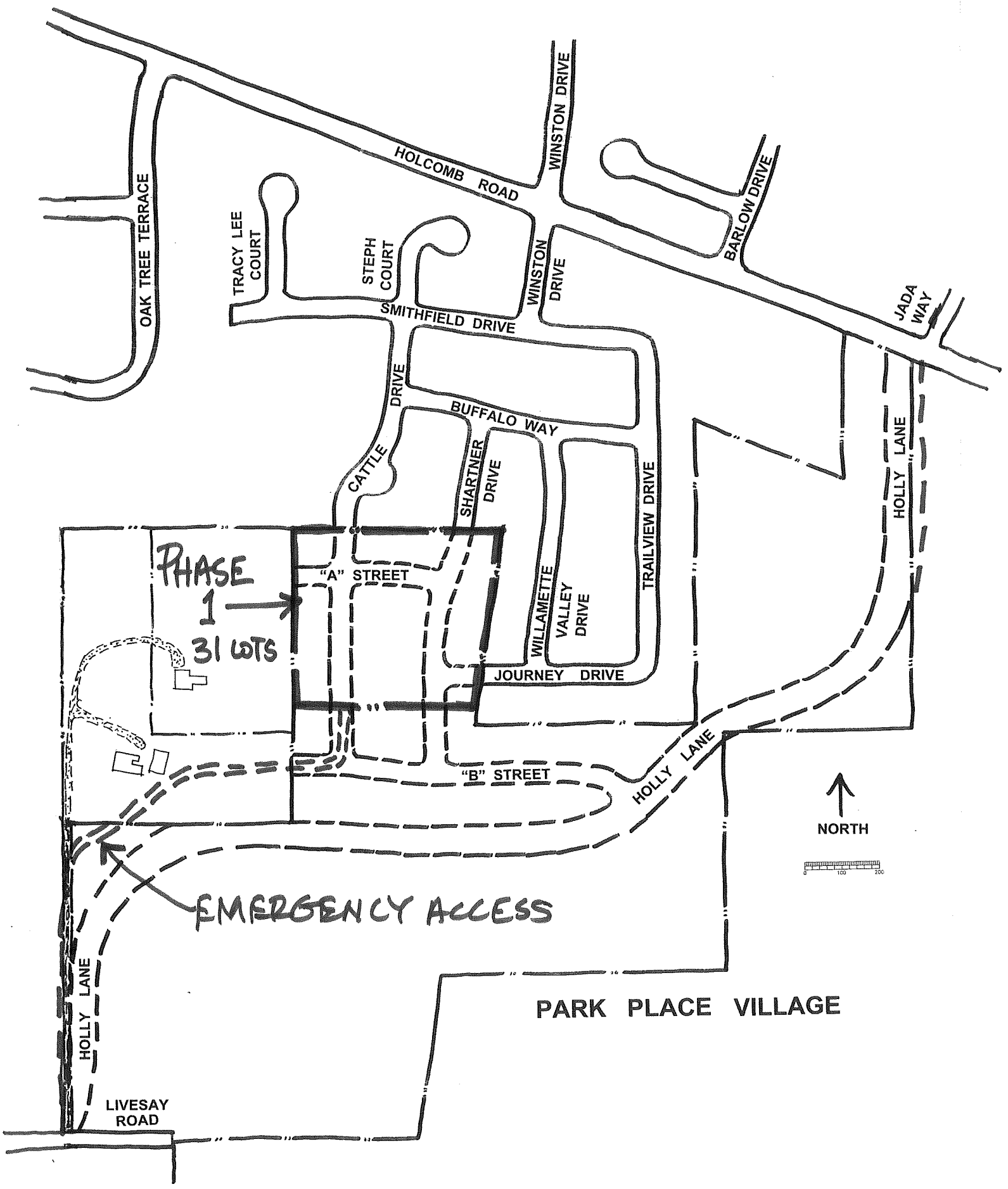
(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.


HOLCOMB ROAD
WINSTON DRIVE
OAK TREE TERRACE
TRACY LEE COURT
STEPH COURT
SMITHFIELD DRIVE
WINSTON DRIVE
BARLOW DRIVE
JADA WAY
CATTLE DRIVE
BUFFALO WAY
SHARTNER DRIVE
WILLAMETTE VALLEY DRIVE
TRAILVIEW DRIVE
HOLLY LANE
PHASE 1
31 LOTS
"A" STREET
JOURNEY DRIVE
"B" STREET
HOLLY LANE
NORTH
EMERGENCY ACCESS
HOLLY LANE
LIVESAY ROAD
PARK PLACE VILLAGE

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax

www.oregonmetro.gov

Metro | *People places. Open spaces.*

January 21, 2010

Chair Tim Powell and Planning Commissioners
c/o Tony Konkol, Community Development Director
City of Oregon City
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: File No. AN 09-02, Annexation of 53 acres

Dear Chair Powell and Commissioners:

I am writing in regards to the application by Kent Ziegler to request annexation to the City. As you know, the City completed and adopted the Park Place Concept Plan in 2007. This plan sets the framework for development of a new urban area, which was brought into the urban growth boundary by the Metro Council in 2002 to help accommodate the projected growth in the region. We endorsed the concept plan, which we think did a good job of balancing needed urbanization with protection of natural features and recognition of the land form in the area. Annexation of the land by willing owners is the next logical step in the process to realize this plan.

We support the City staff's recommendation and urge the Commission to forward a recommendation to the City Commission to allow Mr. Ziegler's annexation to go to a vote of the City residents. Please enter this letter into the hearing record.

Thank you for your consideration of this matter.

Sincerely,

Ray Valone

Ray Valone
Principal Regional Planner

cc: Tony Konkol
Pete Walter
Carlotta Collette, Metro Councilor District 2
John Williams
Robin McArthur
Michael Jordan
Richard Benner

Printed on recycled-content paper.

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439

(503) 722-9220
Fax (503) 656-7086

Administration: 16770 SE 82nd Drive
Production/Operations: 9100 SE Mangan Drive

January 25, 2010

Via Messenger Delivery

Mr. Tony Konkol, Community Development Director
City of Oregon City Planning Department
221 Molalla Avenue, Suite 200
Oregon City, OR 97045

RE: Notice Of and Hearing for Proposed Annexation for AN 09-02;
Clackamas River Water ("CRW") Annexation Response

Mr. Konkol:

This letter contains CRW's initial comments to support CRW's request that the application for the above referenced annexation should be deemed incomplete by the City for information that is missing or inaccurate. CRW is a domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

This filing of these initial comments concerns the proposed annexation (AN 09-02) of the 8 tax lots located south of Holcomb Boulevard and northeast of Livesay Road. The properties are identified as Clackamas County Map 2S-2E-27B, tax lots 600, 800, 900, 1000, 1080, and 2S-2E-28D, tax lots 100, 180 and 190.

For purposes of the record, we want to reconfirm our past discussions and agreements with respect to the continued supply by CRW of domestic water to a portion the affected area. Per the Holcomb-Outlook-Park Place (HOPP) Intergovernmental Cooperative Agreement for water service dated April 22, 1998 ("HOPP IGA"), CRW should remain the domestic water service supplier for the term of the agreement for the general area of tax lots 600, 800, 900, 1000 and a portion of tax lot 1000 above the 450 foot elevation as outlined in the HOPP agreement. Prior to this time and at the present time, Oregon City does not have the ability to serve properties above the 450 foot elevation which was the basis for the HOPP IGA.

The following list is CRW's general concerns and comments. CRW will supplement this response prior to the time of the February 3, 2010 hearing with its response to specific criteria required for the annexation application.

- The application states that the "existing infrastructure is sufficient, or can be made sufficient, to serve existing needs of the annexation area." See Annexation Application at page 8. While this is intuitively correct if no new development takes place, the purpose of the Park Place Concept Plan, and the proposed annexation application, is to encourage development or eventually allow

Providing high quality, safe drinking water to our customers.

development. The statement, however, is incomplete because without any proposed development it begs the question of what infrastructure would be needed and what entity or individual would pay for such infrastructure. This problem is demonstrated throughout the application. In general, the criteria established by the City's Municipal Code, its Development Code and Metro Code Section 3.09 all anticipate that the criteria is applied to a proposed development or an area that is already developed. The criteria cannot adequately be addressed when development is anticipated but the extent of the development cannot be determined at the time of annexation. The Park Place Concept Plan is merely that and does not provide the type of detail missing from the application. One cannot analyze the sufficiency of the infrastructure unless you know what development is proposed. Therefore, the annexation should either be delayed until such time as the development is known or the application should be rejected until it contains a development plan that is consistent with the Park Place Concept Plan.]

- The application states that there are no known urban service provider agreements for the area. This statement is incorrect because, at a minimum, the HOPP IGA is in place between CRW and Oregon City. While the staff report has identified the HOPP IGA as the urban service provider agreement, the applicant should be required to address how the HOPP IGA fits with its proposed development. This agreement should be the basis for further discussions between Oregon City, CRW and the applicant with respect to the infrastructure needed for any future development.

- In addressing the criteria of "Consider whether the boundary change will eliminate or avoid unnecessary duplication of services" (See Annexation Application at page 9), the applicant states that "There is no evidence to suggest that the proposed change will interfere with the orderly and efficient provision of service." See Annexation Application at page 9. The applicant goes on to say that "incremental development will ensure provision of public services." See Annexation Application at Page 10. The first statement cannot be made because no development is proposed at this time. Therefore, the application is incomplete or incorrect and this criterion cannot be addressed in the abstract without a specific development proposal. Likewise, the second statement cannot be made because there is no restriction or assurance that the development will be incremental. Once again, the adequacy or sufficiency of public services cannot be determined without a specific development proposal.

- In addressing the policy that any development should assure that there are public facilities available (See Annexation Application at page 11), the application refers to the Park Place Concept Plan and alleges the plan identifies public facility upgrades that would be necessary to serve the area. See Annexation Application at page 12. While the applicant recognizes that CRW serves a portion of the area, it does not address what improvements would be necessary for CRW to continue that service. In addition, it cannot adequately address this issue until a specific development proposal is considered.

In addressing the policy that all applications must ensure that water (and other public service providers) have adequate capacity to meet public facility and service needs within the planning area (See Annexation Application at page 14), the applicant states that "the existing utilities plan included with the application package provides information about public infrastructure." See Annexation Application at page 14. The utilities plan included in the applicant's package addresses sewer and storm systems but not address the CRW water system. This is incomplete and needs to be corrected.

Finally, it is unclear as to whether the City intends to provide for withdrawal of the subject area from CRW's boundaries. If it does, there needs to be further discussions with respect to the assumption of liabilities and indebtedness as provided under ORS 222.520.

While this list is a partial list of comments, the District is also reserving the right to raise additional issues that are not, and cannot be, adequately addressed until a specific development is proposed.

While CRW would like to support this annexation request, it cannot do so at this time because of the missing or inaccurate information contained in the annexation request. CRW feels that the applicant lacks a clear understanding of domestic water coverage information to support this annexation at this time.

CRW has been in communication with City staff to discuss CRW's concerns. Some of these concerns have been addressed, in part, in the City's staff report. CRW is willing to meet with both the City and the applicant to discuss CRW's concerns, system configurations and service boundary. If the City has any questions or need additional information concerning our comments, please do not hesitate to contact me (503-722-9240) or CRW's District Engineer, Bob George (503-722-9248).

Very truly yours,

Lee E. Moore, Sr.
General Manager

cc: Bob George
Dean M. Phillips

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

applicant 1

Date of Meeting 1-25-2010

Item Number From Agenda 4a

NAME: KIRSTEN VANLOO FSM FRIEND DESIGN

ADDRESS: Street 6107 SW MURRAY SUITES 147

City, State, Zip: BVTN OR 97008

PHONE NUMBER: 503-956-4180

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

Applicant 2

Date of Meeting 1/25/2010

Item Number From Agenda

4A

NAME: BRIAN DUNN

ADDRESS: Street: 7505 SE 32nd AVE.

City, State, Zip: PORTLAND OR 97202

PHONE NUMBER: 503- 774-2669

SIGNATURE:

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

Applicant 4

Date of Meeting 1-25-2010

Item Number From Agenda 4a

NAME: Kurt Ziegler

ADDRESS: **Street:** 25020 SW Valley View Rd

City, State, Zip: W.L., OR 97068

PHONE NUMBER: (503) 701-9716

SIGNATURE: Kurt Ziegler

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

Applicant 3

Date of Meeting 1-25-2010

Item Number From Agenda

NAME: Neil Fernando, Emerio Design

ADDRESS: **Street:** 6107 SW Murray Suite 147

City, State, Zip: Bvtn, OR 97008

PHONE NUMBER: 503-519-5528

SIGNATURE: Neil Fernando

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 1/25/10

Item Number From Agenda 5 & 5 AN 09-02

NAME: TOM GEIL, PPNA VICE-CHAIR

ADDRESS: **Street:** 16470 TRAILVIEW DRIVE

City, State, Zip: O.C. 97045

PHONE NUMBER: 503-722-0438

SIGNATURE: Tom Geil

(1)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 1/25/10

Item Number From Agenda 4A AN 09-02

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** HOLLY

City, State, Zip: OR CITY

PHONE NUMBER:

SIGNATURE: Chris Kosinski

(2)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 1-25-10

Item Number From Agenda

NAME: Tod Townsend

ADDRESS: **Street:** 15050 S Holcomb Blv

City, State, Zip: Oregon City OR 97045

PHONE NUMBER: 503 317 7377

SIGNATURE: [signature]

3

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 1-25-10

Item Number From Agenda

NAME: Kevin Miller

ADDRESS: **Street:** 15030 Holcomb

City, State, Zip: Or City OR 97045

PHONE NUMBER: 656 4928

SIGNATURE: [signature]

4

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 1/25/10

Item Number From Agenda 5

NAME: Deanna Townsend

ADDRESS: **Street:** 15050 S. Holcomb

City, State, Zip: OC, 97045

PHONE NUMBER: 503 317 1007

SIGNATURE: Deanna Townsend

TO: Oregon City Planning Commission
Meeting of January 25, 2010

RE: AN-02 Proposed Park Place Annexation

Testimony of: Christine Kosinski, unincorporated Clackamas County

It is important to note that Kent and Ron Ziegler own more than 90% of the proposed 53 acres for annexation, and that to date, other landowners within the proposed annexation have not stated whether they are for or against annexation.

Oregon City Code 17.50.055 - A Neighborhood meeting took place with the PPNA to inform them of the proposed annexation.
I request that Oregon City set upcoming meetings with both the Holcomb-Outlook CPO and The Hamlet of Beavercreek to consider the many affects which this proposed annexation will have upon their CPO's since the Redland Rd, Holly-Crest, Donovan Road, Holly Ln, Anchor Way and Maplelane neighborhoods will suffer dramatic traffic impacts with the development as proposed. If the City refuses to set meetings with both CPO's, then it is further requested that any and all meeting notices for open hearings, of this proposed annexation AN-02, be mailed to each resident and home on Holly Lane, Holly Crest, Donovan, Redland Rd, Anchor Way and Maplelane because their properties will be heavily affected by the additional traffic counts.

I request that Oregon City contact GRI Geotechnical (who performed Geotech services for the Park Place Concept Plan) and order Geotechnical works to be done regarding the Possible Swan Rd Extension, which was to help alleviate heavy traffic build-up on Holly. GRI did not conduct any site-specific studies in this area as Swan Rd was outside the concept plan area.

Landslides: There are currently two more homes in the Oak Tree Terrace area which are experiencing "slide problems". Both properties have had large amounts of "fill" brought in to stabilize their properties from falling into the creek. Locations should be brought to the attention of DOGAMI to determine if this is in an area of "past documented landslides" or whether a new slide area, previously undocumented, is the source of these current slides. These properties are just above this proposed annexation.

Oregon City Planning Commission
Hearing Date: 1-25-2010
File Number: AN 09-02
Exhibit: 10

The traffic impact statement submitted by the applicant does not include enough improvements in order to make the transportation system adequate under the 2014, year of build out, per ODOT. I ask that the city consider **"The Cumulative Traffic Impacts"** to this entire neighborhood, including Holly Lane, Redland Rd, Anchor Way, Holcomb Blvd and Maplelane. See listing below of Proposed Development by Oregon City which will cumulatively impact the above streets.

Beavercreek Rd Concept Plan & Commercial Center		55,000 ADT's per/day
Park Place Concept Plan		16,000 ADT's
Walnut Grove		2,000 ADT's
Crabtree Terrace		1,330 ADT's
Thayer Estates		2,000 ADT's
In fill to date		382 ADT's
Proposed Thayer Rd		511 ADT's
Proposed "Rivers Project"	Minimum of	50,000 ADT's per/day
The Cove		??
Proposed added units in Clackamas Heights		3,000 ADT's

This is over a whopping 127,000 ADT's per day, with a large percentage coming into the Redland Road corridor with NO ADDED Roads!

Traffic volumes will increase 55+ within the planning horizon of 20 years. The existing road system is inadequate, and regional solutions are required.

The Park Place city staff states "Rezoning of Property after adoption of the Park Place Concept Plan will be subject to Oregon's Transportation Planning Rule (OAR 660-112-0060). The city further states that "formal compliance" with OAR 660-012-0060 will be addressed at the time of annexation and zoning of parcels within the Concept Plan area.

I disagree, funding for transportation and the amount of infrastructure necessitated by proposed annexations in this area is enormous and should be undertaken BEFORE Annexation to insure that stable funding is in place and available.. At this time, ODOT is on record stating that they have NO FUNDING at this time to fix Hwy 213 or to build out new roads. Clackamas County has NO MONEY for roads and can barely continue to just minimally maintain their current roads. The time is NOW to consider all the financing and infrastructure needs for this proposed annexation. We are not in good economic times, banks are not lending and people are not buying.

This proposed annexation should NOT BE APPROVED until a complete and reasonable Transportation Plan for this entire region can be achieved and until full financing and funding is available for all Infrastructure, and this includes the fact, that upon annexation, the City proposes to assume jurisdiction of County roads and local access roads that are within the area annexed. Does the City have the funds to take over these roads and maintain them?

POLICE SERVICES

By the city's own admission, there will be some impact to police services upon annexation, any future development would negatively impact already strained police services.

Apparently, the applicant has recognized the current shortcomings of police services to the area and has indicated that the owners of the consenting properties (over 90% are the Ziegler's) are "volunteering to pay a fee of $3500.00 per dwelling unit" into a fund for the Oregon City Police Dept for any new home developed within the annexed area.

Until full assurances of a complete and approved transportation plan by the city and until funding is in place, approved and available, this plan should not go forward at this time. The city is unable to provide complete city services to this area, there are unknown landslide concerns in this neighborhood which have not been researched and addressed, and there is lack of compliance, funding and a huge lack for needed roads. I would hope that the citizens and neighborhood concerns, as stated above, are openly addressed by the city prior to any further action.

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

AN 09-02 1-25-2010 EXHIBITS

~~A~~ – 13 – TIA, dated November, 2009 FOR Park Place Annexation
14 - Email ~~FO~~ from Ryan O'Brian, dated January 24th, 2010
15 - Memo from Ray Valone, dated January 21ST, 2010
16 - Memo from Lee Moore, dated January 25, 2010

---

17 - Memo from Park Place, August 9, 2007
18 - Documentation from Christine Kosinski

Speakers
1. Christine Kosinski
2. Tom Geil

Park Place Neighborhood Association, Oregon City, Oregon

The Neighborhood at the End of the Oregon Trail

9 August 2007

TO: Tim Powell, Chair
City of Oregon City Planning Commission

FROM: Steve VanHaverbeke, Chair, Park Place Neighborhood Association (PPNA), and
Ralph W. Kiefer, Chair, PPNA Land Use Committee

SUBJ: PPNA Steering Committee and Land Use Committee Comments about
Park Place Final Concept Plan

The Park Place Neighborhood Association Steering Committee and Land Use Committee met on March 13 and March 20 to discuss the Draft Park Place Concept Plan. At that time, there were 18 members on the Steering Committee and nine members on the Land Use Committee (with an overlap of 8 members between the Steering and Land Use Committees). Five members of these committees are also PAC members (or alternates). Our reaction to the report is generally favorable, but there are some issues that we insist need to be addressed more completely by the Oregon City Planning Commission before the Concept Plan can be forwarded to the Oregon City Commission.

(1) Land Use Suitability (Buildable Land) Issues

The consensus of the PPNA Steering and Land Use Committees is that the recommendations now written in the section of the 30 May 2007 Draft Concept Plan under the heading of "Natural Resources and Hazards" (beginning on page 54) are important and urgent. We are pleased to see that extensive work has been done toward revising the Oregon City Municipal code on Geologic Hazards. We urge the City of Oregon City to complete the revision of the code, and its approval by the City Commission, before any annexation process of this area is initiated.

We are concerned about the suitability of some of the land areas shown as low-to-medium density on the Draft Concept Plan. We realize that the Bill Burns map and recommendations for Oregon City might be completed as early as the end of this year for the Park Place Concept Plan area, before any development plans would be submitted to the City. However, we believe that there are areas of the North Village development area that should be further investigated and reported on by Bill Burns before the Final Concept Plan is forwarded to the Oregon City Commission. Two examples are described below and shown on the LIDAR image on the next page.

Area (1) (shown in blue on the LIDAR image) has uneven topography with slopes generally in the 10-25 percent range, with inclusions of slopes in the 25-35 and 35+ percent ranges. In the GRI report (Appendix K of the Concept Plan document) this area is mapped as Qts (Springwater Formation), a formation that is thought to have been deposited by the ancestral Clackamas River and could have characteristics similar to those of the Troutdale Formation on which many landslides have occurred in recent years. Most of this area is shown as low-to-medium density on the Draft Final Concept Plan.

Area (2) (also shown in blue on the LIDAR image) has slopes in the 10-25 percent and 25-35 percent ranges and is situated in an area mapped as Qff (fine-grained facies of the Bretz Flood Deposits). Some of this area is shown as Constrained Land in the Draft Final Concept Plan but we believe the constrained land area should likely be larger in extent due to questionable foundation conditions when combined with steep slopes.

Oregon City Planning Commission
Hearing Date: 1·25·10
File Number: AD09-02
Exhibit: 17



LIDAR image of North Village area and environs. Areas outlined in red are landslides and fan/flow areas mapped by Ian P. Madin and William J. Burns (Oregon DOGAMI Open-File Report O-06-27). The areas outlined in blue are two examples of areas that the PPNA Steering Committee believes need further study as to their suitability for urban land use (based on potential unstable rock/soil conditions) before the Final Concept Plan can be forwarded to the City of Oregon City.

(2) Housing Density Issues

Because of uncertainties related to the geologic/topographic nature of this area, we urge the City of Oregon City to explore with Metro the possibility of reducing the overall developmental density of this area. We have heard at least one Metro official state that such a request would at least be considered by Metro.

(3) Transportation Issues

The Park Place Village development being planned for the "North Village" in the Park Place Concept Plan is one of at least four major projects planned in and near the Park Place Neighborhood. In addition to the North Village development, there are the planned Willamette Cove project, the Landfill Development (The Rivers at Oregon City), and the forthcoming development of recently annexed land adjacent to the Barlow Crest subdivision on Holcomb Blvd. that is slated for about 100 homes. Also, major developments will occur in Beavercreek Concept Plan area and in the Glen Oak area. The traffic generated by these projects, in addition

to the already heavy existing traffic flow, has only one easy northbound onramp to I-205 and, thus, the greater Portland Metro area, and traffic to that onramp must pass through either the intersection of Redland Road and OR213or the intersection of Washington Street and OR213.

To look at the transportation issues associated with the "North Village" development without considering the cumulative impact of all traffic sources on these already over-stressed intersections is to repeat the mistakes made in planning Park Place Neighborhood development over the past 10-15 years. Each time a subdivision has been proposed and various traffic studies have been executed, it has been shown that each project – looked at individually – has had little enough impact on overall traffic levels in the neighborhood that approval has been routine. The real impact, however, has been felt by anyone sitting in a stationary line of cars stretching up the hill southward on OR213 from the traffic signal at Redland Road at 7.30 am any given weekday morning or by frustrated drivers trying to access OR213 from Redland Road and sitting through multiple signal changes as the intersection remains clogged due to who knows what problem further North. Many of these intersections are at Level of Service (LOS) D or F at the pm peak at present, and will certainly become considerably worse as the above-mentioned areas are developed over the next few years. Users perceive the am peak hour to be worse than the pm peak hour, but the PAC has not yet been provided with the results of the recent am peak hour study.

The Park Place Concept Plan identifies some $80+ million in capital expenditures required if the project goes forward; a somewhat smaller figure is required even if no project gets built! Additionally, none of the calculations take into account either recent annexations approved and not yet built-out, or the totality of those Measure 37 claims that, once approved, will funnel directly into these same transportation bottlenecks. The Park Place Neighborhood Association Steering Committee feels that the Draft Project Plan Report does not adequately address the likelihood of fund availability and the realities of future road/intersection improvements.

The principal focus of the Concept Plan has been on Intra-Site transportation issues. The extension of Swan to provide the North/South Connector makes sense to alleviate traffic on Holly accessing the hilltop area; however, most traffic at peak times is coming in and out of the area from the 205 and this route will do little to mitigate the crunch at the aforesaid intersections. The neighborhood also feels that the reality of this connector being built is slim due to complicated topography and therefore the steep cost involved.
Unless and until serious and committed discussions are under way for concrete solutions to the overwhelming existing traffic problems faced by the Park Place Neighborhood we do not feel that we can support the forwarding of the Park Place Concept Plan to the City of Oregon City. It appears that neither the money nor the commitment to these solutions is currently present in either the local, County or State government and we feel that Metro, in bringing these areas into the UGB in the first place, has put unrealistic and unbearable pressure on both the transportation and natural resource infrastructure in our neighborhood.

Concluding Remarks

In summary, the Park Place Neighborhood Association Steering and Land Use Committees request that the Land Use Suitability (Buildable Land) Issues, Housing Density Issues, and Transportation Issues outlined above be resolved before the Park Place Concept Plan is forwarded to the Oregon City Commission. In addition, we believe that the Concept Plan should not be forwarded to the City Commission until the final version of the Concept Plan, now scheduled for November 2007, has been completed and examined.

c: Park Place Concept Plan PAC Members
Tim Smith and Matt Hastie
PPNA Steering and Land Use Committee Members

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
February 8, 2010 at 7:00 p.m.

The 2010 Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings.(www.orcity.org)

1. CALL TO ORDER

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

3. PLANNING COMMISSION HEARING

a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.
Recommend approval of the proposed annexation and to set the election for May 18, 2010 to the City Commission for their consideration at the February 17, 2010 public hearing.

b. L 08-01 6 Month Code Update

4. INFORMATION

a. 2009 Planning Applications
Staff: Tony Konkol, Community Development Director

5. ADJOURN

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the Commission meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the Planning Dept. at 503-722-3789.

Agenda Item No. 3b.
Meeting Date: 08 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Tony Konkol, Community Development Director
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	L 08-01 6-Month Code Update
Agenda Heading: Public Hearing	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Staff requests that the Planning Commission take public testimony from any citizen that wishes to speak and then continue the hearing to the February 22, 2010 Planning Commission hearing.

BACKGROUND:

The 6-month code update hearing was continued from the January 25, 2010 meeting to the February 8, 2010 meeting date to allow additional time for staff to address the issues that have been raised. Staff requests additional time to address the remaining outstanding issues and prepare the final document for review.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TO: Chair Powell and Planning Commission

FROM: Tony Konkol, Community Development Director
Pete Walter, AICP, Associate Planner

DATE: February 1, 2009

RE: AN 09-02 (Ziegler Annexation) Outstanding Issues

Dear Planning Commissioners,

At the January 25, 2009 Planning Commission hearing, AN 09-02 was continued until February 8, 2010 to allow staff additional time to respond to the following concerns raised during the Planning Commission hearing.

Park Place Neighborhood Association (PPNA)
Tom Geil, Vice-Chair of the PPNA expressed the following concerns.

- *Approval of annexation prior to compliance with the Transportation Planning Rule (OAR 660-012-0060)*
  Response: Staff has attached an email from John Replinger (Exhibit 1), city transportation engineer, regarding the adequacy of the Applicant's Transportation Analysis Letter and compliance with the TPR.

- *Flooding / Storm concerns on Redland Road and access to and from Holcomb Boulevard.*
  Response: Staff reviewed the 100-year, 500-year and 1996 Flood Inundation layers on the City's floodplain overlay map (Exhibit 2). The map indicates that Redland Road floods as far up as the Holly Lane bridge during a 100-year flood event. Raising the elevation of Redland Road out of the floodplain, as suggested by Mr. Geil, would present enormous environmental and engineering challenges in a sensitive river corridor. The maps also indicate that while access to 213 from Holcomb Boulevard was cutoff in the 1996 flood, access to 213 / Clackamas River Drive was maintained.

- *Did the applicant's TIA take the Rivers Development into account? Does the TIA take into account the 4-day work week and the unemployed?*
  Response: The applicant is not required to provide this level of detailed traffic analysis with the annexation since no rezoning or development will occur. Allan Dunn, Traffic Engineer for the applicant, pointed out that the TIA takes into account approved "in-process" developments. Compliance with TPR requires a more detail analysis (See Exhibit 1), to be provided at the time of re-zoning. No application has been approved or submitted for the area anticipated for the Rivers Development. Finally, the Public Works Department is in the final design stages for the 213 / I 205 interchange improvements (See Exhibit 3), which includes phased

How are new SDC's going to be applied and what is the process for developing a proportional share analysis to address ODOT's concerns with development of the annexation area?

The SDC question should be pretty straightforward and I'm getting information from Nancy Kraushaar on that, however I do not know to what extent the TPR can be satisfied with "proportional share" improvements.

As you know, the city has approved proportional share for re-zonings that affected failing intersections for subdivisions approved within existing city limits (for example the Hollow Point Estates (ZC 08-02) and Parker Knoll subdivision (ZC 08-03), and ODOT approved of the same approach for the re-zoning from R-10 to R-6 of the former Centex property on Leland Road (ZC 07-03).

Please could you provide a brief discussion on that as well?

Thanks,

Pete

Pete Walter, AICP, Associate Planner
pwalter@orcity.org
Community Development Department
Planning Division
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045
503-496-1568 Direct
503-722-3789 Front Desk
503-722-3880 Fax
Website: www.orcity.org

Need an answer? Did you know that our website can help you 24-hours a day, 7-days a week? Online, you have access to permit forms, applications, handouts, inspection results, codebooks, info on permits applied for since 2002, inspection information, application checklists, and much more. You can request inspections online, and if you are a contractor, you can even apply for permits online.

Zoning and other Tax Lot Information - Quickly and easily view, print, and save maps and reports of your property.
Property Zoning Report

Online Mapping is available at OCWebMaps

Please consider the environment before printing
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: replinger-associates@comcast.net [mailto:replinger-associates@comcast.net]
Sent: Wednesday, January 27, 2010 10:53 PM
To: Pete Walter
Subject: Ziegler Annexation AN 09-02

Pete:

Questions have been raised about the traffic analysis procedures and requirements associated with the Ziegler Annexation request (AN 09-02).

It is my opinion that the annexation by itself has no traffic impact. The parcels being considered for annexation currently have five dwelling units. There is no reason to expect the annexation into the city will result in any traffic increase from these dwellings. As such, no traffic analysis required for the annexation.

improvements to Redland Road and widening / restriping of OR 213 between I-205 and Redland Road to accommodate an additional north/south travel lane as recommended by ODOT.
The TIA is based on vehicle trip generation by approved land use and actual traffic counts to provide the most reliable information based on accepted engineering methodologies.

Annexing neighbor concerns (Miller / Townsend)

- *Annexing neighbors expressed concerns about accidents and safety of the Holcomb Boulevard / Barlow Crest intersection, water run-off / drainage issues / Winston Pond, wildlife habitat and geotechnical review requirements.*

  Response: Staff met with the Townsends and answered their questions. They did not indicate if they support or do not support the annexation proposal, but they have all of the information they requested. Transfer of jurisdiction of Holcomb Boulevard from the County to the City is controlled by the Urban Growth Management Agreement. Safety improvements for the applicant's frontage will be reviewed at the time a development application is submitted for the annexation site. The Park Place Concept Plan defined sensitive habitat areas and geologic hazards and defined buildable land areas at the concept plan level. Development will also be reviewed for compliance with the Natural Resource Overly District OCMC 17.49 and any applicable wildlife habitat protections required. The applicant is responsible for compliance with the City's stormwater drainage requirements and Geologic Hazard Overly District code OCMC 17.44 at the time of development.

System Development Charges (SDCs)

- *How are new SDC's going to be applied and what is the process for developing a proportional share analysis to address ODOT's concerns with development of the annexation area (TPR compliance)?*

  Response: Transportation SDC updates (TSDCs) were adopted by the City Commission April 1, 2009 (Exhibit 6). The TSDC increases were based on updated Transportation System Plan Capital Improvement Plan (TSP CIP) roadway and bicycle / pedestrian project lists including the Park Place and Beavercreek Road Concept Plans. The TSDC methodology, analysis and new amounts are documented in the attached March 2009 report prepared by FCS Group (Exhibit 4). The new TSDC is applied at the time a building permit is applied for (See Exhibit 5). See city website http://www.orcity.org/publicworks/transportation-sdcs for more information.

  According to the City's Transportation Consultant, John Replinger, there is not any specific formula that is generally recognized as a basis for the proportional share for TPR. Staff is working with ODOT to development an appropriate methodology, since ODOT is the agency whose facility will be affected by the regional growth of which the future development of the annexation are is a part.

  The City has established a formula applicable to the various improvements on OR 213 and used those for Red Soils and Clackamas Community College and will review those for possible application to the 213/Redland improvements. Due to the planned 213 / 205 improvements and with the new SDC fee schedule, which accounts for improvements to the ODOT system, staff will determine to what extent proportional share contributions by the developer of the annexing properties will be needed.

Clackamas River Water (CRW)

- *CRW was concerned that the City's current service agreement with CRW (HOPP agreement) for properties above the 450' pressure zone within the annexation area was not clarified in the Staff Report.*

Response: Staff met with CRW staff to address their concerns. Staff has prepared draft revisions to the Staff Report (Exhibit 7). CRW is reviewing the draft clarifications and will be submitting comments into the record based on the incorporation of these revisions.

Exhibits:

1. Email from John Replinger, P.E., City transportation engineer, dated 1/31/2010.
2. Maps of 100-year and 1996 flood inundation on Redland Road / OR 213 and Holcomb Boulevard.
3. OR 213 Improvements Project Description (*OBEC Job No. 517-2)*, from Aleta Froman-Goodrich, P.E., City Public Works Project Engineer.
4. Final Report, Transportation System Development Charge (TSDC) study, by FCS Group, April 3, 2009.
5. TSDC Decision Tree.
6. TSDC City Commission Resolution 09-02.
7. Draft Revisions to Staff Report based on comments by Clackamas River Water (Staff will circulate prior to the hearing).

Pete Walter

From: replinger-associates@comcast.net
Sent: Sunday, January 31, 2010 9:23 PM
To: Pete Walter
Cc: Nancy Kraushaar; Tony Konkol
Subject: Re: Ziegler Annexation AN 09-02

Pete:

I don't think there is any specific formula that is generally recognized as a basis for the proportional share for TPR. I think the important thing is for us to develop what we think is appropriate and share that with ODOT, which is the agency whose facility will be affected by the regional growth of which this development is a part.

We have established a formula applicable to the various improvements on OR 213 and used those for Red Soils and proposed the same for the Community College. I think we can review those for possible application to the 213/Redland improvements.

With the new SDC fee schedule, which I understand accounts for improvements to the ODOT system, it may be that we no longer need to apply a specific proportional share for the Highway 213 corridor as we have in the past. A conference call to discuss this with Nancy, Tony, and Bill K. may be appropriate.

If you have already figured that out and you simply want me to provide the explanation, the formula, and calculations based on the prevous examples, I can do that. I should be available by phone most of the week. Please let me know.

John

John Replinger, PE
Replinger & Associates LLC
6330 SE 36th Avenue
Portland, OR 97202
503-719-3383
replinger-associates@comcast.net

----- Original Message -----
From: "Pete Walter" <pwalter@ci.oregon-city.or.us>
To: replinger-associates@comcast.net
Cc: "Nancy Kraushaar" <nkraushaar@ci.oregon-city.or.us>, "Tony Konkol" <tkonkol@ci.oregon-city.or.us>
Sent: Friday, January 29, 2010 9:50:34 AM GMT -08:00 US/Canada Pacific
Subject: RE: Ziegler Annexation AN 09-02

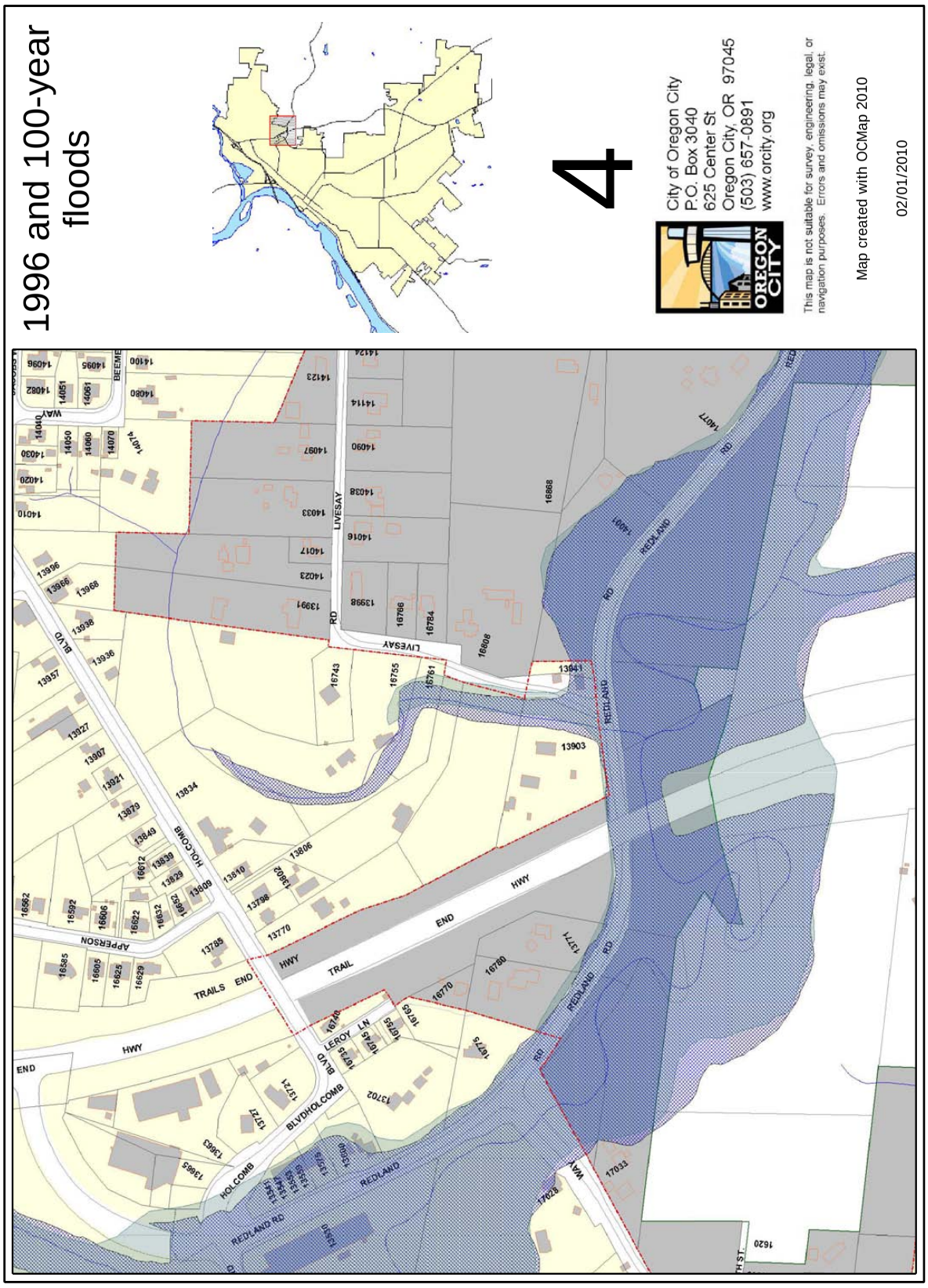
John,

There is one other thing the PC requested information on.

I have a copy of the TIA prepared by Dunn Traffic relating to the possible development of the Ziegler property under zoning that would be applicable under the City jurisdiction. The analysis is complete with regard to short-term impacts, but based on issues raised by ODOT, some additional analysis will be required by the applicant to show compliance with the Transportation Planning Rule (TPR). This analysis will be required when the applicant seeks to rezone the property.

I have not performed a detailed review of the TIA and recommend that be delayed until such time as the applicant makes application for rezoning or other actions that define a specific development proposal. As indicated above, some additional work related to TPR compliance will be required. I am prepared to work with you and the applicant's engineer to more clearly define the scope for additional analysis when a specific proposal is offered.

Sincerely,
John Replinger, PE
Replinger & Associates LLC
6330 SE 36th Avenue
Portland, OR 97202
503-719-3383
replinger-associates@comcast.net



3a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.

1996 and 100-year floods

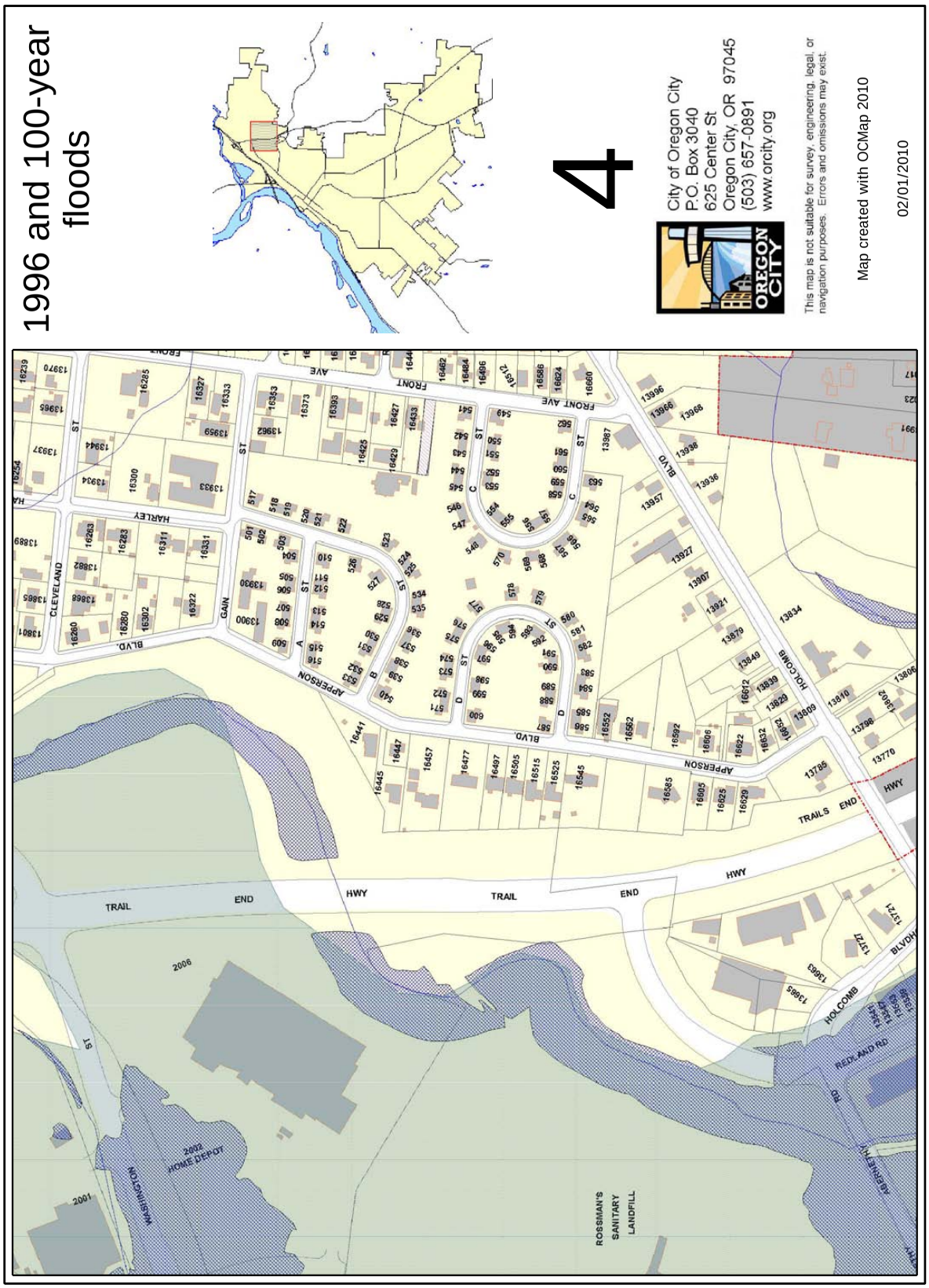
4

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.orcity.org

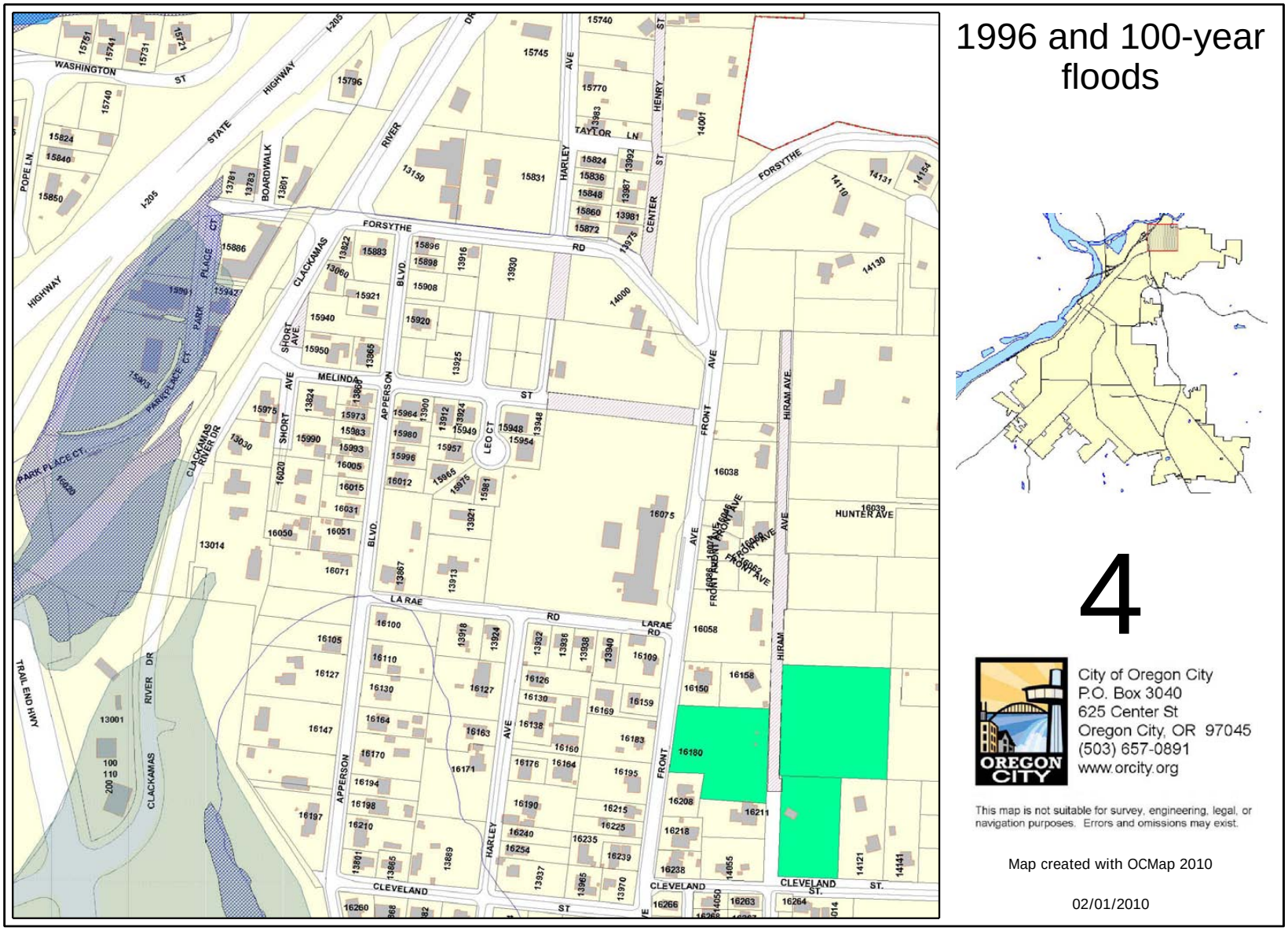
This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMap 2010

02/01/2010



3a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.


1996 and 100-year floods
4
City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
(503) 657-0891
www.orcity.org
This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.
Map created with OCMap 2010
02/01/2010

Project Purpose and Need

The purpose of the project is to improve operations and safety on OR 213 between the I-205 Interchange and the Redland Road overcrossing in order to:

- Maintain acceptable operational and safety levels on OR 213 and the I-205 Interchange. This section of OR 213 is designated as an expressway and serves as an important southeast Portland metropolitan area north-south transportation facility.
- Avoid or minimize instances of traffic on OR 213 backing up from the Washington Street/Clackamas River Drive intersection into the I-205 Interchange and the mainline freeway.
- Allow for continued development along and around this section of OR 213 and the surrounding area, which is within the city limits of Oregon City and the urban growth boundary of the Portland metropolitan area.

The project is needed for the following reasons:

- Current traffic demands frequently exceed the capacity of OR 213 through the project area. This creates traffic backups on OR 213 at both the Washington Street/Clackamas River Drive intersection and the Redland Road intersection, which occasionally extend into the I-205 Interchange and onto the freeway itself.
- Highway speeds (posted at 45 mph and 55 mph) combined with signalized intersections and high traffic volumes increase the risk of accidents. This section of highway has a Safety Investment Program (SIP) rating of 3. The signalized intersections of Washington Street/Clackamas River Drive and Redland Road are in the top 10 percent of Safety Priority Index System (SPIS) sites. See Appendix A for accident information.
- The area immediately adjacent to and surrounding this section of highway is within the city limits of Oregon City and the urban growth boundary of the Portland metropolitan area. This area has capacity for continued development, which will add to the traffic demands on OR 213.

Project Units and Phasing Plan

The project team has developed this project under an assumption that long-term improvements along this section of OR 213 will be developed in a three-unit, three-phase approach. The three units are described below.

1. Unit 1 includes OR 213 from the south end of the Union Pacific Railroad (UPRR) Bridge, where Cascade Highway South begins, to the crossing of the unnamed tributary of Abernethy Creek. Unit 1 also includes Clackamas River Drive from approximately Melinda Street to OR 213; Washington Street from OR 213 to west of the Home Depot; and the two jughandle connectors.

2. Unit 2 includes OR 213 from the crossing of the unnamed tributary of Abernethy Creek to the north end of the Redland Road Overcrossing, and Redland Road.

3. Unit 3 is the I-205 Interchange, which includes the I-205 Park Place Frontage Road and the I-205 ramps. The frontage road begins at the south end of the UPRR Bridge and runs north across I-205 on the interchange bridge.

The three proposed phases include the following:

1. The evaluation of the design and impacts of Phase 1 is described later in this DAP. Phase 1 includes the full build out of Unit 1, and minor changes within the Unit 3 interchange area to improve safety and operations until the entire interchange can be further upgraded. The complete build out of the Unit 3 interchange will be designed under a future project and DAP. The minor changes within Unit 3 included in Phase 1of this project are limited to striping changes, installation of median barrier, concrete island modifications, and rail upgrades to the UPRR Bridge and the I-205 Bridge. The partial build-out design changes will allow for the addition of a third northbound (NB) lane approaching the interchange, which will improve the operations of the interchange and OR 213. The third lane will be created by narrowing the median, travel lanes, and shoulders. Safety improvements within Unit 3 will include rail upgrades to the UPRR and I-205 Bridges.

2. The second phase includes a full build-out design for all of Unit 2. The evaluation of the design and impacts, and more detailed information on the scope of Phase 2 can be found later in this DAP.

3. Phase 3 is not described in this DAP. Phase 3 includes recognized improvement needs within the Unit 3 interchange area that have a high cost-to-benefit ratio and a high probability of not being compatible with future changes to the I-205 Interchange. The recognized needs include the widening or replacement of the UPRR and I-205 Bridges and the connecting roadways, which would allow for standard median, lane and shoulder widths through the interchange area under this project. The project team recommends that Phase 3 improvements be deferred until the scope of I-205 Interchange modifications is better defined. The full upgrade to the interchange should be included in the Phase 3 project.

The benefits of using this three-unit, three-phase approach include the following:

- Minimization of the risk of constructing a significant level of improvements during Phase 1and Phase 2 that do not fit the future reconstruction of the I-205 Interchange. Reconstruction of the interchange is likely to occur within the design life of facilities built as part of this project; however, the extent of future modifications is unknown. Therefore, it is not possible at this time to plan large-scale improvements within the interchange area to match future interchange reconstruction.
- Containment of costs and impacts of the Phase 1 and 2 projects so they can be completed as soon as possible at a budget commensurate with available funding. In addition, the two phases will be eligible for additional federal or state funding that may become available.
- Ability to make critical operational and safety improvements at the Washington Street and Redland Road intersections at this time while improvements to address less significant needs within the interchange area can be delayed. This will allow those changes to be better coordinated with the future interchange improvements and minimize the risk of constructing "throw away" improvements.

Phases of development and construction of the project are discussed in more detail below.

Phase 1

Phase 1 of the project, which is the only phase currently funded for construction, includes full build-out improvements within Unit 1 and minor improvements in the Unit 3 I-205 Interchange area. As mentioned above, full build-out improvements for Unit 3 will take place in Phase 3, which will be designed in a future project.

Unit 1

Unit 1 improvements in Phase 1 include realignment of Washington Street and Clackamas River Drive to cross under OR 213 at a new bridge. The existing street connections will be modified so they connect OR 213 with the realigned Washington Street and Clackamas River Drive. These modifications combine to create a jughandle intersection configuration that eliminates left turns and east-west cross movements at the OR 213 intersection, reducing the number of signal phases from eight to two. Phase 1 also involves roadway widening and channelization changes on OR 213 to accommodate three travel lanes in each direction and right-turn lanes both southbound (SB) and NB at the jughandle intersection. The OR 213 roadway and the new bridge will be constructed to accommodate 12-foot travel lanes; 10-foot shoulder widths, including 2 feet shy distance; and an 8-foot-wide median. However, for Phase 1, striping and shoulder barrier will be used north of the jughandle intersection to taper lane widths to 11 feet and shoulder widths to 6 feet at the existing UPRR Bridge. This configuration will remain in place until the Unit 3 UPRR Bridge is replaced; the width of the new structure will match the width of the newly constructed Phase 1. The continued use of the existing UPRR structure to accommodate I-205/OR 213 movements will depend on future improvement of the I-205 Interchange. If a wider structure at the UPRR Bridge location does become part of the future interchange modifications, the Phase 1 striping would be modified and the shoulder barrier relocated to provide the 12-foot lanes, 10-foot shoulders, and 8-foot median used throughout the remainder of the design for the current project.

Unit 3

Unit 3 improvements in Phase 1 will be limited to the work required to make channelization modifications to allow for the addition of a third NB lane between the UPRR Bridge and I-205 NB ramps, and to eliminate left turns and cross movements at the NB I-205 ramp terminals. The additional NB lane will be provided by reducing the median to 6 feet, the travel lanes to 11 feet, and the outside shoulders to 6 feet in width. The work included to make these channelization modifications include striping changes, installation of concrete median barrier, and alterations to concrete islands. As described under Unit 1, above, in the event the UPRR Bridge is replaced as a future Phase 3 project these reduced widths would be increased to an 8-foot median, 12 foot lanes, and 10 foot shoulders. The project team recommends that a decision on this issue be delayed until a design is developed for the I-205 Interchange. The Phase 1 work in Unit 3 will also include rail retrofits to the UPRR Bridge and the I-205 Bridge to increase the safety of these structures until they are replaced as part of a Phase 3 project.

More detailed information about the scope of this Phase 1 work is found in later sections of this DAP and in the attached plans.

Phase 2

Phase 2 of the project includes full build-out improvements within Unit 2. Construction for Unit 2 is currently not funded; however, the City is pursuing funding for this phase of construction. It would be possible to split Phase 2 into sub-phases, as described in the Unit 2 section that follows.

Unit 2

Phase 2 improvements are located entirely in Unit 2 and include widening OR 213 to accommodate the upgrade of the NB left-turn lane at the Redland Road intersection, the construction of a SB right-turn lane at the Redland Road intersection, and the addition of a third through travel lane in each direction. Phase 2 also includes widening and channelization changes on Redland Road. As described in Unit 1, above, the widening of OR 213 will accommodate 12-foot travel lanes and 10-foot shoulders, including 2 feet of shy distance. The median in this section of OR 213 will be 8 feet wide with a median barrier, except at the Redland Road intersection where it will be 20 feet wide to support a NB left-turn lane. Redland Road will be widened to provide two 12-foot travel lanes approaching OR 213, one 12-foot travel lane approaching Abernethy Road, a 14-foot median, and two 6-foot shoulders. Additional widening of Redland Road will be included at the Abernethy Road end of the alignment to provide a 12-foot-wide right-turn lane.

Due to funding constraints, it is anticipated Unit 2 may need to be developed and constructed in two sub-phases (2A and 2B). The project team currently envisions Phase 2A to include construction on OR 213 for the SB right-turn lane, the third SB through travel lane, and the upgrade of the NB left-turn lane. Phase 2A would also include widening of Redland Road. Phase 2B would include the addition of the third NB through lane on OR 213. More detailed information about the scope of this work is found in later sections of this DAP and in the attached plans.

Phase 3

Phase 3 improvements, not addressed in this DAP, are located in the Unit 3 I-205 Interchange area. The scope of the Phase 3 work cannot be fully defined at this time because of the unknown configuration of the future I-205 Interchange. The major cost items in Unit 3 that should be addressed in a future Phase 3 project are widening or replacing the UPRR Bridge; widening or replacing the I-205 Bridge; and widening the connecting roadway. These improvements have been separated into a future phase because the safety and operational benefits of addressing these substandard design elements are considered less significant than those gained by the Phase 1 and Phase 2 improvements included in this DAP.

Design Exception approvals are being pursued for the substandard design elements for the Phase 1 and Phase 2 projects that are part of this DAP. Draft versions of the requests are included in Appendix B and further discussed in the Design Exceptions section of this report, below.

Design Standards/Design Criteria

ODOT facilities and facilities under ODOT jurisdiction will be developed using ODOT design standards. City and County facilities will be developed using local and American Association of State Highway Transportation Officials (AASHTO) design standards. Facilities include:

INDEX OF SHEETS	
SHEET NO.	DESCRIPTION
1	Title Sheet
1A	Index Of Sheets Cont'd.& Std. Drg. Nos.

STATE OF OREGON

DEPARTMENT OF TRANSPORTATION

PLANS FOR PROPOSED PROJECT

GRADING, DRAINAGE, STRUCTURES, PAVING, SIGNING, ILLUMINATION & SIGNALS

OR213: I-205 - REDLAND ROAD O'XING. (OREGON CITY)

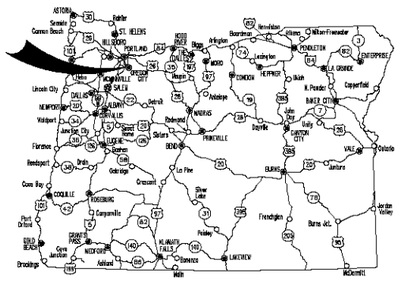
CASCADE HWY. SOUTH

CLACKAMAS COUNTY
JANUARY 2011

PROJECT LOCATION



T. 2 S., R. 2 E., W.M.



Overall Length Of Project - _____ Miles

ATTENTION:
Oregon Law Requires You To Follow Rules Adopted By The Oregon Utility Notification Center. Those Rules Are Set Forth In OAR 952-001-0010 Through OAR 952-001-0090. You May Obtain Copies Of The Rules By Calling The Center. (Note: The Telephone Number For The Oregon Utility Center Is (503) 232-1987.)

LET'S ALL WORK TOGETHER TO MAKE THIS JOB SAFE

PLANS PREPARED FOR
OREGON DEPARTMENT OF TRANSPORTATION

OBEC CONSULTING ENGINEERS
Corporate Office: 620 COUNTRY CLUB ROAD, SUITE 102B EUGENE, OREGON 97401-8269
9005 SW MEADOWS ROAD, SUITE 120 LAKE OSWEGO, OREGON 97035-4289
2209 MISSION STREET SE, SUITE 103 SALEM, OREGON 97302-1268
621 CHAVE PARKWAY MEDFORD, OREGON 97504-4035
www.obec.com

OREGON TRANSPORTATION COMMISSION

Gail Achterman	CHAIR
Michael Nelson	VICE-CHAIR
Janice Wilson	COMMISSIONER
Alan Brown	COMMISSIONER
David Lohman	COMMISSIONER
Matthew L. Garrett	DIRECTOR OF TRANSPORTATION

These plans were developed using ODOT & AASHTO design standards. Exceptions to these standards, if any, have been submitted and approved by the ODOT Chief Engineer or their delegated authority.

Approving Authority: _____

Signature & date

JOHN KA... PROJECT MANAGER

Print name and title

FINAL DESIGN ACCEPTANCE PACKAGE JANUARY 2010

Concurrence by ODOT Chief Engineer

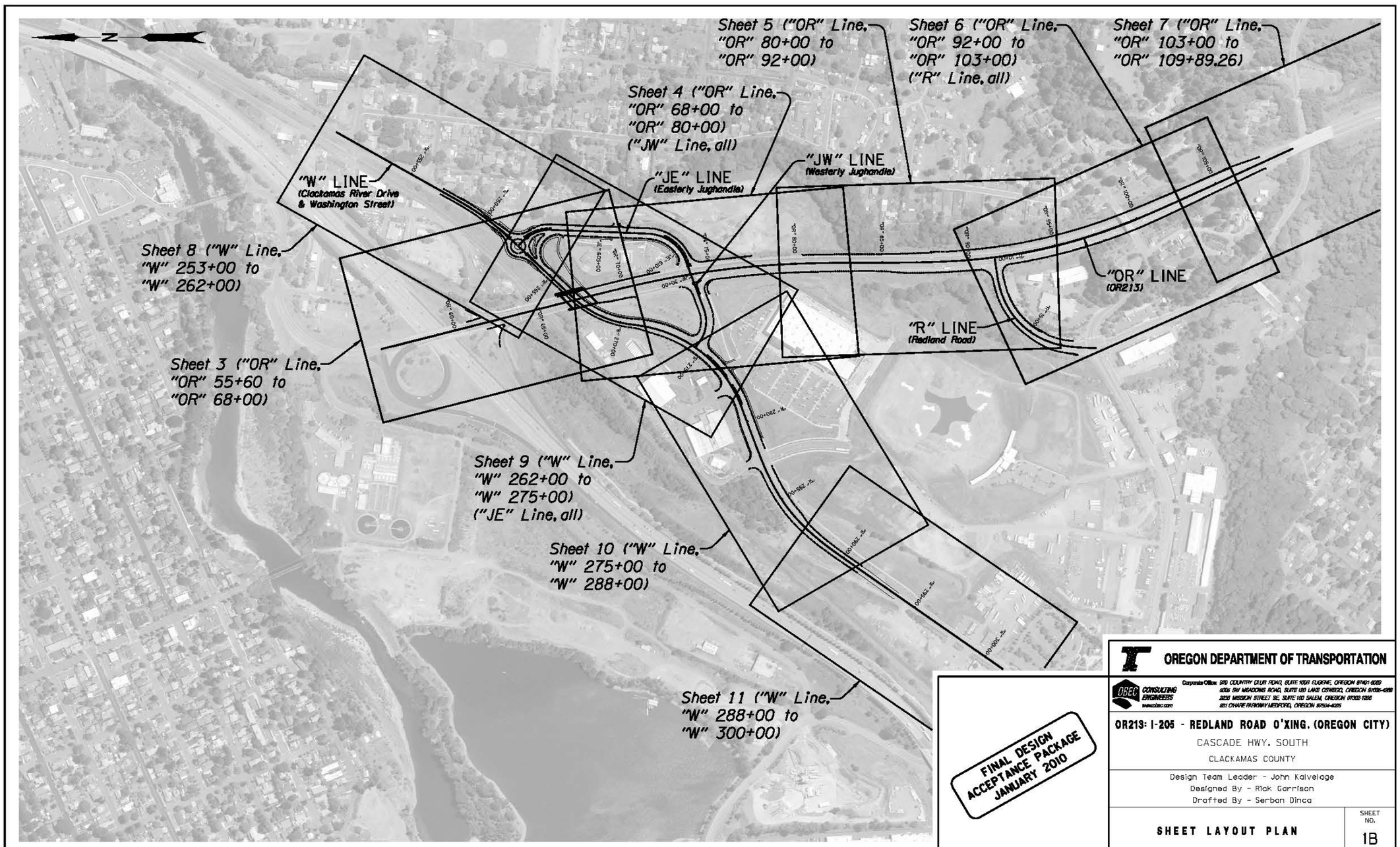
OR213: I-205 - REDLAND ROAD O'XING. (OREGON CITY)
CASCADE HWY. SOUTH
CLACKAMAS COUNTY

FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER	SHEET NO.
OREGON DIVISION	...	1

File No.

L:\Projects\517\517002\Roadway\Deliverables\517002f_1.ts1

3a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.



OREGON DEPARTMENT OF TRANSPORTATION

OBEC CONSULTING ENGINEERS www.obec.com

Corporate Office: 920 COUNTRY CLUB ROAD, SUITE 100B EUGENE, OREGON 97401-6033
6006 SW MEADOWS ROAD, SUITE 120 LAKE OSWEGO, OREGON 97035-4288
2895 MISSION STREET SE, SUITE 102 SALEM, OREGON 97302-1236
821 CHAPIE PARKWAY MEDFORD, OREGON 97504-4025

FINAL DESIGN ACCEPTANCE PACKAGE JANUARY 2010

OR213: I-205 - REDLAND ROAD O'XING. (OREGON CITY)

CASCADE HWY. SOUTH

CLACKAMAS COUNTY

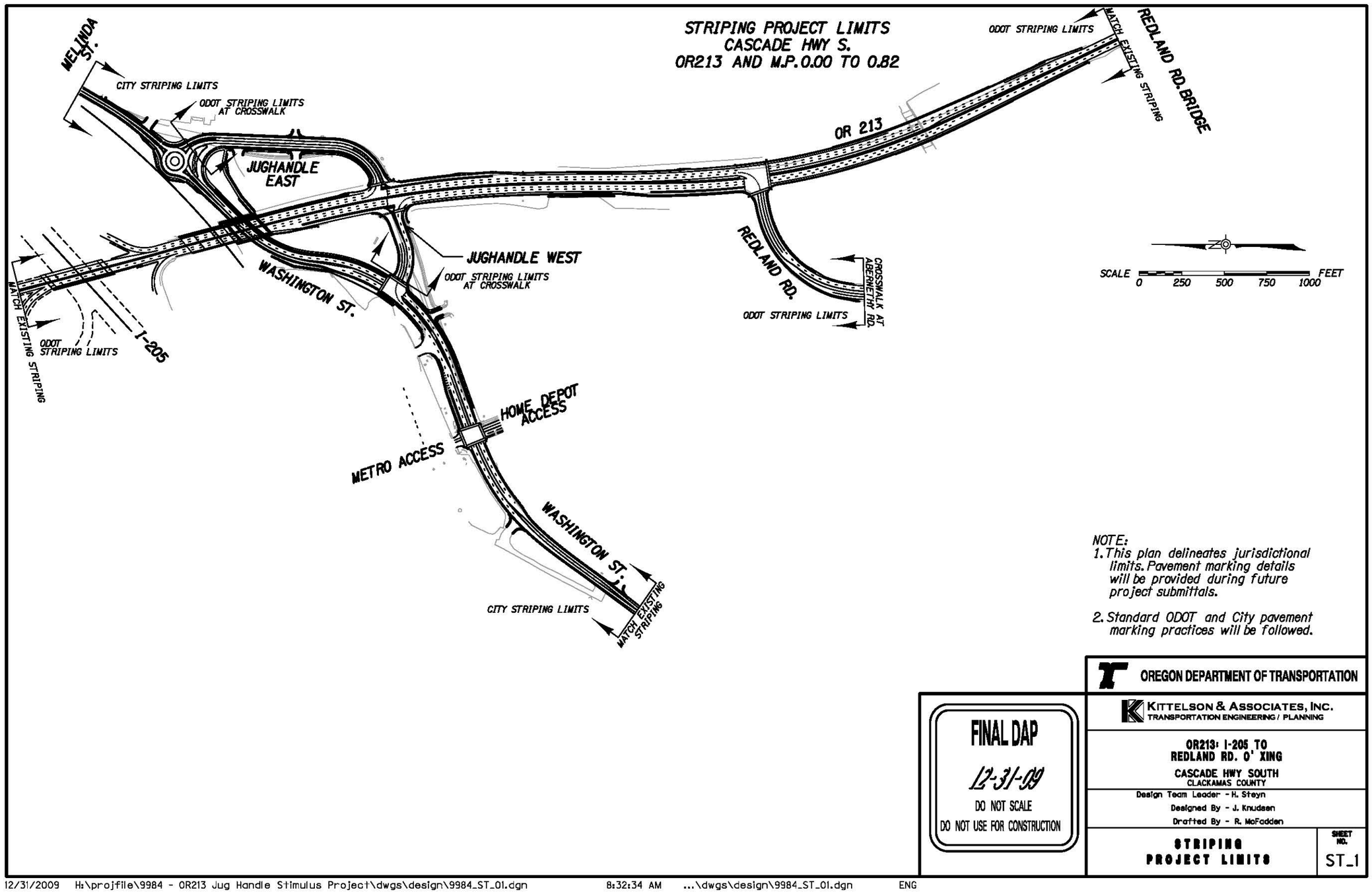
Design Team Leader - John Kalvelage
Designed By - Rick Garrison
Drafted By - Serban Dinca

SHEET LAYOUT PLAN

SHEET NO. 1B

I:\projects\517\517002\roadway\deliverables\517002f_1B.ts3 1/5/2010 04:01 PM

File No.


STRIPING PROJECT LIMITS
CASCADE HWY S.
OR213 AND M.P.0.00 TO 0.82
MELINDA ST.
CITY STRIPING LIMITS
ODOT STRIPING LIMITS AT CROSSWALK
JUGHANDLE EAST
OR 213
ODOT STRIPING LIMITS
MATCH EXISTING STRIPING
REDLAND RD. BRIDGE
JUGHANDLE WEST
ODOT STRIPING LIMITS AT CROSSWALK
WASHINGTON ST.
REDLAND RD.
CROSSWALK AT ABERNETHY RD.
ODOT STRIPING LIMITS
MATCH EXISTING STRIPING
ODOT STRIPING LIMITS
I-205
SCALE 0 250 500 750 1000 FEET
HOME DEPOT ACCESS
METRO ACCESS
WASHINGTON ST.
CITY STRIPING LIMITS
MATCH EXISTING STRIPING
NOTE:
1. This plan delineates jurisdictional limits. Pavement marking details will be provided during future project submittals.
2. Standard ODOT and City pavement marking practices will be followed.
OREGON DEPARTMENT OF TRANSPORTATION
KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING
FINAL DAP
12-31-09
DO NOT SCALE
DO NOT USE FOR CONSTRUCTION
OR213: I-205 TO
REDLAND RD. O' XING
CASCADE HWY SOUTH
CLACKAMAS COUNTY
Design Team Leader - H. Steyn
Designed By - J. Knudsen
Drafted By - R. McFadden
STRIPING
PROJECT LIMITS
SHEET NO.
ST_1
12/31/2009 H:\projfile\9984 - OR213 Jug Handle Stimulus Project\dwgs\design\9984_ST_01.dgn 8:32:34 AM ...\dwgs\design\9984_ST_01.dgn ENG

Oregon City,
Oregon

Final Report for

TRANSPORTATION SYSTEM DEVELOPMENT CHARGE STUDY

April 3, 2009



CONSULTING SERVICES PROVIDED BY:

FCS GROUP
Solutions-Oriented Consulting

WASHINGTON:
Redmond Town Center
7525 166th Ave. NE, Suite D-215
Redmond, WA 98052
T: 425.867.1802 F: 425-867-1937

OREGON:
14020 SE Johnson Rd, Suite 205
Milwaukie, Oregon 97267
T: 503.353.7440 F: 503.353.7442

CALIFORNIA:
225 Bush Street, Suite 1825
San Francisco, California 94111
T: 415-445-8947 F: 415-398-1601

This entire report is made of readily recyclable materials, including the bronze wire binding and the front and back cover, which are made from post-consumer recycled plastic bottles.

www.fcsgroup.com

City of Oregon City
Transportation System Development Charge Study

Final Report
Table of Contents

Section	Description	Page
I.	Introduction	1
II.	System Development Charge Methodology	1
III.	TSDC Calculation	4
	Issue Papers	Appendix A
	Technical Analysis	Appendix B

FCS GROUP

SECTION 1: INTRODUCTION

In April 2008, the City of Oregon City contracted with Financial Consulting Solutions Group, Inc. (FCS GROUP), and its subconsultant DKS Associates, to perform a transportation system development charge (TSDC) study. Oregon City is a growing city experiencing increasing demands on its transportation infrastructure. The City's latest transportation system plan identified a number of improvements that are needed to maintain and expand system capacity over the next two decades. With the study, the City wished to implement an equitable, adequate, and defensible transportation SDC that would generate funding to meet the needs of growth without unduly burdening existing residents and business owners.

Consistent with these objectives, the following general approach was used to calculate the City's transportation SDC:

- **Development of Policy Framework.** In this step, we wrote issue papers defining key policy issues, describing alternatives, and providing recommendations for City staff and the Oregon City Transportation Advisory Committee (TAC). The result was a set of recommendations on key TSDC policy issues that provided guidance for the technical analysis and input for the City Commission to consider in its decision on adoption. The issue papers and resulting TAC recommendations are included as Appendix A.
- **Conduct Technical Analysis.** In this step, we worked with City staff and the project engineer to finalize the TSDC project lists, isolate the recoverable portion of existing and planned facility costs, and calculate proposed fees. The technical analysis is included as Appendix B.
- **Assemble Documentation and Presentation.** In this step, we wrote the report describing the recommended policies and resulting charges, and drafted the adopting resolution.

SECTION 2: SYSTEM DEVELOPMENT CHARGE METHODOLOGY

A system development charge is a one-time fee imposed on new development (and some types of re-development) at the time of development. The fee is intended to recover growth's fair share of the costs of existing and planned facilities that provide the necessary capacity to accommodate future development.

Oregon Revised Statute (ORS) 223.297 - 223.314 defines SDCs and specifies how they shall be calculated, applied, and accounted for. By statute, an SDC is the sum of two components:

- a **reimbursement fee**, designed to recover costs associated with capital improvements *already constructed or under construction*, and
- an **improvement fee**, designed to recover costs associated with capital improvements *to be constructed in the future*.

The reimbursement fee methodology must be based on "the value of unused capacity available to future system users or the cost of the existing facilities", and must further consider prior contributions by existing users and gifted and grant-funded facilities. The calculation must also "promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities." Reimbursement fee

proceeds may be spent on any capital improvements related to the systems for which the SDC is applied – i.e., transportation SDCs must be spent on transportation improvements.

The improvement fee methodology must include only the cost of projected capital improvements or portions of improvements needed to increase system capacity for future users. In other words, the cost(s) of planned projects or portions of projects that correct existing deficiencies, or do not otherwise increase capacity for future users, may not be included in the improvement fee calculation. Improvement fee proceeds may be spent only on capital improvements, or portions thereof, which increase the capacity of the systems for which they were applied.

A. REIMBURSEMENT FEE METHODOLOGY

The calculation of the reimbursement fee, described in detail in Section III, is fairly straightforward under the approach taken. In short, it is the dollar cost of unused, available, system capacity divided by the capacity it will serve. The unit of capacity used becomes the basis of the fee. In addition to the cost or value of the system, Oregon law (ORS 223.304) requires that the reimbursement fee methodology also incorporate the following:

- "Ratemaking principles employed to finance publicly owned capital improvements", taken to mean that the fees must be calculated to equitably recover appropriate costs;
- "Prior contributions by existing users", taken to mean that the cost of contributed assets should not be included in the reimbursement fee basis;
- "Gifts or grants from federal or state government or private persons", taken to mean that gifted or grant-funded assets should not be included in the reimbursement fee basis; and
- "Other relevant factors identified by the local government imposing the fee".

Finally, the methodology must promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.

Most of the City's arterial and collector streets were once County roads or State highways, which were ultimately funded through general tax sources. When considering deducting tax-funded infrastructure costs from the fee basis, it is most important to acknowledge that all transportation system users pay taxes – whether or not their properties are developed. Hence, a developer can argue that he / she has already paid for a share of that portion of the transportation system that has been constructed with tax revenues. This is unlike a water, sewer, or stormwater service, in which there are usually ratepayers to catch up with and reimburse, and is a strong argument for reducing the reimbursement fee cost basis by the corresponding portion of system value that has been funded by tax sources – including system infrastructure that was once part of the County or State system.

On the other hand, a strong argument can be made that previously paid SDCs need not be deducted from the reimbursement fee cost basis. If the previously paid charges have funded facilities that still have unused capacity available for growth, then the cost of that capacity must be included in the reimbursement fee cost basis in order for new customers to pay for a full share of the capacity that will serve them.

Therefore, we recommend that the City base the TSDC reimbursement fee entirely on the cost of unused capacity provided by infrastructure constructed *using previously collected* SDCs. This recommendation is further discussed in Issue Paper #1, provided in Appendix A.

B. IMPROVEMENT FEE METHODOLOGY

The improvement fee calculation, like that of the reimbursement fee, is straightforward. In short, it is the eligible dollar cost of capacity-increasing capital projects divided by the capacity they will serve. Again, the unit of capacity used becomes the basis of the fee. The overriding issue to consider in the improvement fee calculation is the identification and separation of capacity-increasing capital costs.

We recommend that the City utilize the "capacity" method to allocate costs to the improvement fee basis. Under the capacity approach, the cost of a given project is allocated to growth proportionately by the capacity made available for growth. As an example, assume we are allocating the $1 million cost of adding a lane to an existing roadway to meet existing demand as well as the needs of growth. If the new lane provides capacity for 500 trips and 200 meet an existing deficiency and 300 are for growth, then the allocation to the improvement fee basis would be 300 / 500 = 60% of $1 million, or $600,000. This recommendation is further discussed in Issue Paper #2, provided in Appendix A.

C. CALCULATION SUMMARY

In general, an SDC is calculated by adding the applicable reimbursement fee component to the applicable improvement fee component. Each separate component is calculated by dividing the eligible cost by the appropriate measure of growth in capacity. The unit of capacity used becomes the basis of the charge. A sample calculation is shown below.

Reimbursement Fee		Improvement Fee		SDC
Eligible cost of capacity in existing facilities / Growth in system capacity demand	+	Eligible cost of planned capacity-increasing capital improvements / Growth in system capacity demand	=	SDC ($ / unit)

D. SDC (IMPROVEMENT FEE) CREDITS

The law requires that credits be provided against the improvement fee for the construction of qualified public improvements. Oregon Revised Statute 223.304 states that, at a minimum, credits be provided against the improvement fee for

> "the construction of a qualified public improvement. A 'qualified public improvement' means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:
>
> (a) Not located on or contiguous to property that is the subject of development approval; or
>
> (b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related."

The law further states that credits

> "may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property."

The challenge is to craft a credit approach that meets statutory requirements *and* the City's assumed general objectives for cash flow, prioritization of capital projects, and orderly but sustained development. It must be noted that we believe it is important for the City to retain as much control as possible over the prioritization and implementation of its capital plan(s). These plans are created to address total system needs – not just the needs of growth. Without control over how and when those needs are addressed, the re-prioritization of projects over time can leave important City needs unmet. To avoid this outcome, credits should:

- be only for the portion of the agreed-upon or planned cost of capacity *in excess of that needed to serve the particular development*;
- not be transferable to other developers;
- be for planned projects only; and
- be provided only upon completion of a "qualified public improvement".

We recommend that the City maintain its current SDC credit policy, which is in compliance with statutory requirements and incorporates our recommended guidelines. This recommendation is further discussed in Issue Paper #3, provided in Appendix A.

It is important to note that the possession of credits does not necessarily obligate the City to provide cash redemption for SDC credits. In order to provide full compensation to developers while also minimizing the financial risk to the City, we recommend that the City's credit policy include cash reimbursement only from SDCs generated by the build out of the development in question. As a result, the City will have the ability to choose the timing and the improvements from a healthy cash position. This recommendation is further discussed in Issue Paper #4, provided in Appendix A.

E. INDEXING CHARGE FOR INFLATION

Oregon law (ORS 223.304) allows for the periodic indexing of system development charges for inflation, as long as the index used is

> "(A) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;
>
> (B) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
>
> (C) Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order."

We recommend that Oregon City continue to index its TSDC to the **Engineering News Record** (ENR) Construction Cost Index (CCI) for the City of Seattle, and adjust the charge annually as per that index.

SECTION 3: TSDC CALCULATION

The City's existing transportation SDC is based on projected trip generation by land use. Specifically, new development is charged by added average daily trips (ADTs). Existing residential transportation SDCs are provided below: [Commercial charges vary by land use type.]

Existing Transportation SDC

Development Type	ADTs per Unit	Improvement Fee	Total TSDC
Single Family	9.60	$ 1,885	**$ 1,885**
Apartments (per living unit)	6.53	$ 1,282	**$ 1,282**

Both the existing and the proposed vehicle charges are based on trip generation statistics provided in the most recent edition of the Institute of Transportation Engineers (ITE) *Trip Generation* manual for each land use type and development size. However, the proposed charges are based on P.M. peak-hour trips (P-HTs). Peak-hour trips are defined as the average trip rate during the peak hour of adjacent street traffic – which usually coincides with the traditional commuting peak periods of 7 am to 9 am or 4 pm to 6 pm. Transportation engineers commonly use peak-hour trip estimates to assess transportation performance and determine system needs. Average daily trips, as measures of total traffic volume, are not generally used to size a system – although they are typically used to estimate maintenance requirements.

The proposed charges continue to adjust for linked, or pass-by, trips. There is documentation presented in ITE *Trip Generation* that a significant percentage of trip ends associated with specific land uses are a result of linked, or pass-by, trips. The recommended SDC basis of adjusted P.M. peak-hour trips is further discussed in Issue Paper #5, provided in Appendix A.

Furthermore, the proposed TSDC includes an additional bike/ped component. The related reimbursement and improvement fees for the bike/ped charge are based on estimated bike/ped trip generation rates by land use type. The inclusion of these alternative modes of transportation is discussed in Issue Paper #6, provided in Appendix A.

The calculation of the proposed TSDC is summarized below and provided in detail in Appendix B.

A. CAPACITY BASES

In order to estimate the number of P.M. peak-hour and bike/ped trips to be generated by growth over the planning period (ending in 2030) – the denominators in both the reimbursement and improvement fee calculations – the following approach was taken.

- DKS Associates consulted the 2005-2030 Metro Travel Demand Model to provide an estimate of total peak-hour trip growth within the urban growth boundary (UGB) during the study period. Trip projections reported for the Beavercreek Concept Plan and Park Place Concept Plan Areas were adjusted to reflect higher growth rates assumed in the Concept Plans and the actual ITE trip rate for single-family residential developments. The result was an initial UGB peak-hour trip total of 24,892 for 2005 and a forecasted 2030 total of 48,339 trips.
- Therefore, during the study period, new development within Oregon City's UGB was expected to generate 23,448 P.M. peak-hour trips.
- Additionally, growth in bicycle, pedestrian, and transit trip generation was estimated. First, as such trip generation is closely related to average daily trips, the forecast of peak-hour trip growth was converted to 234,476 ADTs based on the standard assumption of a 1:10 ratio between peak-hour trips and average daily trips. Second, U.S. Census travel data for the Portland Metro area indicated that 12% of total average daily trip generation generally consists of bike/ped trips. Accordingly, based on the 12% share for

bike/ped trips and the 234,476 ADT growth estimate in vehicle trips, total average daily trip growth – including bike/ped trips – during the period was estimated to total 266,450.

- Therefore, during the study period, new development within the UGB was expected to generate 31,974 bike/ped trips per day.

B. REIMBURSEMENT FEE CALCULATION

In order to estimate the cost of unused capacity in the existing transportation system – the numerator in the reimbursement fee calculation for the vehicle charge – the following approach was taken.

- It is important to first recall that the City's transportation infrastructure has been largely contributed and/or funded by general tax sources, leaving only unused capacity in SDC-funded infrastructure eligible for reimbursement. FCS GROUP found $7,775,416 of historical transportation SDC (improvement fee only) expenditures from FY 1993 through FY 2001. Current unused capacity was calculated by reducing the SDC expenditure total for each year proportionally by the estimated trip growth that has occurred since that year. The resulting total of unused capacity in the existing system was $6,208,392.
- Based on forecasted growth of 23,448 P.M. peak-hour trips, the resulting reimbursement fee was $264.78 per peak-hour vehicle trip.

C. IMPROVEMENT FEE CALCULATIONS

The following approach was taken to determine the cost of capacity-increasing capital improvements for inclusion in the improvement fee cost bases.

- DKS Associates provided the 2008 list of capital projects needed to increase vehicle capacity within the UGB. The sum of this list of project costs in current dollars was $312,918,784, of which the City was expected to be responsible for $244,939,884.
- DKS Associates then determined the extent to which each improvement provided capacity for future development. The preferred basis for these TSDC allocations was growth's share of total future peak-hour trips at the site of improvement. When such data was unavailable, baseline projections of vehicle/capacity (V/C) ratios were utilized to determine existing system deficiencies. The resulting total of eligible costs was $158,455,615.
- Finally, the beginning FY 2007 transportation SDC fund balance – $1,614,627 – was deducted from the eligible cost total to (1) recognize that the fund balance is available for spending on the project list and (2) prevent new users from paying for those project costs twice. The resulting net total of $156,840,988 was the improvement fee cost basis.
- Based on forecasted growth of 23,448 P.M. peak-hour trips, the resulting improvement fee was $6,689.01 per peak-hour vehicle trip.
- Additionally, DKS Associates provided a 2008 list of capital projects needed to increase bike/ped capacity within the UGB. The sum of this list of project costs in current dollars was $13,260,367.
- To assign project costs to the bike/ped TSDC cost basis, an allocation equal to growth's share of future vehicle trip generation – 48.5% – was applied. The sum of each project's growth allocation resulted in a total $6,432,131 of improvement fee-eligible costs.

- Based on forecasted growth of 31,974 bike/ped trips, the resulting improvement fee was $201.17 per bike/ped trip.

D. RECOMMENDED SYSTEM DEVELOPMENT CHARGE

The recommended TSDC of $7,000 per peak-hour vehicle trip and $202.51per bike/ped trip is the sum of the related reimbursement fees and improvement fees, adjusted by an administrative cost recovery factor of 0.67%, or $46 per vehicle trip and $1.34 per bike/ped trip. The administrative cost recovery factor was derived by dividing projected annual TSDC accounting and administrative costs, including the amortized cost of this study, by forecasted annual vehicle and bike/ped TSDC revenues. The resulting recommended TSDCs for a comprehensive list of land uses are provided immediately following this section.

Note that given the relatively small amount of data on bicycle and pedestrian trip generation by land use, it is recommended that the following bike/ped trip groupings be utilized to assess the bike/ped SDC:

Daily Bike/Ped Trip Generation and SDC (Per Unit of Development)

Group	Trips per Unit	SDC per Unit
Group 1	0.1	$ 20.25
Group 2	0.2	$ 40.50
Group 3	0.4	$ 81.00
Group 4	0.6	$ 121.51
Group 5	1.0	$ 202.51
Group 6	2.0	$ 405.02

Assignments to each group are made by land use designation, as shown in the Bike / Ped TSDC schedule following this section.

E. SDC IMPLEMENTATION

There are two transit and limited-parking corridors or areas within the City – the designated regional center and Molalla Avenue. Such corridors are suitable for higher residential densities, high-volume non-residential uses, and mixed use properties. Traffic modeling has shown that developments in such areas have lower vehicle trip generation rates.

To account for the expected reduction in residential vehicle trip generation, we recommend that the City provide a 10% discount on the TSDC for residential developments within these areas. Similarly, non-residential developments in such areas should be assessed a TSDC for the lesser of either their estimated trip generation rate or the trip rate for the Shopping Center land use. This recommendation is further discussed in Issue Paper #7, provided in Appendix A.

Finally, in July 2007, the Portland area metropolitan service district (Metro) published a report detailing the various approaches to crafting system development charges (SDCs) that promote full and equitable cost recovery. The report noted that the validity of each approach varied by jurisdiction. As such, to the extent practical, the City's TSDC was designed to be consistent with the five key SDC practices and policies recommended in the report:

- full cost recovery,

- impact-based SDCs,
- recognition of cost variations by location,
- green design,
- and technical vs. policy-based solutions.

These recommendations are further discussed in Issue Paper #8, provided in Appendix A.

Vehicle TSDC (1)

ITE Code	Customer Type	Land Use Description	Peak-Hour Trips	Pass-By Trip Factor	Adjusted P-H Ts	TSDC	Units
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	0.98	1	0.98	$ 6,860	KSF
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	0.86	1	0.86	$ 6,020	KSF
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	0.74	1	0.74	$ 5,180	KSF
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	0.26	1	0.26	$ 1,820	KSF
210	SF Detached	Single family detached housing.	1.01	1	1.01	$ 7,070	DU
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	0.62	1	0.62	$ 4,340	DU
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	0.52	1	0.52	$ 3,640	DU
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	0.59	1	0.59	$ 4,130	DU
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	0.17	1	0.17	$ 1,190	DU
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	0.59	1	0.59	$ 4,130	Room
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	0.47	1	0.47	$ 3,290	Room
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	2.74	1	2.74	$ 19,180	Hole
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	5.77	1	5.77	$ 40,390	Acre
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	3.54	1	3.54	$ 24,780	Lane
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	5.76	1	5.76	$ 40,320	KSF
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	1.64	1	1.64	$ 11,480	KSF
520 *	Elementary School	Public. Typically serves K-6 grades.	0.28	1	0.28	$ 1,960	Student
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	0.15	1	0.15	$ 1,050	Student
530	High School	Public. Serves students that completed middle or junior high school.	0.14	1	0.14	$ 980	Student
540	Junior/Community College	Two-year junior colleges or community colleges.	0.12	1	0.12	$ 840	Student
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	0.66	1	0.66	$ 4,620	KSF
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	13.18	0.33	4.35	$ 30,450	KSF
			0.82	0.33	0.27	$ 1,890	Student
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	7.09	1	7.09	$ 49,630	KSF
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	0.03	1	0.03	$ 210	Member
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	1.49	1	1.49	$ 10,430	KSF
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	1.73	1	1.73	$ 12,110	KSF
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	3.72	1	3.72	$ 26,040	KSF
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	1.5	1	1.5	$ 10,500	KSF
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	1.08	1	1.08	$ 7,560	KSF
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	1.29	1	1.29	$ 9,030	KSF

Vehicle TSDC (2)

ITE Code	Customer Type	Land Use Description	Peak-Hour Trips	Pass-By Trip Factor	Adjusted P-H Ts	TSDC	Units
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	4.49	1	4.49	$ 31,430	KSF
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	3.87	0.718	2.78	$ 19,460	KSF
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, services such as real estate, investment, dance studios, florists, and small restaurants.	2.71	1	2.71	$ 18,970	KSF
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	5.06	0.475	2.4	$ 16,800	KSF
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	4.84	0.450	2.18	$ 15,260	KSF
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	3.8	1	3.8	$ 26,600	KSF
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	3.75	0.393	1.47	$ 10,290	KSF Leasable
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	2.64	1	2.64	$ 18,480	KSF
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	4.15	0.617	2.56	$ 17,920	KSF
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	10.45	0.265	2.76	$ 19,320	KSF
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	52.41	0.282	14.8	$ 103,600	KSF
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	8.42	0.327	2.75	$ 19,250	KSF
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	8.62	0.383	3.3	$ 23,100	KSF
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	0.46	0.157	0.07	$ 490	KSF
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	33.15	0.270	8.95	$ 62,650	KSF
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	45.74	0.270	12.35	$ 86,450	KSF
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	7.49	0.288	2.15	$ 15,050	KSF
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	10.92	0.315	3.44	$ 24,080	KSF
933 *	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	26.15	0.265	6.94	$ 48,580	KSF
934	Fast Food With Drive-Thru	Fast Food with drive-through window	34.64	0.265	9.2	$ 64,400	KSF
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	11.34	0.315	3.58	$ 25,060	KSF
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	13.86	0.235	3.26	$ 22,820	Fueling Position
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	13.38	0.123	1.65	$ 11,550	Fueling Position
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	13.33	0.382	5.09	$ 35,630	Fueling Position
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	5.54	1	5.54	$ 38,780	Wash Stall

NOTES:

Source: Institute of Transportation Engineers, *Trip Generation* , Seventh Edition.
Peak-Hour Trips: Weekday, peak-hour of adjacent street traffic. Most often, one hour between 4 and 6 p.m.
Pass-By Trip Factor reflects diverted linked trips in addition to pass-by trips.
ITE codes identified with asterisks (*) include information derived from the ITE manual (e.g., the pass-by factor is derived from pass-by counts for a similar land use or are as estimated by traffic engineers).

Land Use Units:
- KSF = 1,000 gross square feet building area
- DU = dwelling unit
- Room = number of rooms for rent
- Fueling Positions = maximum number of vehicles that can be served simultaneously
- Student = number of full-time equivalent students enrolled
- Hole = number of individual putting holes that are paired with driving tees
- Acre = 43,560 square feet of park space
- Lane = number of bowling lanes

Residential developments within designated regional centers and the Molalla Avenue area receive a 10% discount on the TSDC.
Non-residential developments within such areas will be assessed for the lesser of their estimated trip generation rate, based on land use, or 1.47 P-HTs per KSF.

Bike/Ped TSDC (1)

ITE Code	Customer Type	Land Use Description	Bike/Ped Group	Bike/Ped Trips	Bike/Ped SDC	Units
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	1	0.1	$ 20.25	KSF
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	1	0.1	$ 20.25	KSF
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	2	0.2	$ 40.50	KSF
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	1	0.1	$ 20.25	KSF
210	SF Detached	Single family detached housing.	5	1	$ 202.51	DU
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	4	0.6	$ 121.51	DU
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	4	0.6	$ 121.51	DU
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	3	0.4	$ 81.00	DU
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	3	0.4	$ 81.00	DU
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	3	0.4	$ 81.00	Room
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	2	0.2	$ 40.50	Room
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	1	0.1	$ 20.25	Hole
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	6	2	$ 405.02	Acre
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	3	0.4	$ 81.00	Lane
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	5	1	$ 202.51	KSF
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	6	2	$ 405.02	KSF
520 *	Elementary School	Public. Typically serves K-6 grades.	3	0.4	$ 81.00	Student
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	2	0.2	$ 40.50	Student
530	High School	Public. Serves students that completed middle or junior high school.	1	0.1	$ 20.25	Student
540	Junior/Community College	Two-year junior colleges or community colleges.	1	0.1	$ 20.25	Student
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	3	0.4	$ 81.00	KSF
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	1	0.1	$ 20.25	KSF
			1	0.1	$ 20.25	Student
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	6	2	$ 405.02	KSF
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	4	0.6	$ 121.51	Member
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	6	2	$ 405.02	KSF
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	6	2	$ 405.02	KSF
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	1	0.1	$ 20.25	KSF
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	4	0.6	$ 121.51	KSF
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	2	0.2	$ 40.50	KSF
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	1	0.1	$ 20.25	KSF

Bike/Ped TSDC (2)

ITE Code	Customer Type	Land Use Description	Bike/Ped Group	Bike/Ped Trips	Bike/Ped SDC	Units
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	1	0.1	$ 20.25	KSF
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	1	0.1	$ 20.25	KSF
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, services such as real estate, investment, dance studios, florists, and small restaurants.	6	2	$ 405.02	KSF
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	1	0.1	$ 20.25	KSF
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	1	0.1	$ 20.25	KSF
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	1	0.1	$ 20.25	KSF
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	2	0.2	$ 40.50	KSF Leasable
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	1	0.1	$ 20.25	KSF
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	1	0.1	$ 20.25	KSF
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	1	0.1	$ 20.25	KSF
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	6	2	$ 405.02	KSF
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	3	0.4	$ 81.00	KSF
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	3	0.4	$ 81.00	KSF
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	1	0.1	$ 20.25	KSF
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	1	0.1	$ 20.25	KSF
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	1	0.1	$ 20.25	KSF
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	1	0.1	$ 20.25	KSF
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	3	0.4	$ 81.00	KSF
933 *	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	6	2	$ 405.02	KSF
934	Fast Food With Drive-Thru	Fast Food with drive-through window	6	2	$ 405.02	KSF
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	1	0.1	$ 20.25	KSF
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	1	0.1	$ 20.25	Fueling Position
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	1	0.1	$ 20.25	Fueling Position
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	1	0.1	$ 20.25	Fueling Position
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	1	0.1	$ 20.25	Wash Stall

NOTES:

Land Use Units:
- KSF = 1,000 gross square feet building area
- DU = dwelling unit
- Room = number of rooms for rent
- Fueling Positions = maximum number of vehicles that can be served simultaneously
- Student = number of full-time equivalent students enrolled
- Hole = number of individual putting holes that are paired with driving tees
- Acre = 43,560 square feet of park space
- Lane = number of bowling lanes

Residential developments within designated regional centers and the Molalla Avenue area receive a 10% discount on the TSDC.
Non-residential developments within such areas will be assessed for the lesser of their estimated trip generation rate, by land use, or 1.47 P-HTs per KSF.

Appendix A

Issue Papers

ISSUE PAPER #1

Reimbursement Fee Cost Basis

ISSUE

Oregon Revised Statute 223.304 states that the reimbursement fee calculation methodology must be based on:

(A) "Ratemaking principles employed to finance publicly owned capital improvements;
(B) Prior contributions by existing users;
(C) Gifts or grants from federal or state government or private persons;
(D) The value of unused capacity available to future system users or the cost of the existing facilities; and
(E) Other relevant factors identified by the local government imposing the fee."

This issue paper addresses two questions regarding the application of this language to reimbursement fees for the City's transportation system. First, what is an appropriate measure of the "cost of the existing facilities" -- or the related "value of unused capacity" available for growth? Second, how should one consider in the calculation prior contributions by existing users, and gifts or grants?

ALTERNATIVES

Regarding the first question of considering the cost and related value of (unused capacity in) the system, there are several alternative approaches for establishing the initial reimbursement fee cost basis:

- Original cost less depreciation. Use the original cost of existing facilities less the accumulated depreciation on those facilities as a measure of value.
- Original cost. Use the original cost of existing facilities at the time they were constructed.
- Replacement cost less depreciation. Use the replacement cost of existing facilities less the accumulated depreciation on those facilities as a measure of value.
- Replacement cost. Use the escalated cost of existing facilities as a measure of what they would currently cost to construct.

ANALYSIS

In considering these alternatives, it is important to note that the purpose of the reimbursement fee is not to fund the replacement of the system. System replacement is commonly funded through taxes and/or rates. Rather, the purpose of the fee is to pay back those who funded construction of the system for their investment in available capacity. The reimbursement fee represents a "buy-in" to the cost of unused capacity in the existing system, to catch up with those who funded the existing system.

The **original cost less depreciation** approach recognizes that the value of

the system to the new user may be better reflected by depreciated cost, because the new user is connecting to assets of diminishing useful lives. However, this approach discounts the investment made by existing system users. Existing customers have borne the full cost burden of building excess capacity for future needs, with little benefit to themselves, and should recover those costs. If depreciated cost is used, then existing customers are not fully reimbursed for their investments in excess capacity.

The **original cost** approach simply requires the new user to reimburse existing users for their investment in the system – in terms of the invested cost. This "buy-in" puts them at par with the existing user. Further, by using unadjusted original cost, it protects the new user from paying both a full share of the existing system plus a full share of the cost of expanding the system. It is clearly an approach that considers the "cost" of the existing system.

A perhaps valid alternative would be to use **replacement cost less depreciation**. In order to address the issue of value, both to an existing user and to a connecting customer, replacement cost provides a valid measure. The current replacement cost of the system must be appropriately discounted for depreciation in order to incorporate the concurrent reduced useful life of the asset. This approach clearly considers the "value" of the existing system.

The **replacement cost** approach (unadjusted for depreciation), while an adequate measure of the cost of replacing the system, certainly overstates the value of the system to the new user. We do not recommend this approach, because it does not "promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities" – as also required by Oregon Revised Statute. Rather, it ignores the fact that users of the system pay for the replacement of the system as needed in ongoing taxes and/or rates. It should not be new development's responsibility to pay for the replacement value of a system if taxes and/or rates also are being used for system replacement.

Once the system valuation approach is chosen, it is next necessary to consider in the calculation prior contributions by existing users, and **gifts or grants**. It seems clear that gifted or grant-funded facilities were provided at generally no direct cost to existing users. As such, their costs should be deducted from the reimbursement fee cost basis.

Prior contributions by existing users are a more complicated issue. Prior contributions by existing users of the transportation system consist primarily of taxes paid over time and previously paid SDCs. Most of the City's arterial and collector streets were once County roads or State highways, funded ultimately through general tax sources. When considering deducting tax-funded infrastructure costs from the fee basis, it is most important to acknowledge that all transportation system users pay taxes – whether or not their properties are developed. Hence, a developer can argue that he / she has already paid for a share of that portion of the transportation system that has been constructed with tax revenues. This is unlike a water, sewer, or

stormwater service, in which there are usually ratepayers to catch up with and reimburse, and is a strong argument for reducing the reimbursement fee cost basis by the corresponding portion of system value that has been funded by tax sources – including system infrastructure that was once part of the County or State system.

On the other hand, a strong argument can be made that previously paid SDCs need not be deducted from the reimbursement fee cost basis. If previously paid charges have resulted in a fund balance, then that balance is earmarked for future projects and has nothing to do with the amount that should be reimbursed to existing users. If the previously paid charges have funded facilities that still have unused capacity available for growth, then the cost of that capacity must be included in the reimbursement fee cost basis in order for new customers to pay for a full share of the capacity that will serve them.

RECOMMENDATIONS

We recommend that the City base the TSDC reimbursement fee entirely on the cost of unused capacity in infrastructure constructed *using previously collected SDCs*. This approach acknowledges that the original cost of the transportation system less both the cost of gifted or grant-funded facilities and the cost of those facilities or portions of facilities funded with tax revenues is effectively equal to SDC-funded infrastructure.

ISSUE PAPER #2

Improvement Fee Cost Basis

ISSUE

Oregon Revised Statute 223.304 states that the improvement fee calculation methodology must consider the cost of projected capital improvements "needed to increase the capacity of the systems to which the fee is related." The law further requires that the fee "be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users." In this issue paper, we evaluate a number of approaches that can be used to identify and allocate the growth-related portion of a project cost to the fee basis.

ALTERNATIVES

Three alternative approaches to determining the capacity-increasing, growth-related, portion of planned project costs are provided below:

- The "capacity" method. The cost of a given project is allocated to the fee basis proportionately by the capacity made available for growth.
- The "incremental cost" method. The cost of the project being considered is first estimated as if it were to be constructed to meet existing needs only, then the difference between that amount and the project total is allocated to the fee basis as a measure of the incremental additional cost of sizing a project to meet the needs of growth.
- The "causation" method. If construction of a project is "caused" by growth, then the entire project cost is allocated to the fee basis.

ANALYSIS

Under the "capacity" approach, the cost of a given project is allocated to growth proportionately by the capacity made available for growth. As an example, assume we are allocating the $1 million cost of adding a lane to an existing street to meet existing demand as well as the needs of growth. If the new lane provides capacity for 500 trips and 200 meet the existing deficiency and 300 are for growth, then the allocation to the improvement fee basis would be 300 / 500 = 60% of $1 million, or $600,000.

Ideally, the most directly applicable measure of capacity demand would be used as the basis for allocation. For allocating transportation projects, estimated growth in daily or peak-hour trips is commonly used. It is also acceptable to use a reasonable and understandable substitute for such information, if the demand measure is not readily available in a complete, accurate, and usable form.

Under the "incremental cost' approach, the cost of the project being considered is first estimated as if it were to be constructed to meet existing needs only. The estimated added cost of sizing it to meet the needs of growth is the portion of the project cost allocated to the improvement fee basis. Using the example above, it might be that the cost of adding the lane

would be $800,000, if it were needed only to meet the existing deficiency. The incremental additional cost to meet the needs of growth would be only $200,000. So, using the incremental cost approach, only $200,000 would be allocated to growth as part of the improvement fee basis.

Under the "causation" approach, a second step is added to the allocation process, after first determining that the project being considered has a capacity-increasing element. In the second step, we ask the question "would the project be necessary if not for growth?" If the answer to this question is "no", then we would allocate 100% of the project cost to growth and the improvement fee cost basis under the rationale that growth is causing the project to be constructed. If the answer is "yes", then we would use either the incremental cost or the capacity method to allocate the project cost between existing development and growth to determine the project cost share to be included in the improvement fee cost basis.

Of the three allocation methods, the causation method most aggressively allocates costs to growth. It is potentially the most difficult to defend because it, in essence, allocates the cost of non-capacity increasing portions of projects to the improvement fee cost basis if growth causes them to be constructed. While a logical approach, it may be open to challenge due to the specific language contained in ORS 223.

The incremental cost approach, while easily defensible, very conservatively assigns costs to growth. It will usually result in the smallest allocation to the improvement fee cost basis. The capacity approach, easily defensible and commonly used, is easy to understand and apply. While less aggressive than the causation method, it usually results in an appropriately higher allocation to the improvement fee basis than the incremental cost approach.

RECOMMENDATIONS

We recommend that the City utilize the "capacity" method to allocate costs to the improvement fee basis. Although many communities in Oregon have considered the causation approach, most use the capacity approach or a variation to allocate costs to the improvement fee basis.

It is worth pointing out that even within the capacity approach, there are several ways to perform the allocation, including incorporating volume or maximum demand in lieu of current capacity.

ISSUE PAPER #3

Credits / Adjustments

ISSUE

Oregon Revised Statute 223.304 states that, at a minimum, credits be provided against SDC improvement fees for

> "the construction of a qualified public improvement. A 'qualified public improvement' means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:
>
> (a) Not located on or contiguous to property that is the subject of development approval; or
>
> (b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related."

The law further states that credits

> "may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property."

Finally, the law [223.304(5)(d)] also specifies that credits must be used within ten years of issuance.

Given these legal guidelines, what is a reasonable SDC credit approach that meets statutory requirements and the City's general objectives for cash flow, prioritization of capital projects, and orderly but sustained development?

ALTERNATIVES

Oregon law effectively establishes the minimum that a public agency must do with regard to SDC credits. However, the following language in ORS 223.304(5)(c) has opened the door for cities to offer more than the legal minimum.

> "This subsection does not prohibit a local government from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan and list adopted pursuant to ORS 223.309, or from providing a share of the cost of such improvement by other means, if a local government so chooses."

There are two primary issues related to the provision of SDC credits. These and their associated policy alternatives are provided below.

1. How much should be credited?
   - The amount of the current project improvement fee;
   - The full actual cost of excess capacity even if greater than the improvement fee;
   - The full cost of excess capacity even if greater than the improvement fee as a portion of the planned project cost.
2. How should the City handle requests for credits for the construction of public improvements that are not in the adopted capital improvement plan and list?
   - Do not provide credits for construction of improvements that are not in the adopted capital improvement plan and list;
   - Provide credits for the excess capacity in improvements constructed that are not in the adopted capital plan and list;
   - Provide credits for the excess capacity in improvements constructed that are not in the adopted capital plan and list, but only in special circumstances.

ANALYSIS

System development charge credits for development make sense as they encourage private enterprise to help solve, on a prospective basis, community needs. However, to the extent that the City provides credits in excess of minimum legal requirements, the practice may lead to a loss of institutional control over the construction of projects in the capital plan.

By constructing projects for credits (and/or cash reimbursement), a developer is imposing a construction schedule on the City, which may be in conflict with the City's established priorities. Due to such credit practices, SDC funds may not accrue as expected and the schedule of the CIP may be inverted or shuffled. This may be acceptable in some cases however it may not be acceptable in others. It may result in the equivalent of building floors before pouring a foundation.

The fundamental choice the City faces is to either grant full credit – potentially in excess of the legal minimum and acknowledge that this will lead to occasional re-ordering of CIP projects – or to constrain the credit policy to the legal minimum. In this context, analysis on the specific questions raised above is provided below.

1. How much should be credited? The City's existing credit policy allows for privately-provided construction cost estimates and receipts to supersede planned project expenditures. The result is that SDC credits may exceed the SDC revenues that the City will ultimately collect for the project. It is our interpretation that the legal minimum would require a city only to grant a credit up to the amount of the improvement fee that would have been paid, while the extra capacity portion of the cost of constructing a qualified public improvement might be substantially more than that. In this case, the full cost of that

extra capacity is truly a saved cost to the city in question. One way to prevent cost over-runs from impacting city resources for other projects would be to credit the over-sizing cost – but as determined by the lesser of the actual cost and the city-planned cost. The credit amount could also be set through mutual agreement between a city and developer in order to protect a developer from being held to outdated project cost estimates. [This is essentially the City's current practice.]

2. How should the City handle requests for credits for the construction of public improvements that are not on the adopted plan and list? Granting credits for the construction of projects that are not on the project list used to calculate the SDC jeopardizes the ability of a city to fully recover remaining SDC-eligible project costs. Done on a routine basis, this practice would make it almost impossible for a city to construct its planned projects with SDC revenues.

RECOMMENDATIONS

We recommend that the City maintain its current credit policy, particularly with respect to the need to limit credits to the planned or agreed-upon cost of the "qualified public improvement" constructed by the developer. We believe that it is important for the City to retain as much control as possible over the prioritization and implementation of its capital plan(s). These plans are created to address total system needs – not just the needs of growth. Without control over how and when those needs are addressed and at what cost, the reprioritization of projects over time can leave important needs unmet while depleting the City's ability to fund necessary improvements. To avoid this outcome, credits should:

- be for the portion of the agreed-upon or planned cost of capacity in excess of that needed to serve the particular development. It is important to note that while credits under this approach could exceed the amount of the improvement fee, they are only "paper" credits. The issue of cash redemption of those credits is addressed in Issue Paper #4;
- not be transferable to other developers;
- be for planned projects only; and
- be provided only upon completion of a "qualified public improvement".

ISSUE PAPER #4

Cash Redemption of Credits

ISSUE

Oregon Revised Statute 223.304 requires that credits be provided against the improvement fee component of system development charges (SDCs). Although required by statute to allow credits to be applied to future system improvement fees, some cities also allow SDC credits to be redeemed for cash. Should Oregon City provide for the cash redemption of SDC credits?

ALTERNATIVES

There are several alternative policies that the City may adopt regarding the cash redemption of credits. The following is a list of potential options:

- Allow credits to be redeemed for cash from SDCs generated from the subsequent build out of the development in question;
- Allow for credits granted to be redeemed for cash, if fund balances allow;
- Provide cash redemption for a portion of the total credit issued;
- Provide cash credits at a fraction of full value, reducing the amount of the total credit issued;
- Grant only non-cash credits, redeemable to reduce future SDC improvement fees – per current policy.

ANALYSIS

ORS 223.304 requires that credits be granted to a developer only for the "cost" of that portion of an improvement that exceeds the capacity needed to serve that particular development (up to the amount of the improvement fee). There is no provision for cash reimbursement. The statute does allow for "providing a share of the cost of such improvement by other means, if a local government so chooses."

We understand that the City does not currently provide cash credits. Instead, developers may apply credits to reduce the improvement fee component of their SDC. In those cases where a developer has SDC credits remaining after paying off their improvement fee, the developer may apply excess credits in the future if additional SDCs are incurred within five years or they may allow the credits to expire.

If the City allows credits to be redeemable for cash, there exists the potential for cash balances intended to fund near-term capital projects to be paid out as cash credits on low-priority developer-provided improvements. Furthermore, in those cases where developers have excess SDC credits, a cash redemption policy will result in immediate impacts to the City's cash position, rather than deferring such impacts until such time that developers have incurred additional improvement fees.

Policies that limit the availability of cash redemption of credits can minimize these impacts. Such policies may provide credits with any of the following

limitations: (1) only from SDCs generated by the build out of the development in question; (2) only when fund balances allow, after taking into account near-term project needs; (3) redeemable for only a portion of the total credit issued; or (4) redeemable at a fraction of the full credit value.

Of the four options noted above, the best compromise could be to provide cash redemptions from SDCs generated by the build out of the development in question. This would provide full cash compensation to developers for the cost of improvements while protecting the City's cash position and limiting the disruption that the City experiences when projects are built out of preferred order.

RECOMMENDATIONS

In general, providing cash credits will likely diminish City cash flows, and limit the City's ability to prioritize and construct capital projects as scheduled. The likelihood of such problems is directly linked to the extent that the City cash reimburses developers for credits. Accordingly, the City can minimize the risk of depleting its ability to fund necessary improvements by including limitations in its cash redemption policy.

In order to provide full compensation to developers while also minimizing the financial risk to the City, we recommend that the City's credit policy include cash reimbursement only from SDCs generated by the build out of the development in question. As a result, the City will have the ability to choose the timing and the improvements from a healthy cash position.

Although other cities apply similar policies, the City may find that implementation of the recommended approach requires too much manual tracking and coordination among departments (e.g., building, public works, and finance) to be feasible.

ISSUE PAPER #5

Basis of Charging

ISSUE

Oregon Revised Statute 223.301 states that system development charges cannot be

> "determined by the number of employees of an employer without regard to new construction, new development or new use of an existing structure by the employer."

There are a number of different, valid, bases for transportation system development charges (TSDCs) that meet the above criterion. Given the data available and the objectives of the City, what is the best charging basis to use for its transportation SDCs?

ALTERNATIVES

The following are the most commonly used and accepted bases for transportation SDCs:

- Average daily vehicle trips. Average daily vehicle trips are defined as the average 24-hour total of all vehicle trips to and from a site. [Average daily trips provide the City's current TSDC basis.]
- Peak-hour vehicle trips. Peak-hour trips are defined as the average trip rate for the peak hour of adjacent street traffic, usually during the traditional commuting peak periods of 7 am to 9 am (AM peak) and/or 4 pm to 6 pm (PM peak).

There are also a number of adjustments that can be appropriately applied to either of these bases.

ANALYSIS

The Institute of Transportation Engineers (ITE) publishes a detailed compilation of trip generation estimates by land use derived from survey data. This data can be used to calculate average daily and peak-hour vehicle trip generation rates by customer using available information such as land use and building square footage.

Transportation engineers commonly use PM peak-hour trip estimates to assess transportation performance and determine system needs. Average daily trips, as measures of total traffic volume, are not generally used to size a system. The number of average daily trips might determine the need for road maintenance, but PM peak-hour estimates more directly determine the necessary size of the system and its roadways.

Potential Adjustments

- *Pass-By or Linked Trips*

There is documentation presented in the ITE Trip Generation handbook, 7th Edition, that a significant percentage of trip ends associated with specific land uses are a result of linked, or pass-by, trips. Linked trips are interim stops between the trip origin and the final destination. Such stops count as

trip ends for each interim destination, but the impact on the system is as a single trip from the trip origin to the final destination. It would be reasonable to incorporate linked-trip adjustments into the revised SDC structure – particularly for retail land uses, for which there exists the greatest amount of pass-by trip data.

- *Trip Length*

Some jurisdictions apply transportation SDCs that incorporate vehicle miles traveled. In these cases, the estimated trip generation rate applied to a development, for assessment purposes, is adjusted by the average length of those trips – as compared to the average length of all trips systemwide. The reasoning is that even if two given types of land use both generate the same number of trips, if the average trip length associated with one development is twice as long as the average trip length for the second development, the land use with the longer trip length uses more of the transportation system and it should therefore pay a higher transportation charge.

The average trip length of vehicles originating from a development is a valid factor to take into account when evaluating a user's utilization of roadway capacity. Data shows that some land uses generate longer or shorter trips than others, thereby impacting more or less of the roadway system.

Our research found average trip lengths for 45 common land uses. Excluding residential land uses, the average trip factor of the remaining 38 land uses was 0.684, with a maximum trip length factor of 1.37 (industrial and manufacturing land uses) and a minimum of 0.26 (gas station). The full list of available trip length factors for non-residential land uses is provided below.

Land Use Code and Title	Trip Length Factor
110 - General Light Industrial	1.37
130 - Industrial Park	1.37
140 - Manufacturing	1.37
151 - Mini-Warehouse	0.54
493 - Athletic Club	0.85
520 - Elementary School	0.66
522 - Middle School	0.66
530 - High School	0.66
540 - Junior/Community College	1.06
560 - Church	0.68
565 - Day Care	0.68
590 - Library	0.57
710 - General Office	0.89
715 - Single Tenant Office Building	0.89
720 - Medical-Dental Office	0.89
750 - Office Park	0.89
760 - Research & Development Center	0.89
770 - Business Park	0.89
812 - Building Materials & Lumber	0.49
813 - Discount Super Store	0.38
814 - Specialty Retail	0.59
815 - Discount Store	0.38
816 - Hardware/Paint Store	0.49
817 - Nursery/Garden Center	1.06
820 - Shopping Center	0.38
841 - New Car Sales	0.81
848 - Tire Store	0.63
850 - Supermarket	0.37
851 - Convenience Market	0.37
880 - Pharmacy w/o drive through	0.37
881 - Pharmacy w/ drive through	0.37
890 - Furniture Store	1.06
911 - Walk-In Bank	0.42
912 - Drive-In Bank	0.42
931 - Quality Restaurant	0.54
932 - High Turnover Sit-Down Rest.	0.52
934 - Fast Food With Drive-Thru	0.28
944 - Gas Station	0.26

- *Residential / Commercial Zones*

Similar to the utilization of average trip length factors, another approach to differentiating transportation impacts beyond simple trip generation is to allocate roadway costs to broad customer classes by roadway type.

For example, in its development of a transportation utility fee structure, the City assigned all roadways one of four categories: Collector, Residential / Local, Arterial, and Other. The City determined that residential customers would bear 100% of the burden of maintaining residential / local and

"other" streets, 50% of the burden of maintaining collector streets, and none of the burden of maintaining arterial streets.

If the City incorporated this approach into its SDC methodology, it could apply the above residential allocations to transportation improvements on the City's SDC project list. SDC-eligible improvement costs would then be classified as residential or non-residential, and each cost would be recovered from its corresponding customer/development type.

With the City's transportation maintenance utility, nearly 75% of the annual revenue needs were designated for recovery from residential customers. If the City's planned transportation improvements were similarly weighted to serve residential users, the TSDC for non-residential developments would be reduced 50% while residential TSDCs would increase by 50%.

RECOMMENDATIONS

System development charges are intended to recover from growth the share of the capacity needed to serve it. Based on this general understanding, we recommend the use of PM peak-hour trips as the basis for charging transportation SDCs. It is important to note that certain development types may be required to make local improvements to mitigate their impacts on the transportation system during AM or off-peak hours. These requirements would be over and above the system development charge due.

We also recommend that the City make adjustments to the trip generation estimates for retail land uses, if not all non-residential land uses, in order to recognize and account for the impact of pass-by trips. Estimates for such trips, specific to land use, are reported in the ITE manual.

Although a part of the City's existing charge structure, we recommend foregoing a trip-length factor for the proposed TSDC. The City's roadway system, although expanding, may not be large enough to warrant the SDC differentials that would result from the use of these factors.

Likewise, we recommend foregoing a commercial / residential split based on street type. Such an approach would require additional tracking and complexity, while providing arguable additional TSDC equity.

ISSUE PAPER #6

Inclusion of Alternative Modes of Transportation

ISSUE

Oregon Revised Statute (ORS) 223.299 defines a system development charge (SDC) as a fee for costs related to

> "facilities or assets used for the following:
> (A) Water supply, treatment and distribution;
> (B) Waste water collection, transmission, treatment and disposal;
> (C) Drainage and flood control;
> (D) Transportation; or
> (E) Parks and recreation."

Furthermore, ORS 223.304 requires that the improvement fee basis include only the cost of projects "needed to increase the capacity of the systems to which the fee is related". Additionally, ORS 223.307 limits the expenditure of improvement fee proceeds to capital improvements that increase system capacity, specifying that such an increase may be established if a capital improvement "increases the level of performance or service provided by existing facilities or provides new facilities."

Several different types of assets comprise a transportation system. The core of such systems has typically consisted of roadways, traffic signals, bridges, and State highways – facilities designed for vehicle capacity. However, transportation systems clearly now include facilities designed to support "alternative" modes of transportation, such as walking, biking, and public transportation (transit). Given the above statutory requirements, should the costs of alternative transportation facilities be included in the City's transportation SDC?

ALTERNATIVES

The City's current TSDC does not include the costs of alternative mode improvements. Therefore, the City has three options:

1. Retain the existing approach and include only facilities serving automobile transportation.
2. Include the cost of facilities serving alternative transportation modes.
3. Include the costs of selected alternative mode facility types.

ANALYSIS

As stated previously, alternative transportation modes funded by TSDC revenues can include bicycle and pedestrian facilities, transit capital improvements (buses, shelters, and terminals), bus pull-outs, park and ride lots, signage programs, and light rail facilities.

When considering including planned project costs for a given type of

alternative mode facility within the improvement fee component of the TSDC, one prevailing question must be answered – does the alternative mode facility increase system capacity to meet the needs of future users? This can be a particularly difficult question to answer when a city's minimum standards (e.g., for sidewalks) may effectively mean that a system is deficient against the standard as applied to its existing customer base.

Often, the determination of how much of each project's cost is eligible for inclusion in the improvement fee basis is made by estimating the percentage reduction in vehicle trips due to the presence of the alternative transportation mode. This generally results in a relatively small allocation to growth, but is entirely consistent with the way the TSDC is based and charged – on peak-hour vehicle trips. Charging a new customer for improvements to the street system based on peak-hour trips and then adding the full or even proportional cost of alternate modes also based on peak-hour vehicle trips could essentially overcharge for each vehicle trip. The approach used to allocate alternate mode facilities to growth must acknowledge and account for this potential issue.

Generally, including the cost of alternative mode facilities in a TSDC is most relevant when there is a demonstrated direct relationship between the need for such facilities and development. On a policy level, the issue is more a question of "who pays". As alternative modes of transportation become more desired, and often required, by cities, the need for funding those facilities increases. If they are not included in the TSDC cost basis, then the funding liability remains, and other sources must be relied upon.

Furthermore, TSDC revenues dedicated to alternative mode facilities can be used as local matching funds for State and federal funding for such facilities. Also, TSDC revenues could be used to help pay for debt service if such facilities were funded with bonds.

RECOMMENDATIONS

We recommend that the City include the cost of facilities serving alternative modes of transportation within its TSDC, and equitably allocate the cost of such facilities to growth.

ISSUE PAPER #7

Development in Transit and Limited-Parking Areas (i.e., the Regional Center & Molalla Avenue)

ISSUE

Oregon Revised Statute 223.297 states that the purpose of system development charges is to provide a uniform framework for the "equitable funding" of capital improvements. With respect to transportation system development charges (TSDCs), it is generally accepted that an equitable TSDC must be roughly proportionate to each property's relative use of transportation capacity.

Transit and limited-parking corridors, such as the City's designated regional center and Molalla Avenue, are areas suitable for higher residential densities, high-volume non-residential uses, and mixed use properties. Such areas/corridors are centered along major bus routes and/or existing or planned train lines. Traffic modeling has shown that developments in such areas have lower vehicle trip generation rates.

Given the City's objective to fully utilize both its regional center and Molalla Avenue, is there a basis for distinguishing development there when assessing TSDCs that also maintains the equitable nature of the charge?

ALTERNATIVES

In assessing its TSDC to development in the regional center and Molalla Avenue, the City has three basic options:

- Provide a distinction for development within the regional center and Molalla Avenue.
- Provide a distinction for development within the regional center and Molalla Avenue, and restrict such development to high-density uses.
- Make no distinction between development inside and outside the regional center or Molalla Avenue.

ANALYSIS

The regional center is a transit and limited-parking area. In this designated area, the City is building capacity for alternative modes of transportation – such as walking, biking, and busing. One purpose of the regional center is to reduce vehicle congestion, improve air quality, increase the utilization of alternative transportation infrastructure, and reduce the overall cost and the amount of land required to meet transportation demand.

High-density development near and within transit corridors like Molalla Avenue can result in reduced trip lengths (due to the proximity of destinations) and decreased trip counts (resulting from increased utilization of transit facilities). In the long run, development clustered in transit corridors could result in a significant reduction in the amount of roadway capacity needed to serve City needs. Traffic modeling conducted by some municipalities has shown that transit and limited-parking corridors can

extend the service life of current roadway capacity by 20 or even 30 years.

In the short-term, the most reliable data of the information we reviewed indicates that a combination of urban development and transit availability can reduce residential vehicle trips between six to seven percent and fifteen percent (from "Trip Reductions for Residential or Mixed Use Developments within ¼ Mile of a Transit Center", ITE Trip Generation).

In addition to the reduced trip generation of residential developments, there is also a cost-of-service basis for a TSDC credit for non-residential developments. The higher density of development in mixed use areas and transit corridors should allow visitors to park only once to visit more than one commercial establishment. Accordingly, in such areas, the unit cost of meeting transportation demand should be lower. This could serve as a basis for lower transportation system development charges for non-residential developments in the area.

RECOMMENDATIONS

To account for the expected reduction in vehicle trips generated by residential developments within areas like the regional center and Molalla Avenue, we recommend that the City provide a discount for such developments in the amount of 10% of its TSDC.

Given the close proximity of non-residential establishments in high-density areas, we recommend that non-residential developments in the regional center be assessed a TSDC for the lesser of either their estimated trip generation rate or the trip rate for the Shopping Center land use.

Finally, in order to ensure that the developments within the regional center or on applicable sections of Molalla Avenue experience the reduction in vehicle trips that is embedded within the TSDC charge structure, the City should consider a policy of providing the above-mentioned TSDC adjustments only for permitted uses in the regional center or on Molalla Avenue. It should be the responsibility of the property owner to notify the City of their eligibility for such TSDC adjustments.

ISSUE PAPER #8

Metro Consistency

ISSUE

In July 2007, the Portland area metropolitan service district (Metro) published a report detailing the various approaches to crafting system development charges (SDCs) that promote full and equitable cost recovery. The report noted that the validity of each approach varies by jurisdiction. Given the development characteristics and improvement needs within Oregon City, which recommendations identified in "Promoting Vibrant Communities with System Development Charges" could appropriately be incorporated into the City's transportation system development charge (TSDC)?

ALTERNATIVES

The Metro report recommends five SDC practices/policies that are consistent with regional objectives:

- full cost recovery,
- impact-based SDCs,
- recognition of cost variations by location,
- green design,
- and technical vs. policy-based solutions.

ANALYSIS

Full Cost Recovery

The 2007 Metro report recommends that local governments provide for full cost recovery in SDCs by:

- basing each charge on a recently adopted capital improvements plan projecting needs for at least 10 years,
- including a reimbursement fee component to recover the cost of capacity in existing facilities serving growth,
- incorporating the planning and financing costs associated with improvements as well as the costs of calculating SDCs and accounting for their expenditures and revenues,
- adjusting fees annually to account for changes in costs, including land and materials.

The City is currently updating a 20-year capital improvements plan, developed for the 2001 Transportation System Plan. The updated list will serve as the basis for the improvement fee, absent financing costs. Additionally, as the City has previous TSDC revenues with which it has funded capacity improvements, we have recommended that a reimbursement fee component be incorporated into the City's updated TSDC. Similarly, the proposed TSDC methodology would incorporate the costs of calculating the TSDC and accounting for revenues and expenditures. Also, the City does adjust its fees annually according to

changes in a regional construction cost index.

Impact-Based SDCs

In order to reflect the true costs of serving different types of development and land uses, the Metro report recommends:

- differentiating TSDCs by type of dwelling and type of non-residential land use;
- varying residential TSDCs by house size to reflect the fact that "dwelling size is a potential indicator of the number of occupants," which relates to trip generation;
- varying residential TSDCs by the number of units per lot in recognition that high-density development has less impact on roadways and is less costly to serve per unit.

The proposed TSDC methodology differentiates the charge according to type of land use, however distinctions related to housing size and homes per lot have yet to be considered. Relatedly, the City's current TSDC structure includes an adjustment for the average length of the vehicle trips generated by the various types of development.

Recognition of Cost Variations By Location

Since the location of a development is an important factor of the relative cost of serving it, the Metro Report recommends that local governments consider location-based SDCs, especially if development is expected in an area with limited transportation infrastructure relative to projected demand.

A location-based TSDC would result in lower or discounted charges in the downtown core, mixed use areas, and transit and limited-parking corridors in recognition of the fact that developments in such areas generate fewer and shorter vehicle trips.

The TSDC methodology proposed for the City's updated charge provides discounts for developments within high-density areas. Also, individual high-density residential developments could be eligible for a discounted TSDC after providing documentation of their reduced vehicle trip generation rates.

Green Design

The Metro Report notes that adopting green design standards has led to a reduced need for additional infrastructure improvements. The Report also recommends discounting TSDCs for green design features: transportation demand management measures and site designs that may reduce vehicle trip generation (for example, bicycle parking structures or reduced parking).

Although the City has yet to adopt design standards that would reduce the capacity demand of future development, sites that incorporate green design features are eligible for a discounted TSDC after providing documentation of their reduced vehicle trip generation rates.

Technical vs. Policy-Based Solutions

The Metro Report notes that either a technical or a policy basis can support differences in the total TSDC assessed to a particular development. Both bases reflect the infrastructure impact of development characteristics such as land use, density, location, and design elements. However, policy-based differences often have less supporting documentation and typically result in a decrease in SDC revenues that must be funded from other governmental revenues. On the other hand, technically-based charge variations can be incorporated into the TSDC methodology to ensure full cost recovery. It is our belief that such "technical" or cost-based variations are consistent with the statutory requirement that ratemaking principles be used to develop the SDC, or more specifically, the reimbursement fee.

RECOMMENDATIONS

Full Cost Recovery

In order to ensure full recovery of costs required to meet the capacity demands of growth, we recommend that the City use the 20-year project list under development. The City should also update its capital improvement plans as often as necessary to ensure that they are comprehensive in their identification of required improvements to serve growth.

Additionally, the City should ensure that the construction cost index utilized to annually adjust the TSDC is the most effective measure of changes in the City's cost of building transportation infrastructure.

Impact-Based SDCs

We recommend that the City continue to vary its TSDC by land use type, without incorporating distinctions related to specific housing size and/or homes per lot.

Recognition of Cost Variations By Location

We recommend that location-based considerations in the allocation of planned transportation improvement costs be limited to dedicated high-density areas for development (the Regional Center and Molalla Avenue).

Green Design

We recommend that the City provide for the use of alternative methodologies to calculate individual TSDCs. Such a process would allow documented site-specific trip generation estimates to supersede the Institute of Transportation Engineers (ITE) estimates used to initially calculate the applicable charge. For example, if it could be shown that the inclusion of physical features like bicycle racks or parking limitations support reduced trip generation rates, then that green design practice would be charged for the lower trip generation. In addition, the TSDC adopting ordinance should explicitly encourage green design and the resulting reduction in trip generation.

Technical vs. Policy-Based Solutions

Finally, we concur with the recommendation that technically-based considerations in the TSDC be given preference over policy-based approaches. Although there is sound reasoning underlying assumptions in lower or greater vehicle trip rates and cost of service based on specific development characteristics, distinctions in the transportation charge should be supported by documented variations.

Appendix B

Technical Analysis

Oregon City
Transportation SDC Study
Transportation Fee Calculation

FINAL

Table 1

Reimbursement Fee		**Roadway Improvements**		**Bike / Ped Improvements**	
Cost of Net Unused Capacity		$ 6,208,392		$ -	
Citywide Growth to End of Planning Period		23,448	Peak-Hour Trips	31,974	Bike / Ped Trips
Reimbursement Fee		$ 264.78	per P-HT	$ -	per Bike/Ped Trip
Improvement Fee					
Capacity Expanding Projects		$ 156,840,988		$ 6,432,131	
Citywide Growth to End of Planning Period		23,448	Peak-Hour Trips	31,974	Bike / Ped Trips
Improvement Fee		$ 6,689.01	per P-HT	$ 201.17	per Bike/Ped Trip
Total System Development Charge					
Reimbursement Fee		$ 264.78	per P-HT	$ -	per Bike/Ped Trip
Improvement Fee		$ 6,689.01	per P-HT	$ 201.17	per Bike/Ped Trip
TSDC Subtotal		$ 6,953.78	per P-HT	$ 201.17	per Bike/Ped Trip
plus: Administrative Cost Recovery	0.67%	$ 46.25	per P-HT	$ 1.34	per Bike/Ped Trip
Total TSDC		**$ 7,000**	per P-HT	**$ 202.51**	per Bike/Ped Trip

Oregon City
Transportation SDC Study
Customer Data: Trip Growth

FINAL

Table 2

Trip Data

Vehicle Trips within UGB	#	Year	Note
Initial Peak-Hour Trips	24,892	2005	(1)
Current Peak-Hour Trips	26,955	2008	(2)
P-HT Growth During Study Period	**23,448**		(3)
Future Peak-Hour Trips	48,339	2030	(1)
Average Annual Peak-Hour Trip Growth	2.69%		
% Future Composed of Growth	48.51%		

Bike / Ped Trips within UGB		Note
Peak-Hour Trip Growth	23,448	(3)
Average Daily Trip Growth (estimate)	234,476	(4)
Bike/Ped % of Total Trips	12.0%	(5)
Total Daily Trip Growth (Vehicle & Bike/Ped)	266,450	
Bike/Ped Daily Trip Growth	**31,974**	

NOTES

(1) Source: 2005-2030 Metro Travel Demand Model.
(2) Interpolated from the average annual growth rate for peak-hour trips from 2005 to 2030.
(3) Source: 2008 Oregon City Transportation SDC Rate. DKS Associates. Growth between the 2005 and 2030 Metro travel demand model data for land within the urban growth boundary. This does include the urban level development assumptions within the Park Place Concept Plan area and the Beavercreek Concept Plan area.
(4) Estimate based on standard ratio of 10 average daily trips per 1 peak-hour trip.
(5) Census travel data in the Portland Metro area demonstrates that walking, bike, and transit trips generally account for 12% of all trips.

Oregon City
Transportation SDC Study
Existing Infrastructure Costs for TSDC

FINAL

Table 3

Description	Capacity Related	**Unused Capacity**	Used Capacity
Historical TSDC Expenditures (1)	$ 7,775,416	**$ 6,208,392**	$ 1,567,025

NOTES

(1) Unused Capacity of Assets Funded by TSDC Expenditures. To date, the charge has not had a reimbursement fee component (source: 1997 Transportation System Development Charge update).

Unused Capacity of Assets Funded by TSDC Expenditures

Construction Year	**FY 1993**	**FY 1994**	**FY 1995**	**FY 1996**	**FY 1997**	**FY 1998**	**FY 1999**	**FY 2000**	**FY 2001**
Improvement Fee Expenditures [Note A]	$ 12,444.45	$ 5,162.59	$ 507,848.58	$ 714,934.89	$ 136,329.78	$ 607,437.68	$ 349,194.47	$ 2,150,624.00	$ 3,291,440.00
Percentage For Capacity Increasing Projects	100%	100%	100%	100%	100%	100%	100%	100%	100%
Applicable TSDC Expenditures	$ 12,444	$ 5,163	$ 507,849	$ 714,935	$ 136,330	$ 607,438	$ 349,194	$ 2,150,624	$ 3,291,440
Beginning Trip Total [Note B]	18,101	18,588	19,088	19,601	20,129	20,670	21,226	21,797	22,384
Current Trip Total (FY 2008) [Note B]	26,955	26,955	26,955	26,955	26,955	26,955	26,955	26,955	26,955
Ending Trip Total for Study Period (FY 2030) [Note B]	48,339	48,339	48,339	48,339	48,339	48,339	48,339	48,339	48,339
% of Capacity Used by Growth to FY 2008	**29.3%**	**28.1%**	**26.9%**	**25.6%**	**24.2%**	**22.7%**	**21.1%**	**19.4%**	**17.6%**
Cost of Unused Capacity	**$ 8,800**	**$ 3,711**	**$ 371,258**	**$ 531,986**	**$ 103,340**	**$ 469,458**	**$ 275,410**	**$ 1,732,696**	**$ 2,711,733**

Note [A]. Source: FY1991 - FY2001 Street SDC report of revenues and expenditures (Program 401).

Note [B]. Source: Historical peak-hour trips derived from rate of growth implied in 2005-2030 trip forecast.

Oregon City
Transportation SDC Study
TSDC Project List -- Road Improvements

FINAL

Table 4

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	City Funding Responsibility (3)	Project Cost (1)	SDC Eligible Cost
			State Facility Projects (All Sources)					
PP-1	2008 List	2008	HWY 213 Corridor Improvements (I-205 to Oregon City UGB)	0.0%	100.0%	30.0%	R-37, R-51, R-52, R-53, R-77, R-88, R-105	See Related Project Costs
R-37	2008 List	2008	HWY 213: I-205 to Redland Rd	17.3%	82.7%	30.0%	PP-1, R-51, R-52, R-53, R-77, R-88	See Related Project Costs
R-38	2008 List	2008	HWY 213: Molalla Ave to Henrici Rd	23.8%	76.2%	30.0%	R-54, R-55, R-56, P-51	See Related Project Costs
R-48	2008 List	2008	HWY 99E/I-205 SB Ramps	93.0%	7.0%	30.0%	762,000	212,598
R-49	2008 List	2008	HWY 99E/I-205 NB Ramps	0.0%	100.0%	30.0%	783,000	-
R-50	2008 List	2008	HWY 99E/Main Street	38.8%	61.2%	30.0%	422,000	49,159
R-52	2008 List	2008	HWY 213/Washington Street	83.0%	17.0%	30.0%	20,000,000	4,980,000
R-53	2008 List	2008	Hwy 213/Redland Road	99.0%	1.0%	40.0%	10,600,000	4,197,600
R-54	2008 List	2008	HWY 213/Molalla Avenue	54.0%	46.0%	30.0%	1,450,000	235,026
R-55	2008 List	2008	HWY 213/Glen Oak Road/Caufield Road	79.0%	21.0%	30.0%	340,000	80,580
R-56	2008 List	2008	HWY 213/Henrici Road	62.8%	37.2%	30.0%	720,000	135,574
R-77	2008 List	2008	Redland Rd/Abernethy Rd	84.0%	16.0%	30.0%	450,000	113,400
R-88	2008 List	2008	Redland Rd extension between Abernethy Rd & Washington St	39.2%	60.8%	30.0%	13,100,000	1,540,959
R-105	2008 List	2008	Hwy 213/Beavercreek Road (improvement for existing deficiency)	0.0%	100.0%	30.0%	50,000,000	-
			Beavercreek Concept Plan-BR					
BR-1	2008 List	2008	Beavercreek Rd: Marjorie Ln to Clairmont Dr (CCC Entrance)	51.6%	48.4%	100.0%	6,300,000	3,251,502
BR-2	2008 List	2008	Beavercreek Rd: Clairmont Dr (CCC Entrance) to UGB (not Henrici)	54.0%	46.0%	100.0%	10,995,000	5,940,487
BR-3	2008 List	2008	Clairmont Drive: Beavercreek Road to Center Parkway	100.0%	0.0%	100.0%	2,400,000	2,400,000
BR-4	2008 List	2008	Loder Road: Beavercreek Road to Center Parkway	54.8%	45.2%	100.0%	1,400,000	766,610
BR-5	2008 List	2008	Loder Road: Center Parkway to East Site Boundary	100.0%	0.0%	100.0%	4,200,000	4,200,000
BR-6	2008 List	2008	Meyers Road: Beavercreek Road to Ridge Parkway	100.0%	0.0%	100.0%	3,500,000	3,500,000
BR-7	2008 List	2008	Glen Oak Road: Beavercreek Road to Ridge Parkway	100.0%	0.0%	100.0%	3,400,000	3,400,000
BR-8	2008 List	2008	Center Parkway: Old Acres Ln to Thayer Road	100.0%	0.0%	100.0%	17,700,000	17,700,000
BR-9	2008 List	2008	Ridgeway Parkway: Old Acres Ln to North Site Boundary	100.0%	0.0%	100.0%	9,800,000	9,800,000
BR-10	2008 List	2008	Beavercreek Road/Maplelane Road	53.4%	46.6%	100.0%	250,000	133,444
BR-11	2008 List	2008	Beavercreek Road/Meyers Road	53.1%	46.9%	100.0%	5,000,000	2,654,172
			Park Place Concept Plan-PP					
PP-2	2008 List	2008	Redland Road: Abernethy/Holcomb to Swan Ave (Holly Ln)	39.6%	60.4%	100.0%	11,500,000	4,558,791
PP-3	2008 List	2008	Holly Lane: Redland to Maplelane Road	54.4%	45.6%	100.0%	1,000,000	544,218
PP-4	2008 List	2008	Livesay Road: Swan Ext to Holly Ext	76.3%	23.7%	100.0%	1,800,000	1,373,333
PP-5	2008 List	2008	Donovan Road: Holly Lane to Ogden Middle School	62.8%	37.2%	100.0%	1,200,000	753,191
PP-6	2008 List	2008	Swan Ave Extension: Existing Swan Ave S to Holcomb Blvd	100.0%	0.0%	100.0%	1,100,000	1,100,000
PP-8	2008 List	2008	Swan Ave Extension: Redland Rd to Holly Ln	100.0%	0.0%	100.0%	9,300,000	9,300,000

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	City Funding Responsibility (3)	Project Cost (1)	SDC Eligible Cost
PP-9	2008 List	2008	Holly Lane Extension: Redland Rd to Holcomb Blvd	100.0%	0.0%	100.0%	17,400,000	17,400,000
PP-10	2008 List	2008	Anchor Way/Redland	70.0%	30.0%	100.0%	2,900,000	2,030,000
PP-11	2008 List	2008	Holly Ln/Redland Rd	65.0%	35.0%	100.0%	2,000,000	1,300,000
PP-12	2008 List	2008	Holly Ln/Maplelane Rd	65.0%	35.0%	100.0%	1,600,000	1,040,000
PP-13	2008 List	2008	Swan Ave/Holcomb Blvd	69.2%	30.8%	100.0%	300,000	207,468
			Roadway System Plan-R (City Streets)					
R-10	2008 List	2008	Washington Street/12th Street	29.9%	70.1%	100.0%	510,000	152,696
R-11	2008 List	2008	Anchor Way: 18th St to Redland Rd	40.0%	60.0%	100.0%	445,000	178,000
R-12	2008 List	2008	Beavercreek Road: CCC to Glen Oak Rd	0.0%	100.0%	100.0%	See cost for BR-2.	-
R-13	2008 List	2008	Boynton Street: Warner Parrot Rd to Buol St	40.0%	60.0%	100.0%	445,000	178,000
R-14	2008 List	2008	Central Point Road: Roundtree Dr to UGB	40.0%	60.0%	100.0%	940,000	376,000
R-15	2008 List	2008	Forsythe Rd: Clackamas River Dr to Swan Ave	40.0%	60.0%	100.0%	1,200,000	480,000
R-16	2008 List	2008	Gaffney Lane: Molalla Ave to Meyers Rd	40.0%	60.0%	100.0%	1,635,000	654,000
R-17	2008 List	2008	Glen Oak Road: HWY 213 to Beavercreek Rd	100.0%	0.0%	100.0%	825,000	825,000
R-18	2008 List	2008	Holcomb Road: Redland Rd to UGB	40.0%	60.0%	100.0%	2,710,000	1,084,000
R-19	2008 List	2008	Holmes Lane-Hilda St: Linn Ave to Alden St	40.0%	60.0%	100.0%	1,090,000	436,000
R-20	2008 List	2008	Leland Rd: McCord Rd to UGB	100.0%	0.0%	100.0%	1,616,000	1,616,000
R-21	2008 List	2008	Maplelane Road: Beavercreek Rd to UGB	40.0%	60.0%	100.0%	1,360,000	544,000
R-22	2008 List	2008	McCord Road: Central Point Rd to Leland Rd	40.0%	60.0%	100.0%	740,000	296,000
R-23	2008 List	2008	Partlow Road: South End Rd to Central Point Rd	40.0%	60.0%	100.0%	1,700,000	680,000
R-24	2008 List	2008	Pease Road: Leland Rd to McCord Rd	40.0%	60.0%	100.0%	1,070,000	428,000
R-25	2008 List	2008	Redland Rd: Holly Ln to UGB	100.0%	0.0%	100.0%	2,212,000	2,212,000
R-26	2008 List	2008	South End Road: Partlow Rd to UGB	100.0%	0.0%	100.0%	1,445,000	1,445,000
R-27	2008 List	2008	Swan Avenue: Holcomb Rd to Forsythe Rd	40.0%	60.0%	100.0%	851,000	340,400
R-28	2008 List	2008	Thayer Road: Maplelane Rd to UGB	40.0%	60.0%	100.0%	902,000	360,800
R-29	2008 List	2008	Washington St-Clackamas River Drive: Abernethy Rd to UGB	100.0%	0.0%	100.0%	1,750,000	1,750,000
R-30	2008 List	2008	Holcomb Road/Front St/Beemer Jacobs Way	52.5%	47.5%	100.0%	1,130,000	593,690
R-31	2008 List	2008	Leland Rd/Pease Rd	72.6%	27.4%	100.0%	250,000	181,513
R-34	2008 List	2008	Warner Milne Rd/Molalla Ave	30.7%	69.3%	100.0%	1,614,000	496,228
R-35	2008 List	2008	Warner Milne/Warner Parrott Rd/Leland/Linn Ave/Central Point Rd	42.8%	57.2%	100.0%	2,000,000	856,924
R-40	2008 List	2008	Washington Street: 12th St to 7th St	35.4%	64.6%	100.0%	1,340,000	474,768
R-42	2008 List	2008	Molalla Avenue: Holmes Lane to HWY 213	31.9%	68.1%	100.0%	See related project costs.	-
R-44	2008 List	2008	Warner Milne Road: Beavercreek Rd to Leland/Linn Ave	28.6%	71.4%	100.0%	7,500,000	2,148,058
R-61	2008 List	2008	Main Street/14th Street	65.0%	35.0%	100.0%	515,000	334,750
R-62	2008 List	2008	Main Street/10th Street	65.0%	35.0%	100.0%	515,000	334,750
R-63	2008 List	2008	Molalla Avenue/Barclay Hills Dr	32.3%	67.7%	100.0%	60,000	19,394
R-64	2008 List	2008	Molalla Avenue/Clairmont Way	23.5%	76.5%	100.0%	400,000	94,068
R-65	2008 List	2008	Molalla Avenue/Gaffney Lane	23.6%	76.4%	100.0%	450,000	106,354
R-66	2008 List	2008	Beavercreek Rd/Warner Milne Rd	27.4%	72.6%	100.0%	440,000	120,402
R-69	2008 List	2008	Beavercreek Rd/Glen Oak Rd	54.0%	46.0%	100.0%	See cost for BR-7.	-
R-70	2008 List	2008	Warner Parrott Rd/South End Rd	65.0%	35.0%	100.0%	1,553,580	1,009,827
R-71	2008 List	2008	Warner Parrott Rd/Central Point Rd	42.5%	57.5%	100.0%	See R-35	-
R-72	2008 List	2008	Warner Milne Rd/Linn-Leland Ave	42.9%	57.1%	100.0%	See R-35	-

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	City Funding Responsibility (3)	Project Cost (1)	SDC Eligible Cost
R-73	2008 List	2008	South End Rd/High Street/S 2nd St	65.0%	35.0%	100.0%	1,367,604	888,943
R-75	2008 List	2008	Linn Ave/Davis Rd/Ethel St	86.0%	14.0%	100.0%	510,300	438,858
R-76	2008 List	2008	Leland Rd/Clairmont Way/Meyers Rd	67.9%	32.1%	100.0%	510,300	346,493
R-79	2008 List	2008	Spring Valley Dr: Partlow Rd to Salmonberry Dr	0.0%	100.0%	100.0%	N/A	-
R-80	2008 List	2008	Shenandoah Dr: Central Point to Pease Rd & Pease to Leland Rd	28.6%	71.4%	100.0%	N/A	-
R-83	2008 List	2008	South Douglas Loop (CCC) to Glen Oak Road	23.7%	76.3%	100.0%	3,120,000	739,518
R-84	2008 List	2008	Coquille Drive Extension	49.7%	50.3%	100.0%	5,200,000	2,586,347
R-86	2008 List	2008	Meyers Road to Caufield Road	65.8%	34.2%	100.0%	N/A	-
R-91	2008 List	2008	SE 82nd Drive crossing of Clackamas River	24.9%	75.1%	100.0%	N/A	-
R-92	2008 List	2008	Fir Street Extension: Highway 213 to Beavercreek Road	51.5%	48.5%	100.0%	18,750,000	9,660,883
R-93	2008 List	2008	Ethel St to May St (south of Holmes Lane)	44.5%	55.5%	100.0%	N/A	-
R-94	2008 List	2008	Laurel Lane Extension: May St to Warner Milne Rd	42.7%	57.3%	100.0%	N/A	-
R-95	2008 List	2008	Roosevelt St Extension: Molalla Ave to Linn Ave	45.6%	54.4%	100.0%	N/A	-
R-96	2008 List	2008	12th Street Extension: Taylor St to Grant St	40.3%	59.7%	100.0%	N/A	-
R-97	2008 List	2008	Skellenger Way to Meyers Road/Clairmont Way	40.4%	59.6%	100.0%	N/A	-
R-98	2008 List	2008	Meyers Road Extension: Highway 213 to High School Lane	54.2%	45.8%	100.0%	10,000,000	5,415,282
R-102	2008 List	2008	Parrish Road Extension	100.0%	0.0%	100.0%	4,000,000	4,000,000
R-104	2008 List	2008	Molalla Avenue/Taylor/Division	34.2%	65.8%	100.0%	1,000,000	341,998
R-106	2008 List	2008	Agnes Street: Main Street to Highway 213	61.4%	38.6%	100.0%	13,575,000	8,332,559
Total				**58.1%**	**41.9%**	**78.3%**	**$ 312,918,784**	**$ 158,455,615**
less: Beginning FY2007 Transportation SDC Fund Balance (4)								$ 1,614,627
Total Future Capital Projects for SDC Calculation								$ 156,840,988

NOTES

(1) 2008 List = Primary sources were the 2001 Transportation System Plan and the Beavercreek Road and Park Place Concept Plans. Original cost estimates in 2001 TSP were updated to 2008 dollars.

(2) Projects were allocated based on growth's share of total future peak-hour trips. When such data was unavailable, baseline projections of vehicle/capacity (V/C) ratios were utilized to determine existing system deficiencies.

(3) Minimum 10% City match for State project costs. The City anticipates potential City contribution of at least 30% and up to 40%.

(4) Source: FY2007 City budget.

Oregon City
Transportation SDC Study
TSDC Project List -- Bike/Ped Improvements

FINAL

Table 5

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	Project Cost (1)	SDC Eligible Cost
			Bicycle System Improvements-B				
B-2	2008 Bike/Ped	2008	Beavercreek Road (Maplelane to UGB)	48.5%	51.5%	$ 55,080	$ 26,717
B-3	2008 Bike/Ped	2008	Molalla Avenue (Beavercreek to Hwy 213)	48.5%	51.5%	29,160	14,144
B-4	2008 Bike/Ped	2008	Singer Hill (Hwy 99E to 7th St)	48.5%	51.5%	N/A	-
B-5	2008 Bike/Ped	2008	South End Road (Barker Avenue to UGB)	48.5%	51.5%	2,360,897	1,145,187
B-6	2008 Bike/Ped	2008	Warner Milne Road (Linn Ave to Molalla Ave)	48.5%	51.5%	23,328	11,316
B-7	2008 Bike/Ped	2008	Washington Street (11th Street to 5th Street)	48.5%	51.5%	12,960	6,286
B-8	2008 Bike/Ped	2008	Highway 99E (S 2nd Street to South UGB)	48.5%	51.5%	133,650	64,829
B-9	2008 Bike/Ped	2008	Highway 213 (I-205 to Molalla Ave)	48.5%	51.5%	12,960	6,286
B-10	2008 Bike/Ped	2008	5th Street (High street to Jackson street)	48.5%	51.5%	7,128	3,458
B-11	2008 Bike/Ped	2008	Anchor Way (Redland Road to Division Street)	48.5%	51.5%	See cost for R-11.	-
B-12	2008 Bike/Ped	2008	Central Point Road (Warner Parrott to UGB)	48.5%	51.5%	125,388	60,821
B-13	2008 Bike/Ped	2008	Division Street (Anchor Way to Molalla Ave)	48.5%	51.5%	33,048	16,030
B-14	2008 Bike/Ped	2008	Gaffney Lane (Molalla Avenue to Meyers Road)	48.5%	51.5%	See cost for R-16.	-
B-15	2008 Bike/Ped	2008	Holmes Lane (Telford Road to Molalla Avenue)	48.5%	51.5%	9,720	4,715
B-16	2008 Bike/Ped	2008	Leland Road (Warner Milne Road to UGB)	48.5%	51.5%	2,195,988	1,065,195
B-17	2008 Bike/Ped	2008	Main Street Extension	48.5%	51.5%	346,874	168,256
B-18	2008 Bike/Ped	2008	Monroe Street (12th Street to 5th Street)	48.5%	51.5%	7,290	3,536
B-19	2008 Bike/Ped	2008	Partlow Road (South End Road to Central Point Road)	48.5%	51.5%	See cost for R-23.	-
B-20	2008 Bike/Ped	2008	12th Street (99E to Taylor St)	48.5%	51.5%	45,360	22,003
B-21	2008 Bike/Ped	2008	15th Street (Washington St to Division St)	48.5%	51.5%	11,340	5,501
B-22	2008 Bike/Ped	2008	Barker Ave (South End Rd to Telford Ave)	48.5%	51.5%	8,100	3,929
B-24	2008 Bike/Ped	2008	Center Street (7th St to Telford Ave)	48.5%	51.5%	31,104	15,087
B-25	2008 Bike/Ped	2008	Clackamette Drive (Main St Extension to Highway 99E)	48.5%	51.5%	19,440	9,430
B-26	2008 Bike/Ped	2008	Front Avenue (Forsythe Rd to Holcomb Rd)	48.5%	51.5%	21,384	10,373
B-28	2008 Bike/Ped	2008	High Street (7th St to S 2nd St)	48.5%	51.5%	8,586	4,165
B-29	2008 Bike/Ped	2008	Hilda St/Alden St/Barclay Hills Dr-Molalla Ave to Newell Ridge Dr	48.5%	51.5%	6,480	3,143
B-30	2008 Bike/Ped	2008	Holcomb Boulevard (Abernethy Rd to UGB)	48.5%	51.5%	65,448	31,746
B-31	2008 Bike/Ped	2008	Jackson Street (15th St to 12th St)	48.5%	51.5%	6,480	3,143
B-32	2008 Bike/Ped	2008	Main Street (Main Extension to Singer Hill)	48.5%	51.5%	11,340	5,501
B-33	2008 Bike/Ped	2008	Meyers Road (Highway 213 to Beavercreek Rd)	48.5%	51.5%	See cost for R-98.	-
B-34	2008 Bike/Ped	2008	Railroad Avenue (Main St to Hwy 99E)	48.5%	51.5%	4,860	2,357
B-35	2008 Bike/Ped	2008	Swan Avenue (Forsythe Rd to Holcomb Blvd)	48.5%	51.5%	8,910	4,322
B-36	2008 Bike/Ped	2008	Telford Road (Center St to Holmes Lane)	48.5%	51.5%	8,100	3,929

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	Project Cost (1)	SDC Eligible Cost
B-37	2008 Bike/Ped	2008	Taylor Street (12th St to 7th St)	48.5%	51.5%	10,368	5,029
B-38	2008 Bike/Ped	2008	Canemah Road (Telford Road to Warner Parrott Road)	48.5%	51.5%	3,564	1,729
B-39	2008 Bike/Ped	2008	Davis Road (Telford Road to Linn Avenue)	48.5%	51.5%	5,994	2,907
B-40	2008 Bike/Ped	2008	Cleveland Street (Front Street to Swan Avenue)	48.5%	51.5%	10,692	5,186
B-41	2008 Bike/Ped	2008	Clackamas River Drive (Hwy 213 to UGB)	48.5%	51.5%	27,540	13,359
B-42	2008 Bike/Ped	2008	Abernethy Road (Washington Street to Redland Road)	48.5%	51.5%	17,172	8,330
B-43	2008 Bike/Ped	2008	Fir Street (Molalla Avenue to Beavercreek Road)	48.5%	51.5%	29,160	14,144
B-44	2008 Bike/Ped	2008	Melinda Street (Clackamas River Drive to Front Street)	48.5%	51.5%	4,212	2,043
			Recommended Pedestrian Improvements				
P-1	2008 Ped List		Highway 213 (Molalla Avenue to UGB)	48.5%	51.5%	-	-
P-2	2008 Ped List		Highway 99E (Clackamas River Br to Dunes Drive)	48.5%	51.5%	-	-
P-4	2008 Ped List		Highway 99E (Tumwater Drive to Hedges Street)	48.5%	51.5%	-	-
P-5	2008 Ped List		Abernethy-Holcomb Blvd (Washington Street to Winston Drive)	48.5%	51.5%	See cost for R-18.	-
P-6	2008 Ped List		Abernethy-Holcomb Blvd (Redland Road to Winston Drive)	48.5%	51.5%	See cost for R-18.	-
P-10	2008 Ped List		Beavercreek Road (Maplelane Road to UGB)	48.5%	51.5%	See costs for BR-1 & BR-2.	-
P-11	2008 Ped List		Berta Drive (Clairmont Way to Gaffney Lane)	48.5%	51.5%	116,640	56,578
P-12	2008 Ped List		Berta Drive (Gaffney Lane to End)	48.5%	51.5%	77,760	37,719
P-13	2008 Ped List		Boynton Street (warner Parrott Road to Buol street)	48.5%	51.5%	See cost for R-13.	-
P-14	2008 Ped List		Center Street (S 2nd Street to Telford Road)	48.5%	51.5%	388,800	188,593
P-15	2008 Ped List		Central Point Road (Roundtree Drive to Partlow Road)	48.5%	51.5%	See cost for R-14.	-
P-16	2008 Ped List		Central Point Road (Skellenger Way to UGB)	48.5%	51.5%	See cost for R-14.	-
P-17	2008 Ped List		Central Point Road (Roundtree Drive to UGB)	48.5%	51.5%	See cost for R-14.	-
P-18	2008 Ped List		Clackamas River Drive (Hwy 213 to UGB)	48.5%	51.5%	See cost for R-29.	-
P-19	2008 Ped List		Clairmont Way (Southwood Drive to Leland Road)	48.5%	51.5%	291,600	141,445
P-20	2008 Ped List		Clairmont Way (Molalla Avenue to Leland Road)	48.5%	51.5%	388,800	188,593
P-21	2008 Ped List		Division Street (Selma Street to 12th Street)	48.5%	51.5%	58,320	28,289
P-22	2008 Ped List		Division Street (Gilman Park Drive to Anchor Way)	48.5%	51.5%	194,400	94,296
P-23	2008 Ped List		Division Street (15th Street to Anchor Way)	48.5%	51.5%	71,604	34,733
P-24	2008 Ped List		Forsythe Road (Clackamas River Dr to UGB)	48.5%	51.5%	See cost for R-15.	-
P-25	2008 Ped List		Front Avenue (Forsythe Road to Holcomb Blvd)	48.5%	51.5%	264,141	128,125
P-26	2008 Ped List		Gaffney Lane (Meyers Road to Lazy Creek Lane)	48.5%	51.5%	See cost for R-16.	-
P-27	2008 Ped List		Glen Oak Road (Hwy 213 to Beavercreek Road)	48.5%	51.5%	486,648	236,056
P-28	2008 Ped List		Holmes Lane (Molalla Avenue to Linn Avenue)	48.5%	51.5%	213,840	103,726
P-29	2008 Ped List		Holmes Lane (Laurel Lane to Reliance Lane)	48.5%	51.5%	See cost for R-19.	-
P-30	2008 Ped List		Leland Road (Warner Milne Road to Whitcomb Drive)	48.5%	51.5%	See cost for R-20.	-
P-31	2008 Ped List		Leland Road (Haven Road to UGB)	48.5%	51.5%	See cost for R-20.	-
P-32	2008 Ped List		Leland Road (Hiefield Court to UGB)	48.5%	51.5%	See cost for R-20.	-
P-33	2008 Ped List		Linn Ave (Jackson Street to Oak Street)	48.5%	51.5%	97,200	47,148
P-34	2008 Ped List		Linn Ave (Charman Street to Holmes Lane)	48.5%	51.5%	155,520	75,437

3a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.

#	Project Source (1)	Yr of Cost Estimate	Project Title (1)	Eligible Capacity Increasing % (2)	Serving Existing Deficiency	Project Cost (1)	SDC Eligible Cost
P-35	2008 Ped List		Linn Ave (Jackson street to Holmes Lane)	48.5%	51.5%	349,920	169,734
P-36	2008 Ped List		Maplelane Road (Beavercreek Road to Country Village Drive)	48.5%	51.5%	See cost for R-21.	-
P-37	2008 Ped List		McCord Road (Daybreak Court to Leland Road)	48.5%	51.5%	See cost for R-22.	-
P-38	2008 Ped List		McCord Road (Central Point Road to Leland Road)	48.5%	51.5%	See cost for R-22.	-
P-39	2008 Ped List		Meyers Road (Leland Road to Highway 213)	48.5%	51.5%	514,026	249,336
P-40	2008 Ped List		Meyers Road (Leland Road to Gaffney Lane)	48.5%	51.5%	291,600	141,445
P-41	2008 Ped List		Partlow Road (South End Road to Central Point Road)	48.5%	51.5%	See cost for R-23	-
P-42	2008 Ped List		Redland Road (Highway 213 to Abernethy Road)	48.5%	51.5%	See cost for R-25.	-
P-43	2008 Ped List		Redland Road (Abernethy Road to UGB)	48.5%	51.5%	See cost for R-25.	-
P-44	2008 Ped List		South End Road (Warner Parrott Road to UGB)	48.5%	51.5%	See cost for R-26.	-
P-45	2008 Ped List		South End Road (Barker Road to Warner Parrott Rd)	48.5%	51.5%	116,640	56,578
P-46	2008 Ped List		South End Road (Barker Road to 2nd Street)	48.5%	51.5%	855,360	414,905
P-47	2008 Ped List		Swan Avenue (Forsythe Road to Holcomb Blvd)	48.5%	51.5%	See cost for R-27.	-
P-48	2008 Ped List		Telford Road (Center Street to Davis Road)	48.5%	51.5%	445,176	215,939
P-49	2008 Ped List		Thayer Road (Maplelane Road to UGB)	48.5%	51.5%	See cost for R-28.	-
P-50	2008 Ped List		Warner Parrott Road (Linn Ave to South End Road)	48.5%	51.5%	316,467	153,507
P-51	2008 Ped List		Washington Street (Abernethy Road to Hwy 213)	48.5%	51.5%	See cost for R-29.	-
P-52	2008 Ped List		S 2nd Street (Tumwater Drive to Center Street)	48.5%	51.5%	77,760	37,719
P-53	2008 Ped List		15th Street (Highway 99E to Taylor Street)	48.5%	51.5%	816,480	396,045
P-55	2008 Ped List		Hood Street (Linn Ave to Gardiner Middle School)	48.5%	51.5%	116,640	56,578
P-56	2008 Ped List		Ethel Street (Linn Ave to Gardiner Middle School)	48.5%	51.5%	174,960	84,867
P-57	2008 Ped List		Jackson Street (16th Street to Atkinson Park)	48.5%	51.5%	77,760	37,719
P-58	2008 Ped List		Park Drive (Linn Avenue to Rivercrest Park)	48.5%	51.5%	194,400	94,296
P-59	2008 Ped List		Hilda Street (Molalla Avenue to Mountain View Cem.)	48.5%	51.5%	194,400	94,296
P-60	2008 Ped List		Warner Street (Molalla Avenue to St. John's Cem.)	48.5%	51.5%	194,400	94,296
Total				**48.5%**	**51.5%**	**$ 13,260,367**	**$ 6,432,131**

NOTES

(1) 2008 Bike/Ped = Project list provided as an appendix to 2008 Oregon City Transportation SDC Rate memo. DKS Associates.
2008 Ped List = Pedestrian System Plan Sidewalk Projects.

(2) Based on growth's share of total future peak-hour trips (2005-2030).

Oregon City
Transportation SDC Study
Administrative Cost Recovery Calculation

FINAL

Table 6

Net Annual Administrative Cost related to Transportation SDC (1)	$	30,000
Amortization of SDC Study Cost over 5 years (2):		21,239
Net Annual Transportation SDC Administrative Cost:	**$**	**51,239**
Estimated Annual Proposed SDC Revenues before Admin. Cost		
Revenues from Roadway Improvements Charge:	$	7,411,335
Revenues from Bike/Ped Improvements Charge:		292,370
	$	**7,703,705**
Admin. Cost / Total Annual Transportation SDC Revenues:		**0.67%** on all SDCs

NOTES

(1) Source: City staff.

(2)

Cost of:	$ 97,270
at:	3.0%
over:	5 years

Oregon City
Transportation SDC Study
TSDC by Land Use

FINAL

Table 7

TSDC $ 7,000 per P-HT

ITE Code	Customer Type	Land Use Description	Peak-Hour Trips	Pass-By Trip Factor	Adjusted P-H Ts	TSDC	Units
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	0.98	1	0.98	$ 6,860	KSF
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	0.86	1	0.86	$ 6,020	KSF
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	0.74	1	0.74	$ 5,180	KSF
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	0.26	1	0.26	$ 1,820	KSF
210	SF Detached	Single family detached housing.	1.01	1	1.01	$ 7,070	DU
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	0.62	1	0.62	$ 4,340	DU
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	0.52	1	0.52	$ 3,640	DU
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	0.59	1	0.59	$ 4,130	DU
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	0.17	1	0.17	$ 1,190	DU
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	0.59	1	0.59	$ 4,130	Room
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	0.47	1	0.47	$ 3,290	Room
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	2.74	1	2.74	$ 19,180	Hole
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	5.77	1	5.77	$ 40,390	Acre
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	3.54	1	3.54	$ 24,780	Lane
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	5.76	1	5.76	$ 40,320	KSF
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	1.64	1	1.64	$ 11,480	KSF
520 *	Elementary School	Public. Typically serves K-6 grades.	0.28	1	0.28	$ 1,960	Student
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	0.15	1	0.15	$ 1,050	Student
530	High School	Public. Serves students that completed middle or junior high school.	0.14	1	0.14	$ 980	Student
540	Junior/Community College	Two-year junior colleges or community colleges.	0.12	1	0.12	$ 840	Student
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	0.66	1	0.66	$ 4,620	KSF
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	13.18 0.82	0.33 0.33	4.35 0.27	$ 30,450 $ 1,890	KSF Student
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	7.09	1	7.09	$ 49,630	KSF
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	0.03	1	0.03	$ 210	Member
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	1.49	1	1.49	$ 10,430	KSF
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	1.73	1	1.73	$ 12,110	KSF
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	3.72	1	3.72	$ 26,040	KSF
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	1.5	1	1.5	$ 10,500	KSF
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	1.08	1	1.08	$ 7,560	KSF
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	1.29	1	1.29	$ 9,030	KSF

ITE Code	Customer Type	Land Use Description	Peak-Hour Trips	Pass-By Trip Factor	Adjusted P-H Ts	TSDC	Units
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	4.49	1	4.49	$ 31,430	KSF
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	3.87	0.718	2.78	$ 19,460	KSF
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, services such as real estate, investment, dance studios, florists, and small restaurants.	2.71	1	2.71	$ 18,970	KSF
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	5.06	0.475	2.4	$ 16,800	KSF
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	4.84	0.450	2.18	$ 15,260	KSF
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	3.8	1	3.8	$ 26,600	KSF
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	3.75	0.393	1.47	$ 10,290	KSF Leasable
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	2.64	1	2.64	$ 18,480	KSF
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	4.15	0.617	2.56	$ 17,920	KSF
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	10.45	0.265	2.76	$ 19,320	KSF
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	52.41	0.282	14.8	$ 103,600	KSF
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	8.42	0.327	2.75	$ 19,250	KSF
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	8.62	0.383	3.3	$ 23,100	KSF
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	0.46	0.157	0.07	$ 490	KSF
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	33.15	0.270	8.95	$ 62,650	KSF
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	45.74	0.270	12.35	$ 86,450	KSF
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	7.49	0.288	2.15	$ 15,050	KSF
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	10.92	0.315	3.44	$ 24,080	KSF
933 *	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	26.15	0.265	6.94	$ 48,580	KSF
934	Fast Food with Drive-Thru	Fast Food with drive-through window	34.64	0.265	9.2	$ 64,400	KSF
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	11.34	0.315	3.58	$ 25,060	KSF
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	13.86	0.235	3.26	$ 22,820	Fueling Position
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	13.38	0.123	1.65	$ 11,550	Fueling Position
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	13.33	0.382	5.09	$ 35,630	Fueling Position
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	5.54	1	5.54	$ 38,780	Wash Stall

NOTES:

Source: Institute of Transportation Engineers, *Trip Generation* , Seventh Edition.
Peak-Hour Trips: Weekday, peak-hour of adjacent street traffic. Most often, one hour between 4 and 6 p.m.
Pass-By Trip Factor reflects diverted linked trips in addition to pass-by trips.
ITE codes identified with asterisks (*) include information derived from the ITE manual (e.g., the pass-by factor is derived from pass-by counts for a similar land use or are as estimated by traffic engineers).

Land Use Units:

- KSF = 1,000 gross square feet building area
- DU = dwelling unit
- Room = number of rooms for rent
- Fueling Positions = maximum number of vehicles that can be served simultaneously
- Student = number of full-time equivalent students enrolled
- Hole = number of individual putting holes that are paired with driving tees
- Acre = 43,560 square feet of park space
- Lane = number of bowling lanes

Residential developments within designated regional centers and the Molalla Avenue area receive a 10% discount on the TSDC.
Non-residential developments within such areas will be assessed for the lesser of their estimated trip generation rate, based on land use, or 1.47 P-HTs per KSF.

Oregon City
Transportation SDC Study
Bicycle/Pedestrian Trip Generation Groups

FINAL

Table 8

Bike/Ped SDC $ 202.51 per bike/ped trip

Group 1	0.1	**Group 4**	0.6
Group 2	0.2	**Group 5**	1.0
Group 3	0.4	**Group 6**	2.0

ITE Code	Customer Type	Land Use Description	Bike/Ped Group	Bike/Ped SDC	Units
110	General Light Industrial	Typically less than 500 employees, free standing and single use. Examples: Printing plants, material testing laboratories, data processing equipment assembly, power stations.	1	$ 20.25	KSF
130	Industrial Park	Industrial Park areas that contain a number of industrial and/or related facilities (mix of manufacturing, service, and warehouse).	1	$ 20.25	KSF
140	Manufacturing	Facilities that convert raw materials into finished products. Typically have related office, warehouse, research, and associated functions.	2	$ 40.50	KSF
151	Mini-Warehouse	Storage Units or Vaults rented for storage of goods. Units are physically separate and access through an overhead door or other common access point. Example: U-Store-It.	1	$ 20.25	KSF
210	SF Detached	Single family detached housing.	5	$ 202.51	DU
220	Apartment	Rental Dwelling Units within the same building. At least 4 units in the same building. Examples: Quadplexes and all types of apartment buildings.	4	$ 121.51	DU
230	Condo/Townhouse	Residential Condominium/Townhouses under single-family ownership. Minimum of two single family units in the same building structure.	4	$ 121.51	DU
240	Mobile Home	Trailers or Manufactured homes that are sited on permanent foundations. Typically the parks have community facilities (laundry, recreation rooms, pools).	3	$ 81.00	DU
253	Elderly Housing	Restricted to senior citizens. Contains residential units similar to apartments or condos. Sometimes in self-contained villages. May also contain medical facilities, dining, and some limited, supporting retail.	3	$ 81.00	DU
310	Hotel	Lodging facility that may include restaurants, lounges, meeting rooms, and/or convention facilities. Can include a large motel with these facilities.	3	$ 81.00	Room
320	Motel	Sleeping accommodations and often a restaurant. Free on-site parking and little or no meeting space.	2	$ 40.50	Room
430	Golf Course	Includes 9, 18, 27, and 36 hole municipal and private country clubs. Some have driving ranges and clubhouses with pro shops, restaurants, lounges. Many of the muni courses do not include such facilities.	1	$ 20.25	Hole
435	Multipurpose Recreation Facility	Multi-purpose recreational facilities contain two or more of the following land uses at one site: mini-golf, batting cages, video arcade, bumper boats, go-carts, and driving ranges.	6	$ 405.02	Acre
437	Bowling Alley	Recreational facilities with bowling lanes which may include a small lounge, restaurant or snack bar.	3	$ 81.00	Lane
493	Athletic Club	Privately owned with weightlifting and other facilities often including swimming pools, hot tubs, saunas, racquet ball, squash, and handball courts.	5	$ 202.51	KSF
495	Recreational Community Center	Recreational community centers are facilities similar to and including YMCAs, often including classes, day care, meeting rooms, swimming pools, tennis racquetball, handball, weightlifting equipment, locker rooms, & food service.	6	$ 405.02	KSF
520 *	Elementary School	Public. Typically serves K-6 grades.	3	$ 81.00	Student
522	Middle School	Public. Serves students that completed elementary and have not yet entered high school.	2	$ 40.50	Student
530	High School	Public. Serves students that completed middle or junior high school.	1	$ 20.25	Student
540	Junior/Community College	Two-year junior colleges or community colleges.	1	$ 20.25	Student
560	Church	Contains worship area and may include meeting rooms, classrooms, dining area and facilities.	3	$ 81.00	KSF
565 *	Day Care	Facility for pre-school children care primarily during daytime hours. May include classrooms, offices, eating areas, and playgrounds.	1 1	$ 20.25 $ 20.25	KSF Student
590	Library	Public or Private. Contains shelved books, reading rooms or areas, sometimes meeting rooms.	6	$ 405.02	KSF
591	Lodge/Fraternal Organization	Includes a club house with dining and drinking facilities, recreational and entertainment areas, and meeting rooms.	4	$ 121.51	Member
710	General Office	Office building with multiple tenants. Mixture of tenants can include professional services, bank and Loan institutions, restaurants, snack bars, and service retail facilities.	6	$ 405.02	KSF
715	Single Tenant Office Building	Single tenant office building. Usually contains offices, meeting rooms, file storage areas, data processing, restaurant or cafeteria, and other service functions.	6	$ 405.02	KSF
720	Medical-Dental Office	Provides diagnosis and outpatient care on a routine basis. Typically operated by one or more private physicians or dentists.	1	$ 20.25	KSF
750	Office Park	Park or campus-like planned unit development that contains office buildings and support services such as banks & loan institutions, restaurants, service stations.	4	$ 121.51	KSF
760	Research & Development Center	Single building or complex of buildings devoted to research & development. May contain offices and light fabrication facilities.	2	$ 40.50	KSF

ITE Code	Customer Type	Land Use Description	Bike/Ped Group	Bike/Ped SDC	Units
770	Business Park	Group of flex-type or incubator 1 - 2 story buildings served by a common roadway system. Tenant space is flexible to accommodate a variety of uses. Rear of building usually served by a garage door. Typically includes a mix of offices, retail & wholesale.	1	**$ 20.25**	KSF
812	Building Materials & Lumber	Small, free standing building that sells hardware, building materials, and lumber. May include yard storage and shed storage areas. The storage areas are not included in the GLA needed for trip generation estimates.	1	**$ 20.25**	KSF
813	Discount Super Store	A free-standing discount store that also contains a full service grocery dept. under one roof.	1	**$ 20.25**	KSF
814	Specialty Retail	Small strip shopping centers containing a variety of retail shops that typically specialize in apparel, hard goods, services such as real estate, investment, dance studios, florists, and small restaurants.	6	**$ 405.02**	KSF
815	Discount Store	A free-standing discount store that offers a variety of customer services, centralized cashiering, and a wide range of products under one roof. Does not include a full service grocery dept. like Land Use 813, Free-standing Discount Superstore.	1	**$ 20.25**	KSF
816	Hardware/Paint Store	Typically free-standing buildings with off-street parking that sell paints and hardware.	1	**$ 20.25**	KSF
817	Nursery/Garden Center	Free-standing building with yard containing planting or landscape stock. May have large green houses and offer landscape services. Typically have office, storage, and shipping facilities. GLA is Building GLA, not yard and storage GLA.	1	**$ 20.25**	KSF
820	Shopping Center	Integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Provides enough on-site parking to serve its own parking demand. May include non-merchandising facilities such as office buildings, movie theatres, restaurants, post offices, health clubs, and recreation like skating rinks and amusements.	2	**$ 40.50**	KSF Leasable
841	New Car Sales	New Car dealership with sales, service, parts, and used vehicles	1	**$ 20.25**	KSF
848	Tire Store	Primary business is tire sales and repair. Generally does not have a large storage or warehouse area.	1	**$ 20.25**	KSF
850	Supermarket	Free-standing grocery store. May also contain ATMs, photo centers, pharmacies, video rental areas.	1	**$ 20.25**	KSF
851	Convenience Market	Sells convenience foods, newspapers, magazines, and often Beer & Wine. Does not have gas pumps.	6	**$ 405.02**	KSF
880	Pharmacy w/o drive through	Facilities that fulfill medical Prescriptions	3	**$ 81.00**	KSF
881	Pharmacy w/ drive through	Facilities that fulfill medical Prescriptions	3	**$ 81.00**	KSF
890	Furniture Store	Sells furniture, accessories, and often carpet/floor coverings.	1	**$ 20.25**	KSF
911 *	Walk-In Bank	Usually a Free-standing building with a parking lot. Does not have drive-up windows. May have ATMs.	1	**$ 20.25**	KSF
912	Drive-In Bank	Provides Drive-up and walk-in bank services. May have ATMs.	1	**$ 20.25**	KSF
931	Quality Restaurant	High quality eating establishment with slower turnover rates (more than one hour).	1	**$ 20.25**	KSF
932	High Turnover Sit-Down Rest.	Sit-Down eating establishment with turnover rates of less than one hour.	3	**$ 81.00**	KSF
933 *	Fast Food w/o Drive-Thru	Fast Food but no drive-through window	6	**$ 405.02**	KSF
934	Fast Food with Drive-Thru	Fast Food with drive-through window	6	**$ 405.02**	KSF
936 *	Drinking Place	Contains a bar where alcoholic beverages and snacks are serviced and possibly some type of entertainment such as music, games, or pool tables	1	**$ 20.25**	KSF
944	Gas Station	Sell gasoline and may also provide vehicle service and repair. Does not have Convenience Market and/or Car Wash.	1	**$ 20.25**	Fueling Position
945	Gas/Service Station with Convenience Market	Selling gas and Convenience Market are the primary business. May also contain facilities for service and repair. Does not include Car Wash.	1	**$ 20.25**	Fueling Position
946 *	Gas/Service Station with Convenience Market, Car Wash	Selling gas, Convenience Market, and Car Wash are the primary business. May also contain facilities for service and repair.	1	**$ 20.25**	Fueling Position
947	Self-Service Car Wash	Allows manual cleaning of vehicles by providing stalls for the driver to park and wash.	1	**$ 20.25**	Wash Stall

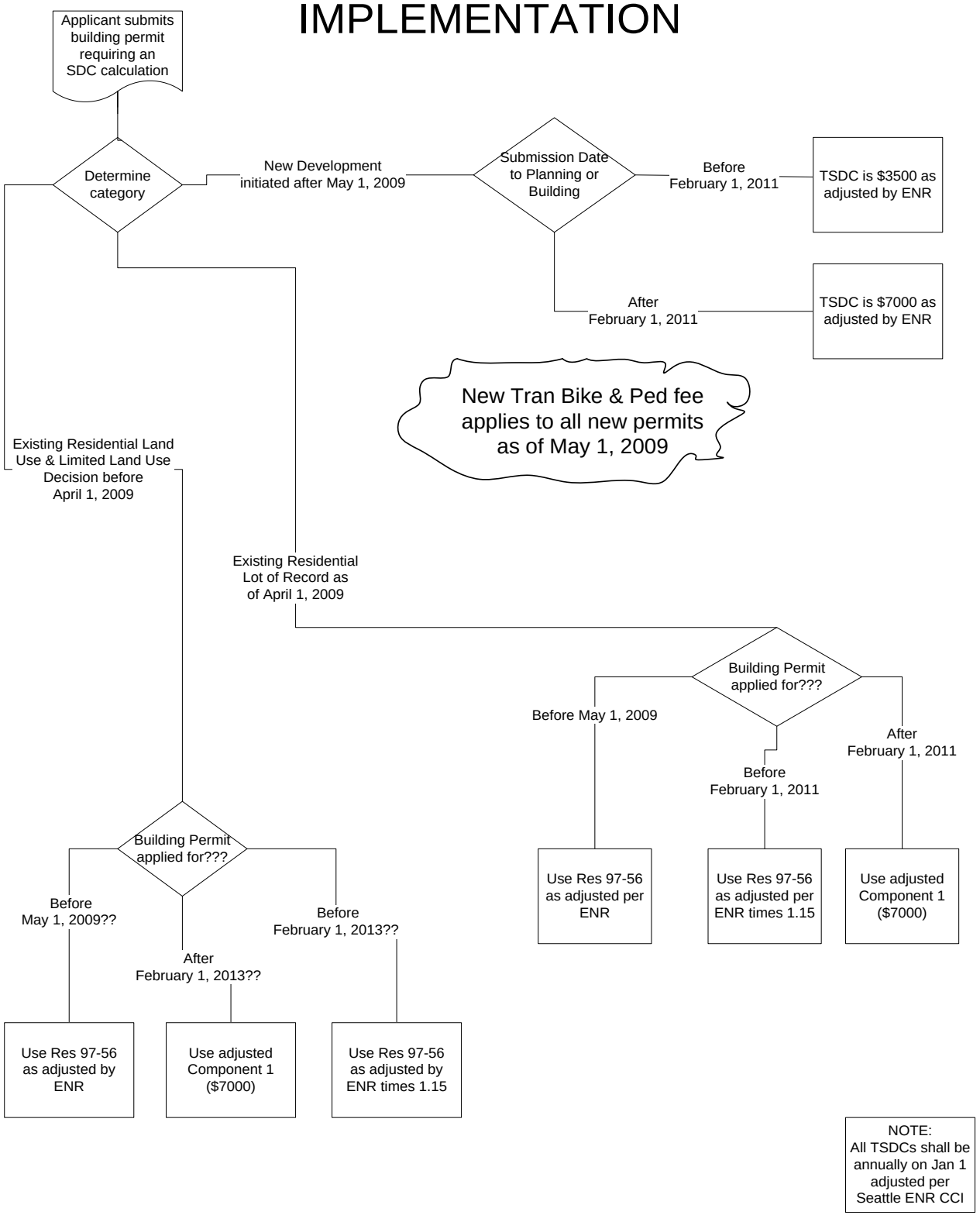
NOTES:

Land Use Units:

- KSF = 1,000 gross square feet building area
- DU = dwelling unit
- Room = number of rooms for rent
- Fueling Positions = maximum number of vehicles that can be served simultaneously
- Student = number of full-time equivalent students enrolled
- Hole = number of individual putting holes that are paired with driving tees
- Acre = 43,560 square feet of park space
- Lane = number of bowling lanes

Residential developments within designated regional centers and the Molalla Avenue area receive a 10% discount on the TSDC.
Non-residential developments within such areas will be assessed for the lesser of their estimated trip generation rate, based on land use, or 1.47 P-HTs per KSF.

TRANSPORTATION SDC IMPLEMENTATION



3a. AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres.

RESOLUTION NO. 09-02

A RESOLUTION REPEALING RESOLUTION 97-56, ADOPTING A METHODOLOGY, PROJECT LISTS, AND AMOUNTS FOR THE CITY'S TRANSPORTATION SYSTEM DEVELOPMENT CHARGE AND ESTABLISHING EFFECTIVE DATES

WHEREAS, state law (ORS 223) authorizes the City to charge new development for full new growth impact costs to infrastructure;

WHEREAS, City code, Chapter 13.20 (System Development Charge (SDC) for Capital Improvements) implements the statutory authority to impose SDCs on new development and specifically authorizes the City Commission to adopt and modify the amount of the charges and the amount of the charges and the methodology upon which such charges are based; and

WHEREAS, the City's Transportation SDC (TSDC) was last amended in 1997 through Resolution No. 97-56; and

WHEREAS, the costs estimated to accommodate the impacts of new development on the Oregon City transportation system in 2009 exceed the funding potential derived from the previous TSDC calculation; and

WHEREAS, the City has updated Transportation System Plan Capital Improvement Plan (TSP CIP) roadway and bicycle/pedestrian project lists for use in calculating the updated TSDC; and

WHEREAS, the City has updated the TSDC methodology and calculated a new amount in accordance with Oregon Revised Statutes 223.297-315 and Oregon City Municipal Code 13.20; and

WHEREAS, the results of the updated TSP CIP project lists, TSDC methodology, and calculated amount are documented in the attached March 2009 report prepared by FCS Group, Exhibit 1, adopted and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Commission that:

Section 1 – Action

A. Resolution 97-56, enacted on November 19, 1997, is hereby repealed in its entirety and its directions are replaced by this Resolution No. 09-02.

B. A new TSDC methodology and charge per pm peak hour trip and charge per bike/ped trip are adopted based on the transportation system improvements, trip projections, calculations, and conclusions presented in the FCS Group report (Exhibit 1).

Section 2 – TSDC Details

A. The new TSDC has two components and is hereby adopted and made applicable to all new development within the city limits of Oregon City.

Component 1: Roadway Improvements Project List = $7,000 per peak hour trip. For outright uses within the Mixed Use Downtown zone and along the 7th Street and Molalla Avenue Corridor, a ten percent reduction will be used for residential development and the lesser of the Shopping Center trip generation rate or the non-residential development's estimated trip generation rate will be used.

Component 2: Bicycle/Pedestrian Improvements Project List = $202.51 per bike/ped trip

B. Each cost component for individual developments will be calculated based on peak hour trip generation (Roadway Improvements Project List) and trip generation groups (Bike/Ped Improvements Project List) for the land use and the development size. See Exhibit 1 for these trip generation factors for representative land uses.

C. The City Engineer may use alternative data when, in the City Engineer's opinion, the alternative data are more reliable and realistic for a particular development than are the trip factors set forth in Exhibit 1.

Section 3 – Effective Dates and Annual Adjustment

A. Component 1 for the Roadway Improvements Project List described in Section 2 above applies to future development and building permit applications and shall be implemented in two equal increments as follows:
Effective 30 days after Resolution No. 09-02 adoption: $3500 per peak hour trip.
Effective February 1, 2011: $7,000 per peak hour trip (plus annual adjustment as described in Section 3E below).

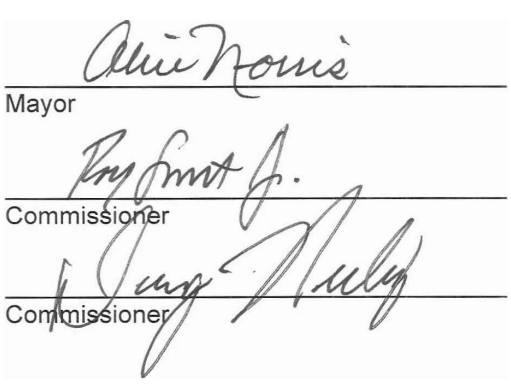
B. Component 2 for the Bike/Ped Improvements Project List described in Section 2 above applies to future development and building permit applications and shall become effective 30 days after Resolution No. 09-02 adoption.

C. For lots or parcels lawfully created prior to adoption of this resolution and situated in a residential zone, the former TSDC defined by Resolution No. 97-56 shall increase by a factor of 1.15 effective 30 days after Resolution No. 09-02 adoption. Component 1 with appropriate annual adjustment shall become effective on February 1, 2011.

D. For lots or parcels in a residential zone approved by a land use or limited land use decision prior to adoption of this resolution, the former TSDC defined by Resolution No. 97-56 shall increase by a factor of 1.15 effective 30 days after Resolution No. 09-02 adoption. Component 1 shall become effective February 1, 2013. Anytime after February 1, 2011, the City Commission may review the status of the construction market and consider an earlier Component 1 effective date.

E. All TSDCs described above shall be annually adjusted on January 1 based on the Seattle Engineering News Record (ENR) Construction Cost Index (CCI).

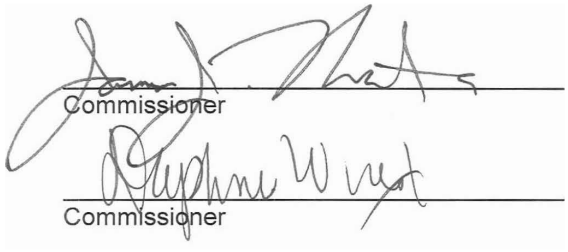
Adopted, signed and approved this 1st day of April 2009.



Mayor

Commissioner

Commissioner



Commissioner

Commissioner

Comprising the City Commission of Oregon City, Oregon

EXHIBITS ENTERED INTO THE RECORD AT A HEARING

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Hearing Date: 2-8-2010

File Number: AN 09-02

Exhibit Number:	Description of Exhibit:	Submitted By:
7	CRW letter dated 2/5/10	P. Walter
8	M. Mueller letter dated 2/1/10	P. Walter
9	P. Edgar email dated 2/1/10	P. Walter
10	Park Place N.A. letter dated 2/4/10	P. Walter
11	C. Kosinski letter dated 2/8/10	C. Kosinski
12	Oregon City Public Works letter dated 1/27/10	K. Ziegler

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 2-8-10

Item Number From Agenda 3A

NAME: CHRISTINE KOSINSKI

ADDRESS: **Street:** MOLLY LN

City, State, Zip: OC

PHONE NUMBER:

SIGNATURE: Christine Kosinski

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

OREGON CITY

Date of Meeting 2/8/10

Item Number From Agenda AN 09-02 3A

NAME: Tom Geil, VICE CHAIR PPNA

ADDRESS: **Street:** Fairview

City, State, Zip:

PHONE NUMBER: 503-722-0438

SIGNATURE: Tom Geil

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 2-8-10

AN 09-02

Item Number From Agenda 3A

NAME: George E. Thomas

ADDRESS: **Street:** 16644 S. Livesay RD

City, State, Zip: ore city OR 97045

PHONE NUMBER: 503-656-3911 or 656-5152

SIGNATURE: George E Thomas

(1)

COMMENT FORM

PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to ***3 MINUTES***.
- Give to the City staff in the Chambers ***prior*** to the meeting.

Date of Meeting 2/8/10

Item Number From Agenda 3A

AN-09-02

NAME: KURT ZIEGLER

ADDRESS: **Street:** 25020 SW VALLEY VIEW RD.

City, State, Zip: WEST LINN, OR 97068

PHONE NUMBER: (503) 701-9716

SIGNATURE: Kurt Ziegler

Clackamas River Water

P.O. Box 2439
Clackamas, Oregon 97015-2439
(503) 722-9220
Fax (503) 656-7086
Administration: 16770 SE 82nd Drive
Production/Operations: 9100 SE Mangan Drive

February 5, 2010

Mr. Tony Konkol, Senior Planner
City of Oregon City Planning Department
625 Center Street
Oregon City, OR 97045

RE: Clackamas River Water Annexation AN 09-02 Response
Annexation Objection Withdrawal

Mr. Konkol:

Since the City's Planning Commission meeting of January 25, 2010, the staff members of the City and CRW have met and reviewed the District's concerns as it relates to water service to the proposed the annexation AN 09-02 area. CRW has previously forwarded our edits for the City's staff report to correct and clarify the District's position. Attached for your records are CRW's edit changes to the City's reports.

If CRW's edits to the Staff report (REVISIONS TO PAGES 4-5, 16 and 19 OF AN 09-02 STAFF REPORT), and to the proposed findings and recommendation item 11 (REVISED PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS) are included in the final findings of the hearing process, CRW withdrawals our objection to the proposed AN 09-02 annexation

The District looks forward to continued coordinated efforts to supply the water customers within our respective service areas. If the City has any questions or need additional information concerning our comments, please contact me (503-722-9240) our or District Engineer, Bob George (503-722-9228).

Very truly yours,

Lee E. Moore, Sr.
General Manager

cc: Bob George
Dean M. Phillips

Attachment: CRW's Edits to Staff Report and Findings (4 pages)

F:\9_Oregon City\Annexation\AN 09-02\CRW Annexation AN 09-02 5-21-10.doc

Providing high quality, safe drinking water to our customer

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 7

REVISIONS TO PAGES 4-5 OF AN 09-02 STAFF REPORT

Formatted: Centered

Metro Title 3.09.045(d)(1)(C)
Consistency with expressly applicable provisions of cooperative planning agreements between the annexing entity and a necessary party.

Water. This territory is currently partially served by the Clackamas River Water District (CRW). The City and CRW have an urban service agreement (Holcomb-Outlook-Park Place or HOPP agreement) for portions of the annexation area. The HOPP agreement states that CRW will service homes above the 450 foot elevation within the specified HOPP boundary but not specifically for all of the subject annexation area. Therefore, at the time any development proposal is advanced for the subject area, the properties should be individually evaluated for continued service, with annexation to or withdrawal from the CRW district as provided by statute. While a specific development proposal may require modification to the HOPP agreement, it is anticipated that the properties will be served, as depicted in the Table below.

Deleted: generally

Deleted: ,

Deleted: so

Deleted: upon the annexation voter approval and City Commission approval of the enacting annexation ordinance

Address	Tax Lot	Water Provider	Recommended Action
Properties served under HOPP Agreement			
15110 Holcomb Boulevard	1080	CRW	Stay in CRW until transfer
15030 Holcomb Boulevard	0600	CRW	Stay in CRW until transfer
15050 Holcomb Boulevard	0800	CRW	Stay in CRW until transfer
15076 Holcomb Boulevard	0900	CRW	Stay in CRW until transfer
No Address	0190	CRW	Connect to City water and withdraw from CRW
No Address	0100	na	Connect to City water
16472 Livesay Road	0180	wells / (old P.P. Water District)	Connect to City water
No Address	1000	CRW	Stay in CRW until transfer (above 450')

Deleted: CRW

The remainder of the area will receive water service from Oregon City. The City has an adequate water supply in the general area of this annexation in Holcomb Boulevard, and Livesay Road. The four existing homes that are on the public Clackamas River Water system and wells under the HOPP agreement, will remain on this system until formal transfer proceedings are finalized by the City and CRW. 16472 Livesay Road is served by wells and a water system not subject to the HOPP agreement and will be connected to City Water. Tax Lot 0190 should be withdrawn from CRW upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

Deleted: five

Deleted: and

Deleted: with

Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. The City and CRW jointly own a 16-inch city ductile iron waterline and CRW has a 12-inch CRW water line in Holcomb Boulevard, and a 4-inch City water line in Livesay Road.

Deleted: has

Deleted: The HOPP agreement should be modified to clearly reflect the ownership interest in these lines.

Deleted: Tax Lot 0190 should be withdrawn from the CRW district upon voter and ordinance approval of the annexation.

REVISIONS TO PAGE 16 OF AN 09-02 STAFF REPORT

Formatted: Font: Bold

Formatted: Centered

Formatted: Font: Bold, Not Italic

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policy 11.3.1 *Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.*

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Holcomb Boulevard, Livesay Road and Redland Road at the intersection with Holly Lane. The four homes that are on the public Clackamas River Water system and wells will remain on this system until formal transfer proceedings are finalized with CRW. The City has a formal agreement with CRW (HOPP agreement), but not specifically for all of the subject annexation area.

Deleted: five

Deleted: and

16472 Livesay Road is served by wells and a water system not subject to the HOPP agreement and will be connected to City Water. Tax Lot 0190 should be withdrawn from CRW' service territory upon the annexation and City Commission approval of the enacting annexation ordinance. Based on the existing development within the area proposed for annexation, there is sufficient capacity between the City and CRW to provide water service. Any specific development proposed in the future will need to be analyzed at the time of the development application to best plan for the operation and maintainance of the water distribution system.

Deleted: voter approval

Note: Please refer to the Table above under the findings for compliance with Metro Title 3.09.045(d)(1)(c) for individual tax lot recommendations regarding water service.

Deleted: ©

REVISIONS TO PAGE 19 OF AN 09-02 STAFF REPORT (RECOMMENDATIONS)

Formatted: Centered

Formatted: Font: Bold

RECOMMENDATIONS

Oregon City Municipal Code section 17.04.080 states the following:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Set AN 09-02 for election on the May 18, 2010 ballot.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.
- Recommend not withdrawing the property from the Clackamas Fire District # 1.
- Recommend not withdrawing Tax Lots 1080, 0600, 0800, 0900 and 1000 (HOPP agreement properties) from the Clackamas River Water District until formal transfer proceedings are finalized with CRW.
- Recommend withdrawing Tax Lot 0190 from the Clackamas River Water District and connection to Oregon City water service.
- Recommend that the City Commission should accept the applicant's offer for a solution to the police funding shortcomings as identified on Schedule A – Police Funding Fees AN 09-02.
- Recommend that the annexed properties maintain the existing county zoning designations of FU-10 and RRF-5 until the applicant requests rezoning to R-5;
- Recommend that the applicant demonstrate compliance with Oregon's Transportation Planning Rule (OAR 660-012-0060) at the time a re-zoning application is submitted to the City for approval.

AN 09-02

REVISED **PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS**

Based on the Findings, the Commission determined:

11. The City Commission recognizes that the properties abutting Holcomb Boulevard currently served by Clackamas River Water under the HOPP agreement (above 450') within the annexation area should continue to be maintained in the CRW district and served by CRW pursuant to the HOPP agreement.

12. The City Commission recognizes that Tax Lot 190 should be withdrawn from the CRW district upon the annexation voter approval and City Commission approval of the enacting annexation ordinance.

Deleted: until formal

Deleted: until formal

Deleted: transfer proceedings are finalized with CRW

February 1, 2010

Dear Oregon City Commissioners and Madam Mayor;

I have been a homeowner on Livesay Road for 14 years. My wife and I purchased this property in 1996, lived on it for most of the 14 years and have run a horse boarding facility on it for the full 14 years. We purchased the property knowing that it had been in the Urban Growth Boundary previously and would likely be included in the UGB in the future. We support the annexation request that has been submitted for your review and approval.

The northern section of the Park Place neighborhood surrounding Livesay Road includes over 200 acres of primarily undeveloped land. This land is currently not incorporated into Oregon City, although the land owners (including ourselves) would like to be annexed into the city. Oregon City would receive significant revenue from including this land in the city tax base. Given the current economic climate there are no immediate development plans, but someday this will be an outstanding area for Oregon City to focus our growth. Since this is a relatively large parcel of land, the city has a wealth of options for managing the growth, as shown in the recent Park Place Concept Plan. This land is very near Highway 213 & Interstate 205, so future growth can be focused near the highways, rather than interior to the city so that traffic has to flow through Oregon City.

As you know, the Park Place Concept Plan planning process lasted over two years and had significant community involvement. I personally attended over 20 city commission, planning commission and concept planning meetings. The Concept Plan is a great example of government and community interaction, I strongly believe the City Commission should support the results of this team oriented approach.

Livesay Road is currently a dead end street, the only access is off Redland Road, at the low point near Abernathy Creek. This intersection has flooded several times the past 15 years. Every time the street floods, the homeowners are isolated from fire and ambulance support. I shudder to think what will happen if we have a fire or an emergency medical situation when the intersection is flooded and emergency vehicles cannot access Livesay Road. Annexing this land is the first step to provide additional access points to Livesay Road, eliminating the danger of lack of access for emergency vehicles.

I strongly urge you to approve the request for annexation you are reviewing.

Sincerely,

Mike Mueller
14630 S Livesay Road
Oregon City

RECEIVED
CITY OF OREGON CITY
2010 JAN 34 AM 11: 22

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 8

B

Pete Walter

From: Tony Konkol
Sent: Monday, February 01, 2010 4:00 PM
To: Pete Walter
Subject: FW: Park Place Annexation

FYI for the record.

-----Original Message-----
From: Paul Edgar [mailto:pauloedgar@qwest.net]
Sent: Monday, February 01, 2010 3:59 PM
To: Tony Konkol
Cc: Alice Norris; Doug Neeley; James Nicita; Rocky Smith, Jr.; Daphne Wuest; Howard Post
Subject: Park Place Annexation

Tony, I would like to make a request that you draw-up an LID to be available and to accompany any action/vote to move this annexation to the voters. This LID is needed to where it covers all lands to be annexed. The LID would cover all future cost of all transportation infrastructure that would result from this and any additional annexations in this area. No cost should be born for any infrastructure that might arise from this annexation that could be inccured by existing property tax payers in Oregon City.

All property tax payers/owners must be protected from all future implications that might be realized as a direct result of this annexation. Without a complete transportation study in hand and with incremental rezoning, enable by the already past comprehensive plan for this area, the number of housing units that can be approved can be significant with only limited process and request for change.

What make this so very bad is the realization that there might be people trying to pull the wool over existing property tax payers and voters heads. With the adjoining lands and the proposed new Holly Lane aimed at extending to Redland Road in the future, this put into place a possible transportation nightmare. When this new extension of Holly Lane is extended to Redland Road the point of least resistance would cause 90% of the residents of this immediate area to change their direction to where they flow to the restrained capacity County owned Redland Road. To widen out Redland Road to four (4) lanes from Holly Lane to Highway 213 with a new over/underpass at Highway 213 we can conservatively estimate this cost at approximately $500M in 2015 time frames. This would be an environmental nightmare/opportunity.

There is just inadequate road/street arterials that lead from this proposed area to be annexed. Currently Holcomb Blvd./Road has limited capacity and currently creates LOS F conditions when it meets up with State Highway 213 for approximately 4-hours of LOS F per day in rush hours. Again it is disingenuous to think and/or propose any annexation without a complete transportation plan that addresses the densities identified in the approved Park Place Comprehensive Plan from these lands. Just trying to add capacity to Holcomb Blvd/Road can be very expensive.

There is significant voter unrest and lines have been drawn and money is in hand to vote this annexation down. Without a all encompassing LID put into place that completely protects existing property tax payers in Oregon City, Clackamas County, this is going to be voted down. I believe that you and the City Commission would be leading this developer in to a defeat with the proposed annexations.

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 9

A 2

9

Again it is a disservice to all citizenry of Oregon City, to advance this annexation without a full transportation plan or a Transportation LID in effect that encompasses a full build-out with all of the identified possible Average Daily Trips (ADT's) that could be generated as per the comprehensive plan. With only five (5) houses identified in this annexation on 53 acres what is in the annexation proposal is a joke. We all know with the requirements for water, sanitary sewer, storm sewer, electric, gas, pedestrian paths, bike paths, parks and all of the road/street infrastructure that is proposed and more residential/housing units will have to be identified as a requirement to justify this effort to the lending/banking community. So it is disingenuous to advance this annexation to the voters, knowing good and well that this annexation requires the afore mentioned infrastructure to make the lending institution happy and without them being happy nothing is going to happen. They (the lenders) will also require, subsequent rezoning to the maximum number of lots as per the Park Place Approved Comprehensive Plan.

Thank You,

Paul Edgar, Land Use Chair
Canemah Neighborhood Association

Park Place Neighborhood Association
The Neighborhood at the End of the Oregon Trail
City of Oregon City, Oregon
parkplacehistory.com

February 4, 2010

TO: Tim Powell, Chair
City of Oregon City Planning Commission

FROM: Nancy Walters, Chair
Park Place Neighborhood Association

RE: AN 09-02 Annexation

Park Place Neighborhood Association (PPNA) would like to reiterate previous concerns with respect to the above referenced annexation.

(1) Land Use Suitability (Buildable Land) Issues

We are concerned about the suitability of medium residential density on some of the land within the proposed annexation area. PPNA provided LIDAR maps in 2007 that show slopes generally in the 10-25 percent range, with inclusions of slopes in the 25-35 and 35+ percent ranges. In the GRI report (Appendix K of the Park Place Concept Plan) this area is mapped as Qts (Springwater Formation), a formation that is thought to have been deposited by the ancestral Clackamas River and could have characteristics similar to those of the Troutdale Formation on which many landslides have occurred in recent years. Most of this area is shown as low-to-medium density on the Final Concept Plan.

(2) Housing Density Issues

Because of uncertainties related to the geologic/topographic nature of this area, we urge the City of Oregon City to explore with Metro the possibility of reducing the overall housing density of this area.

(3) Transportation Issues

The Park Place Village development being planned for the "North Village" in the Park Place Concept Plan is one of at least four major projects planned in and near the Park Place Neighborhood. In addition to the North Village development, there are the Willamette Cove project, the planned Landfill Development (The Rivers at Oregon City), and the forthcoming redevelopment of HACC's Clackamas Heights property. The traffic generated by these projects, in addition to the already heavy existing traffic flow, has only one convenient northbound onramp to I-205 and, thus, the greater Portland Metro area, and traffic to that

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 10

on-ramp must pass through either the intersection of Redland Road and OR213 or the intersection of Washington Street and OR213.

Construction traffic will further burden travelers on OR213 with the "jughandle" project and during the planned two-year closure of the Hwy 43 bridge. We expect The Cove construction to cause delays on the only alternate route on Hwy 99.

To look at the transportation issues associated with the "North Village" development without considering the cumulative impact of all traffic sources on these already over-stressed intersections is to repeat the mistakes made in planning Park Place Neighborhood development over the past 10-15 years. Each time a subdivision has been proposed and various traffic studies have been executed, it has been shown that each project – looked at individually – has had little enough impact on overall traffic levels in the neighborhood that approval has been routine. The real impact, however, has been felt by anyone sitting in a stationary line of cars stretching up the hill southward on OR213 from the traffic signal at Redland Road at 7:30 am any given weekday morning or by frustrated drivers trying to access OR213 from Redland Road and sitting through multiple signal changes. Many of these intersections are at Level of Service (LOS) D or F at the pm peak at present, and will certainly become considerably worse as the above-mentioned areas are developed over the next few years.

The Park Place Concept Plan identifies some $80+ million in capital expenditures required to address transportation infrastructure needed to support additional development. Previous experience shows the City's process does not adequately address the likelihood of fund availability and the realities of future road/intersection improvements. It took an enormous effort from both PPNA and the City for more than five years to install one segment of sidewalk on one side of Holcomb Boulevard.

Regrettably the new sidewalk on Holcomb does not connect between Holcomb Elementary school and most of the recently annexed and developed areas (including this annexation), requiring children to be bussed to school less than a quarter mile away. This situation could be alleviated by developing a trail system plan but the City has not supported such initiatives as yet.

Unfortunately the principal focus of the Concept Plan was on Intra-Site transportation issues. The extension of Swan to provide the North/South Connector makes sense to alleviate traffic on Holly accessing the hilltop area; however, most traffic at peak times is coming in and out of the area from I-205 and this route will do little to mitigate the crunch at the aforesaid intersections. The neighborhood also feels that the reality of this connector being built is slim due to complicated topography and therefore the steep cost involved.

Unless and until serious and committed discussions are under way for concrete solutions to the overwhelming existing traffic problems faced by the Park Place Neighborhood we do not feel that we can support annexations intended for the intensive development called for in the Concept Plan. It appears that neither the money nor the commitment to these solutions is currently present in either the local, County or State government and we feel that Metro, in bringing these areas into the UGB in the first place, has put unrealistic and unbearable pressure on both the transportation infrastructure and natural resources in our neighborhood.

Nancy Walters, Chair nancyrwalters@gmail.com 503 722-9453
Tom Geil, Vice Chair
Carter Stein, Secretary
Steve VanHaverbeke, Treasurer

Oregon City Planning Commission February 8, 2010

Testimony of:
Christine Kosinski, Unincorporated Clackamas County

RE: Annexation AN 09-02

At the Planning Commission meeting of January 25th, 2010, both the City as well as the consultant for the developer stated "we are asking for "approval only to annex the 53 acres at this time, we are not seeking approval to develop".

In a letter, dated January 25th, 2010, and sent to Oregon City Planning Commission from Planning & Land Design LLC, located in Hillsboro, Oregon.

Paragraph I, sentence 2 of the letter states " If the Planning Commission does not agree, then the applicant is requesting R-5 zoning for the first phase which contains about 6.5 acres as shown on the attached site plan to allow construction **In The Summer of 2010.**
The first phase would be limited to 31 dwelling units.

City documents state that if annexation is approved in May, 2010 then re-zoning will take place in Summer of 2010 with development to follow.

Your citizens and taxpayers have the right to know the truth.....if you do plan to begin development in 2010 and whether you have the monies to provide adequate infrastructure to this region.

At the January meeting, I asked the Commission to look at the "cumulative traffic impacts" to this region, including the shopping center, but then the city stated that we should not count in the Proposed Rivers development since it has not been formally approved. Don't ask me, nor your citizens, to have "tunnel vision". Your people deserve to see the entire impact of both residential and commercial development being proposed for this region. The city's Transportation Plan cannot meet ODOT requirements. The Transportation System Development Charge Study was done in 2009, and since that time, our country has sunk deeper into recession, finances are not readily available and your taxpayers cannot continue to finance development.

Also consider:

The city has no good access to the Hospital
Holcomb Road has no good access down their only hill
The Swan Rd Extention is an unbuildable nightmare
A Regional Transportation Plan has not been developed
Is anyone looking into the two latest landslides off Holcomb? Are these new slides?
SLIDES ON HOLLY OCCURRED ON 14% SLOPE LATE DOT CONVERTED BY NEW REGS.

As I stated before, proposed development by the City could bring another 127,000 ADT's per day into the Redland Road corridor. Before the City proposes any development for this region, a Master Regional Transportation Plan must be developed, and more importantly, a financial plan must be put into place to ensure that funding is available. A Regional plan for transportation will cost into the billions of dollars, and at this time in our nation, this amount of money is simply not available.

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 11

OREGON CITY

Public Works

625 Center Street | Oregon City OR 97045
Ph (503) 657-0891 | Fax (503) 657-7829

January 27, 2010

Re: Livesay Road Water System Improvements (CI 10-003)

Dear Property Owner:

The Livesay Road water pump station located at the end of Livesay Road was built many years ago to pump potable water to the properties north of Livesay Road. As you are likely aware, the pump station is aging and becoming unreliable with water service interruptions occurring a few times each year.

In the summer of 2009, the City of Oregon City hired an engineering consultant, Black & Veatch, to prepare an Alternatives Analysis to help the City best determine the most economical way to improve performance and efficiency to our customers. As a result of the Alternatives Analysis, the City is now looking at the possibility of abandoning the existing pump station and extending the waterline in Cattle Drive (Wasko Acres Subdivision) to the south to serve the customers currently served by the pump station.

Although this waterline would be temporary until development of this area occurs, such a waterline would require that the City obtain temporary construction easements, permanent utility easements, and a permit of entry from all owners of property on which the new waterline would be located. You are receiving this letter because you are one of the following affected property owners:

Owner	Site Address	Tax Map & Tax Lot
Thomas	N/A	2-2E-28D -00301
Thomas	16644 S. Livesay Road	2-2E-28D -00301
Thomas	N/A	2-2E-28D -00303
Park Place Enterprises LLC	16582 S. Livesay Road	2-2E-28D -00400
Park Place Enterprises LLC	N/A	2-2E-28D -00302
Tolstrup	16530 S. Livesay Road	2-2E-28D -00200
Ziegler	N/A	2-2E-28D -00100
Ziegler	16472 S. Livesay Road	2-2E-28D -00180

To further discuss the City's plans and answer questions, we are holding a meeting:

Monday, February 8, 2010
5:30 PM
City Hall
625 Center Street, Oregon City
Oregon Trail Room

Oregon City Planning Commission
Hearing Date: 2/8/10
File Number: AN 09-02
Exhibit: 12

Because we would like to begin construction on this project as soon as possible, it is our desire to have all property owners attend this meeting so that easement and water issues can be discussed and questions can be answered for the project stakeholders. Attached is a map showing a potential waterline alignment. Also enclosed are sample easements and a permit of entry.

Please RSVP to Kathy Griffin at 503.496.1555 or **kgriffin@orcity.org** so we know how many property owners will be in attendance. You may also reach me at 503.496.1545 or **nkraushaar@orcity.org** if you have any questions.

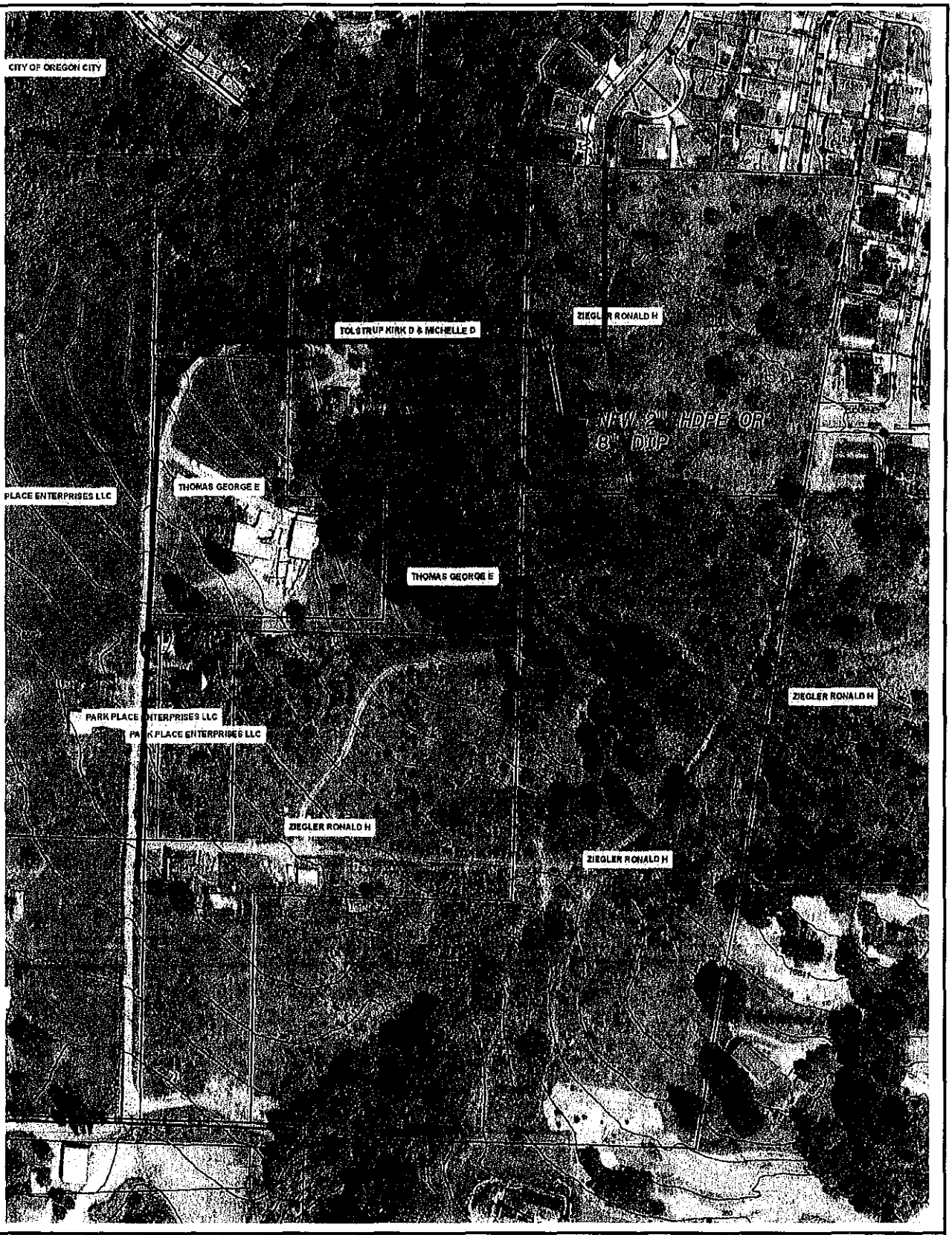
Sincerely,

for Nancy Kraushaar, P.E.
City Engineer/Public Works Director

/kg
Enclosures:
- Alternatives Analysis Map
- Permit of Entry
- Temporary Construction Easement
- Letter of Agreement to Execute a Public Utility Easement
- Permanent Utility Easement

c: Eli Deberry, Project Manager

U:\Projects (note - broken down by CIP & non-CIP)\CIP\CI 10-003, Livesay Road Water System Improvements\Neighbor Notice 020810.doc



BLACK & VEATCH Corporation PROJECT 164997	ALTERNATIVES ANALYSIS	FIGURE 1
	CITY OF OREGON CITY LIVESAY ROAD PUMP STATION EVALUATION	ALTERNATIVE A

A30005
FA30005

DRAFT

CITY OF OREGON CITY
PLANNING COMMISSION HEARING

January 25, 2010, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:	**Staff Present:**
Chair Tim Powell	Laura Butler, Assistant Planner
Commissioner Dan Lajoie	Pete Walter, Associate Planner
Commissioner Carter Stein	Tony Konkol, Community Development Director
Commissioner Chris Groener	Carrie Richter, Assistant City Attorney

Chair Powell called the meeting to order at 7 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

3. ADOPTION OF MINUTES

a. Adoption of Draft Planning Commission minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to approve the minutes for 1/26/09, 5/11/09, 6/8/09, 6/22/09, 8/10/09, 10/12/09, 11/23/09, 12/14/09, and 1/11/10.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

4. PLANNING COMMISSION HEARINGS

AN 09-02. The applicant is requesting to annex approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan.

AN 09-02 PC Staff Report

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Exhibit 9

Exhibit 10

Exhibit 11

Exhibit 11 Revised

Exhibit 12

Exhibit 13

Exhibit 13 TIA

Exhibit 14 Rezoning Request

Exhibit 15 Metro letter

Exhibit 16 CRW Comments

Chair Tim Powell read the hearing statement describing the hearing format and correct process for participation. He asked if there were any declarations of ex parte contact, conflict of interest, bias, or statements. There were none.

Chair Powell opened the public hearing.

Tony Konkol, Community Development Director, said this was a request to annex 53 acres with eight tax lots. The properties were in the Urban Growth Boundary and Comprehensive Plan designation was medium density residential. There were five single family residences currently on the tax lots. There were three properties located on Holcomb Boulevard which did not sign the petition either in support or against the application. If those properties were not included as part of the application, it would create a County island. The annexation was located within the Park Place Concept Plan. The applicant had 93% of the acreage sign the petition, 57% of the owners sign the petition, and 61% of the assessed value represented sign the annexation application. He discussed the criteria for compliance with the Metro Code. If the annexation was successful, the applicant would need to have another annexation to bring the properties into the Tri City Service District. Staff entered

Exhibits 13-16 into the record.

Clackamas River Water would maintain the water lines in the area and were responsible for providing water above 450 feet. Staff recommended continuing the hearing to February 8 in order to discuss the transfer of jurisdiction over the water lines in the area. The applicant would make a contribution for every single family home to the police fund. Staff recommended that the properties be annexed but maintain the County zoning while the applicant did the analysis necessary to show compliance with the Transportation System and utilities.

Mr. Konkol explained how the application complied with the Oregon City Municipal Code. This was the logical place for the beginning of annexing in the Park Place Concept Plan area. There were existing resources on the site and location of steep slopes and creeks. They had codes in place that did protect natural resources. There was no open space, scenic, or historic areas and no impact upon annexation. The larger impacts concering transportation, land uses, and design were addressed in the Park Place Concept Plan.

Kirsten Vanloo, Land Use Planner with Emerio Design in Beaverton, OR, represented the Park Place Partners. The original application was for both annexation and zone change. They did a five year traffic impact analysis, and in order to meet State goals, they had to analyze to 20 years. For that reason, staff advised them to make it an application for annexation only. This was the first step to implementing the Park Place Plan. It was also the first step in developing inter-neighborhood vehicular and pedestrian connectivity. It would take 3 to 10 years to build the properties out. This request was not an application for a zone change or development application. They wanted to get the land inside the City limits because they had to do additional traffic and infrastructure analysis. They were anticipating a turn around in the housing demand in the next 3 to 5 years. She explained the planned timeline, with occupancy of the first phase in 2012. She showed them on an arial photograph the proposed annexation area. She asked rather than continuing the hearing, to mandate the applicant to meet with Clackamas River Water (CRW) between now and the City Commission meeting and go to the City Commission with an updated memo regarding CRW's concerns in order to get this on the May ballot.

Brian Dunn with Dunn Traffic Engineering of Portland, OR said they were actively putting together the analysis required by the State. They met with ODOT last week for information for the study and potential mitigation measures that both ODOT and the City could support. These changes would come with the zone change request. They did prepare a Transportation Impact Analysis Report that looked at short term conditions upon build out of this application to 2014.

Neil Fernando, Civil Engineer with Emerio Design, said they did not do a water design because they were not proposing a site plan at this time, but a water design could be done quickly. The biggest question was if there was capacity and pressure and there was. 85% of the site was below 450 feet and the parcels above 450 feet were currently being served by CRW as they were existing homes.

Kent Ziegler of rural Clackamas County explained why they wanted to build this development in Oregon City during this economy. He felt comfortable that they could address CRW's questions prior to the next City Commission meeting. He discussed the concerns of the residents in the Lindsey Road area regarding flooding. He suggested they continue the infrastructure that already existed with the three road stub outs and construct an emergency vehicle access lane to connect to the existing road system on Lindsey and Frank roads.

Chair Powell asked for public comment.

Tom Geil, Park Place Neighborhood Association Vice-Chair, passed out a letter that was written in 2007 from the Park Place Neighborhood Association regarding the Concept Plan and was a place holder until the group could state their thoughts on the annexatoin. The Neighborhood Association had not yet had a meeting to discuss the application. Some of his concerns were the transportation analysis would be done after the annexation approval, the connection for drainage on Holcomb, flooding mitigation by raising the road, and if the traffic study took into account the Rivers project. The Neighborhood Association would like to look at these issues before the Commission made a decision. He was asking for a continuance. He also recommended the road for access to the annexation area be built first so that traffic was not diverted into the neighborhoods where many children played. This would be Exhibit 17.

Christine Kosinski, County resident, said the City needed to meet with the Holcomb Outlook CPO and Beavercreek CPO to discuss the traffic impacts of this development. If meetings could not be scheduled, she suggested sending meeting notices regarding this annexation to each resident of these areas. She also requested Oregon City have a geotechnical study done regarding the possible Swan Road extension. There were two more homes in the Oak Tree Terrace area that were experiencing slide problems. She also wanted the City to consider the cumulative traffic impacts with this project and the Rivers project. ODOT said they had no money to fix Highway 213 or build new roads, and the County had no money for roads. They needed to consider the traffic impacts, financing, and infrastructure needs for this annexation. This would be Exhibit 18.

Tod Townsend, County resident, said he had many questions about this application. Chair Powell directed him to discuss the questions with staff.

Kevin Miller, County resident, was not for this annexation. His concerns were financing for and maintenance of the sidewalks, the intersection on Barlow Crest Road and Holcomb was on a steep hill and traffic accidents could occur, water run off should be taken into consideration, wildlife should be addressed, geotech testing needed to be done, there was flooding on Redland and Holcomb creating passage problems, and he questioned a project like this during this economy where there were already a lot of empty houses.

Deanna Townsend, County resident, asked about the owners proposing to pay $3,500 per unit into a fund for the police, and if she did not sign the consent, what happened if her property was annexed. Mr. Konkol said it was not binding for those who did not sign the consent. She could talk with staff further about this issue.

Ms. Vanloo said she appreciated the citizen involvement in this hearing. They had an adopted Concept Plan that included this land with a significant amount of analysis that addressed every State wide goal and City planning goals. Notice was mailed on December 16 to the Neighborhood Association which should have been more than adequate time for a response. They had done significant traffic counts and a five year analysis. The City had detailed requirements in regard to storm drainage and before any development took place, it would be addressed. The voters did not support the original annexation proposal several years ago. Considerable work had been done since that time, and she felt confident that the Concept Plan addressed previous concerns. The part of the road that flooded was not under purvue for this application. The three stub streets that stubbed into the property had always been anticipated for continuation. She understood that children played in dead end streets, but this was only an annexation application and was not an application for

development or street connections or infrastructure. She understood two of the citizens in the island were not supportive of annexation, and she was not confident they would have been included in the annexation if they were not required to by City Code and State law. She asked that they forward this to the City Commission and ask the applicant to work with CRW and the Neighborhood Association to resolve concerns so they could meet the timeframes and get on the May ballot.

Mr. Dunn said the traffic counts were conducted in late 2009 and were 3% higher than counts done a year earlier. They did not take into account the Rivers project, but Rivers would have to do a study also and mitigate any traffic impacts that project would produce. They had not found a high frequency of accidents or severity of crashes on Holcomb based on the analysis.

Carrie Richter, Assistant City Attorney, said the Commission had received a request for continuance from a member of the audience in addition to staff and reading from the Code she was not sure if they had discretion to make a decision that night.

Mr. Geil said the Park Place Neighborhood Association had been dealing with other issues and because they didn't have all of the documentation, they were waiting for the information to be presented before making a recommendation.

Commissioner Stein asked staff to explain the City's new SDC fee charges and how they would be applied in this instance and the process for coming up with the proportionate share to meet the requirements that ODOT identified in their letter. He also wanted to have staff address the concerns of CRW before they moved forward.

Commissioner LaJoie said to build consensus between the applicant and Neighborhood Association would be important for the annexation because it would ultimately go to a public vote and having Park Place firmly behind it would be wise.

Commissioner Groener clarified CRW's concerns.

Commissioner Powell said though this was an annexation for five homes with no impact, it was also about future development and it would make an impact. He appreciated the need for speed, but the Commission had a request from staff and a citizen to continue the hearing and that fact plus the need for more understanding, he thought they should continue the hearing.

Motion by Commissioner Dan Lajoie, second by Commissioner Carter Stein to to continue AN 09-02 to the February 8, 2010 Planning Commission meeting with direction as stated in the record.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

Legislative (L 08-01). Oregon City Code Amendments: 6-month update.

January 19, 2010 PC Memo

OCMC 17.49 Natural Resource Overlay District Exhibit A

OCMC 17.62 Site Plan and Design Review Exhibit B

OCMC 17.50- Administration and Procedures Exhibit C

OCMC 17.52 Off-Street Parking Exhibit D

OCMC 17.20 Res Des Stds Exhibit E

Chapter 17.54 Supplemental Zoning Regulations and Exceptions & 17.04 Definitions Exhibit F

Rezoning Request- Highhway 213 & Meyers Exhibit G

Zoning Matrix Exhibit H

Pete Walter, Associate Planner, discussed the changes to L 08-01, including the procedure for pre-application neighborhood meetings, adding a purpose statement to the alternative landscaping plan, adding a number of design elements for corner side lots, adding a definition for membrane or fabric covered storage areas and drafted language for review of membrane structures, the use matrix would be taken off the website, and the Archeological Sensitivity Map would be brought back to the February 8 meeting. He recommended the rezoning request for the corner of Meyers Road and Highway 213 from R-2 residential to C commercial go through the applicant initiated rezoning process due to several issues needing analysis. The applicant would be informed of this recommendation and have the opportunity to respond.

Commissioner Groener asked about the number of complaints they received regarding the membrane structures. Mr. Walter thought it was around 300, but he would bring back the number to the next meeting.

Commissioner Groener clarified that this included past, present, and future membranes and compliance was subject to civil action through the Municipal Court. This would be implemented over a period of time. There was discussion about what qualified as a membrane structure, and it was not a membrane structure if it was providing shade, but was if it was providing storage.

Commissioner LaJoie clarified that the visibility of these structures in the pedestrian right of way meant viewed from the front or side lot line of the house.

There was also discussion about language to allow illegally created tax lots into compliance through a partition or land division process. This would be reviewed further by staff.

Dan Berge of Clackamas County said he had a piece of property that was non-buildable and he was in the process of reducing the tax values. It was two tax lots owned by two different individuals, and the langauge was drafted off the State's ordinance to give them a starting point. He hoped they could solve the problem. This would be entered in the record as Exhibit I.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to continue L 08-01 to the February 8, 2010 Planning Commission meeting.

A roll call was taken and the motion passed with Commissioner Chris Groener, Commissioner Carter Stein, Commissioner Dan Lajoie, Chair Tim Powell voting aye. [4:0:0]

COMMUNICATIONS

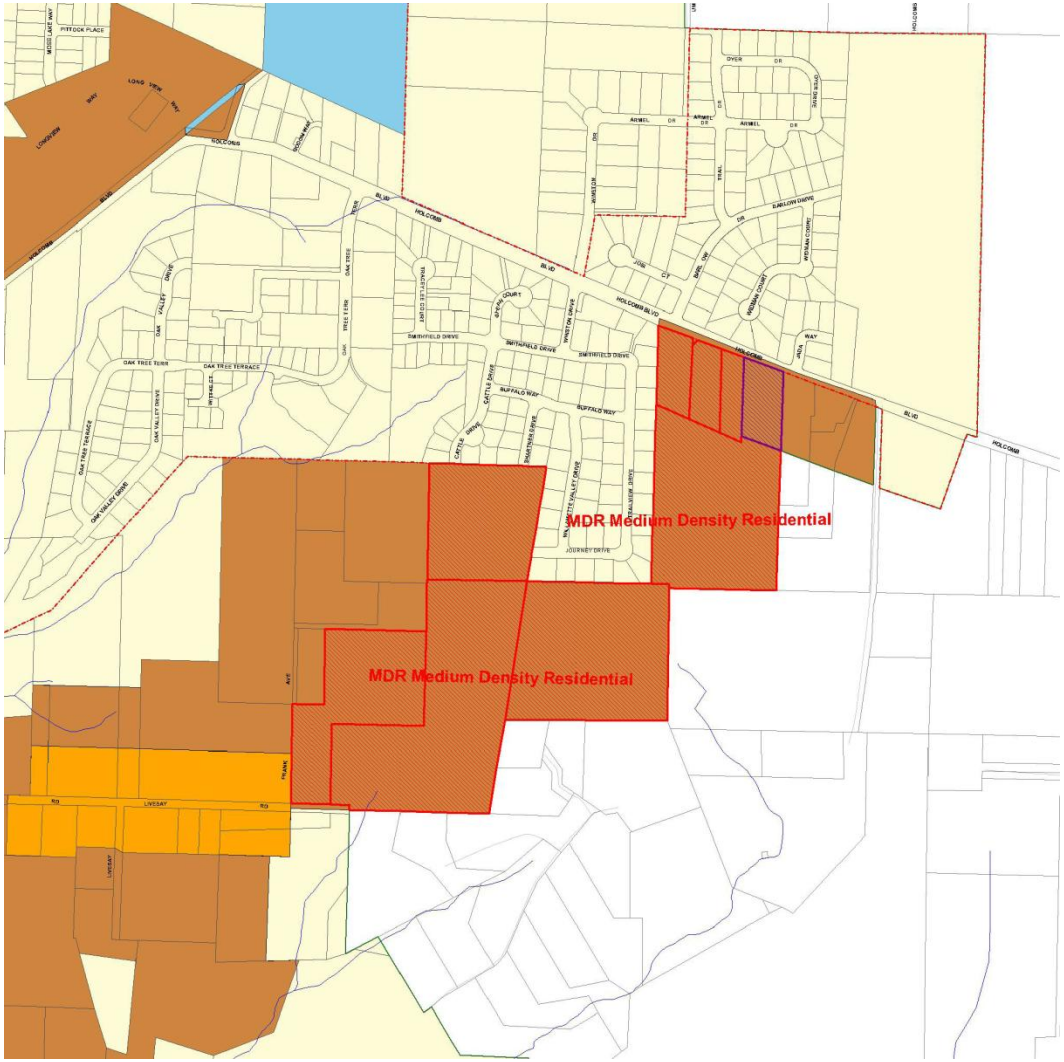
Mr. Konkol gave a report on upcoming projects, such as Clackamas County's remodel to the existing jail facility, Cove Phase 3 apartments application, Tri Cities Master Plan amendment, Danielsons remodel of their site, the Housing Authority Park Place project, and the budget process had started.

Chair Powell suggested looking at prioritizing projects to get done within the next year.

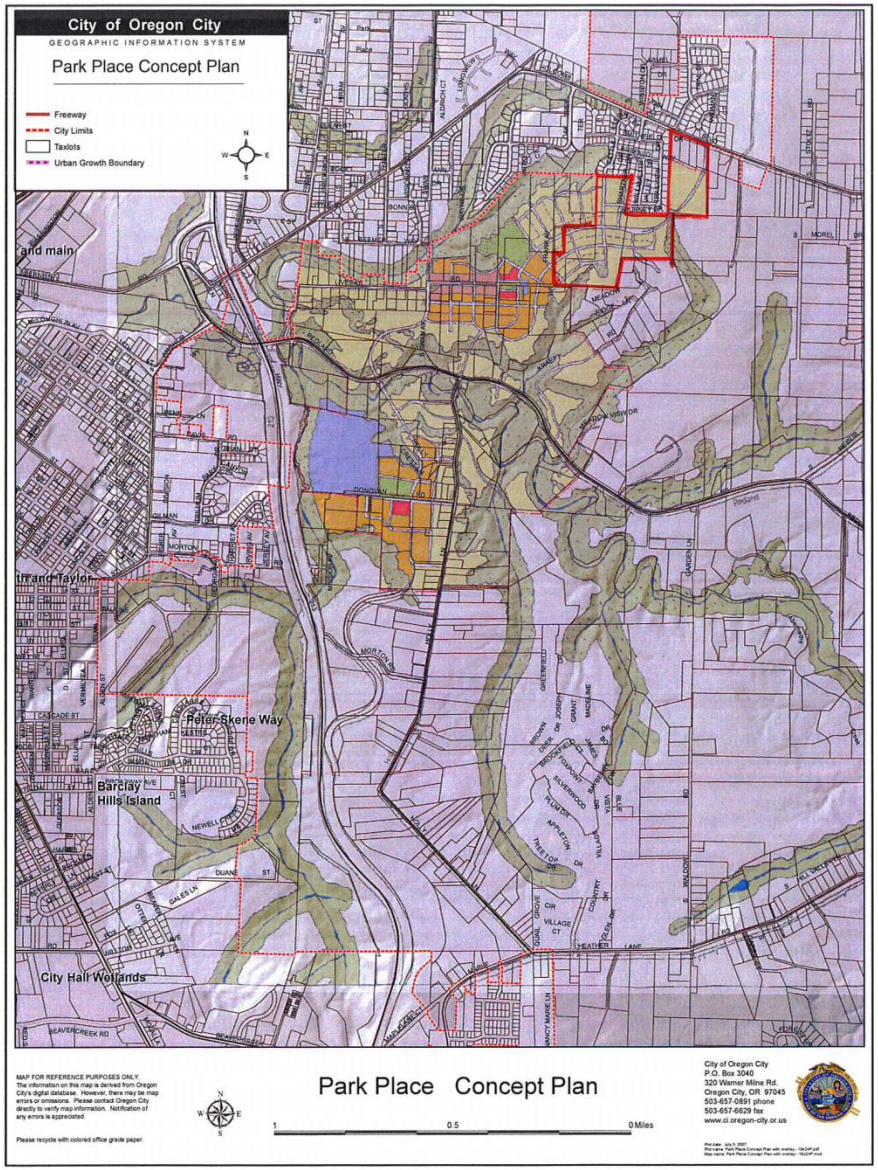
ADJOURN

Chair Powell adjourned the meeting at 9:45 p.m.

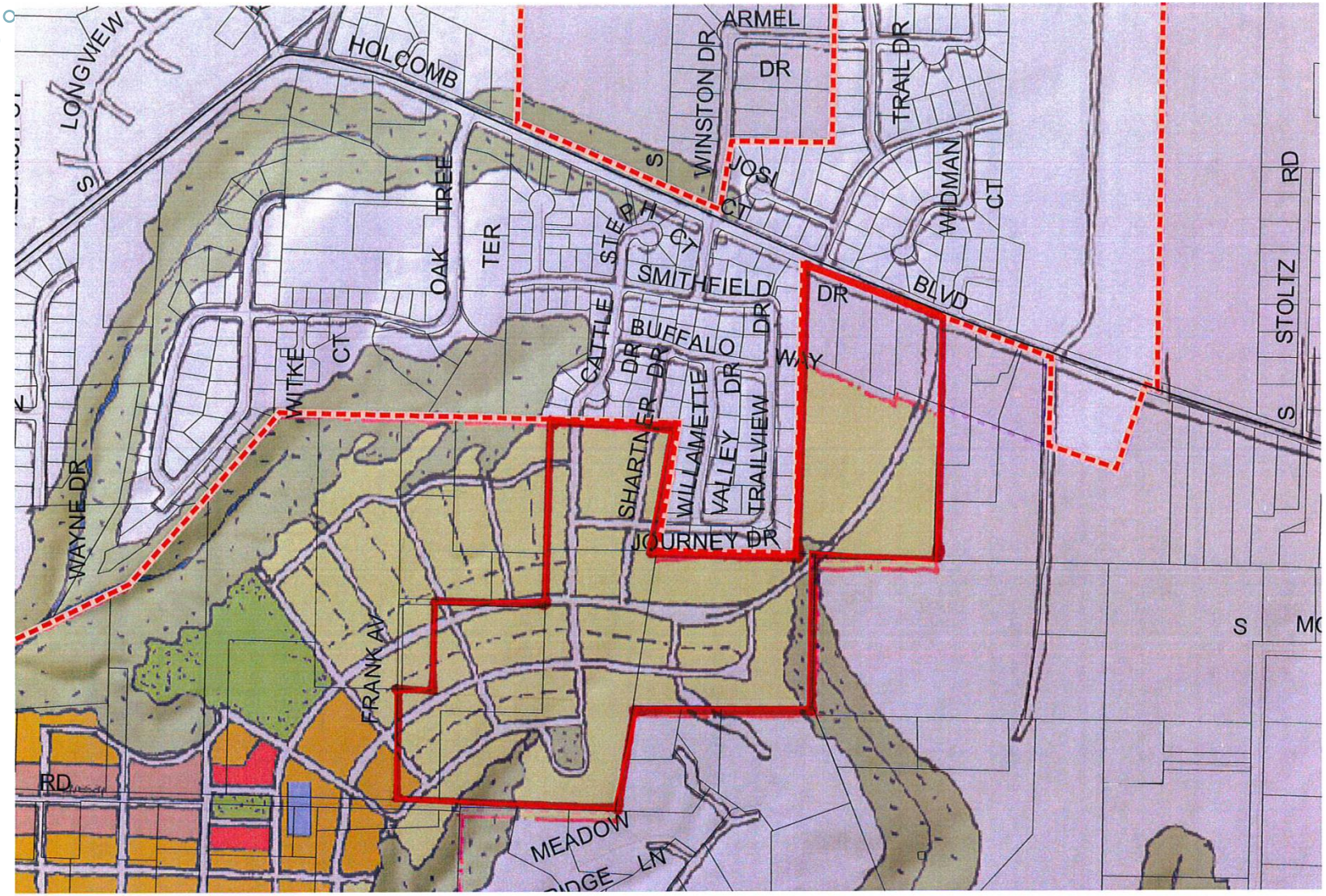
City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Location and Comprehensive Plan Map



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Park Place Concept Plan



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Park Place Concept Plan



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Oregon City Municipal Code Approval Criteria

When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site.
2. Conformity of the proposal with the City's Comprehensive Plan.
3. Adequacy and availability of public facilities and services to service potential development.
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222 and Metro Code 3.09.
5. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes.
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at the time of annexation.
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation.

The city commission shall only set for an election annexations consistent with a positive balance of the factors.

City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Staff Recommendation

1. Set AN 09-02 for consideration on the May 18, 2010 ballot.
2. Withdraw the territory from the Enhanced Law Enforcement district.
3. Concur with Tri-City Service District's annexation in the enacting ordinance upon voter approval.
4. Remain within Clackamas County Fire District #1.
5. Tax lots 1080, 600, 800, 900 and 1000 should remain within Clackamas River Water District until formal transfer proceedings are finalized.
6. Withdraw tax lot 190 from the Clackamas River Water District and connect to Oregon City water service.
7. Accept the applicant's Police Funding Fee proposal.
8. The annexed properties will maintain the existing county zoning designations if approved by the citizens of Oregon City.
9. If annexed, the properties shall demonstrate compliance with Oregon's Transportation Planning Rule at the time of the rezoning request.

OREGON CITY

Public Works - Operations

122 South Center Street | Oregon City OR 97045
Ph (503) 657-8241 | fax (503) 650-9590

MEMORANDUM

To: Tony Konkol, Community Development Director
From: John M. Lewis
Re: Livesay Road Water Booster Pump Station
Date: February 17, 2010

The Oregon City Public Works Department (OCPW) contracted with Black & Veatch Corporation to complete a condition assessment and alternatives analysis for the Livesay Road water booster pump station. This effort was completed and the findings were presented to us on January 29, 2010 in a technical memorandum dated January 29, 2010.

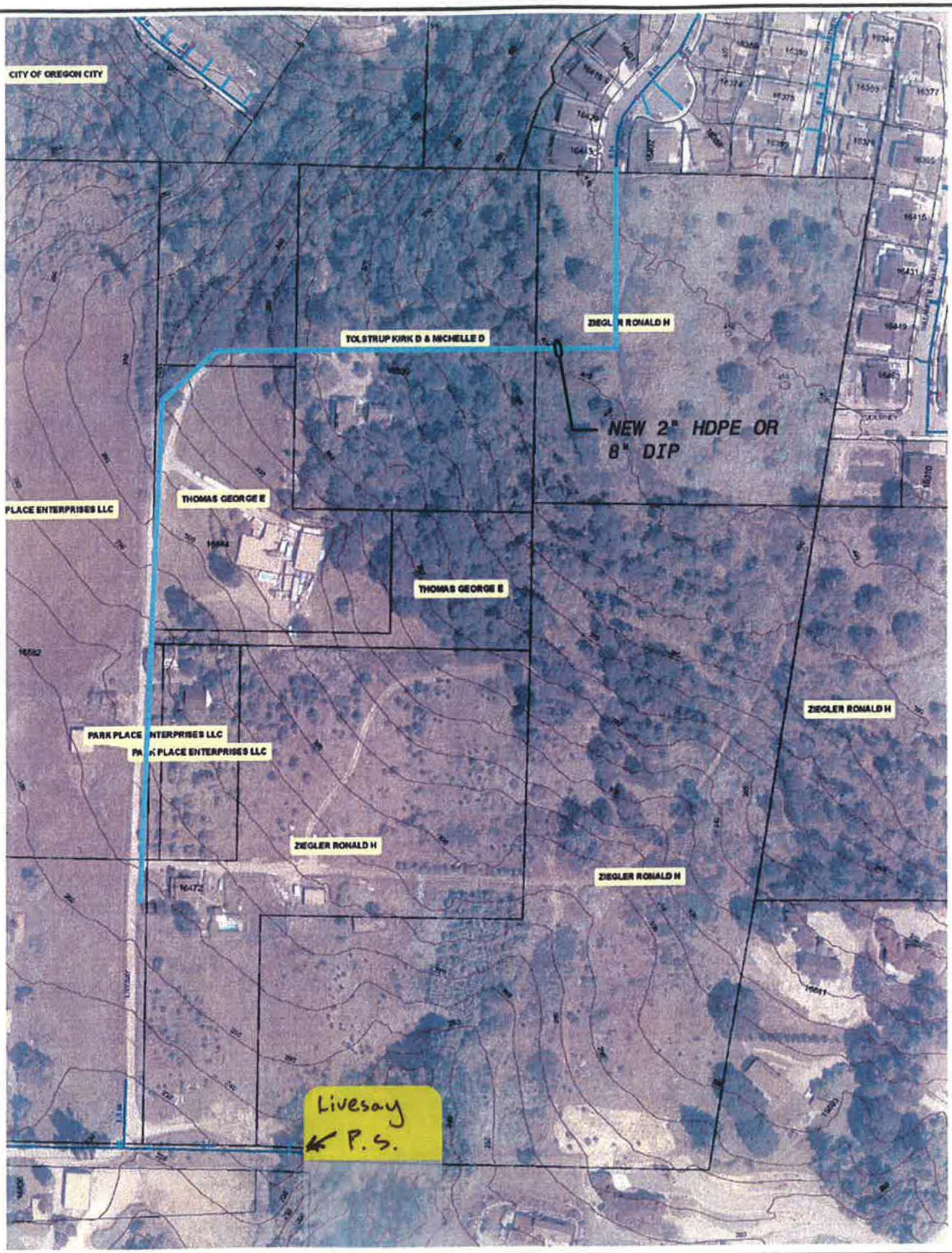
On February 8, 2010, we held a meeting with Ronald Ziegler, Kirk Tolstrup, and George Thomas, owners of property off the north end of Livesay Road. The meeting was to present the property owners with a temporary pipeline alternative the City is considering in order to allow us to abandon our Livesay Road booster pump station (see attached Alternative "A": Figure 1).

At this meeting it was suggested by the neighbors that the current water system was dysfunctional and repairs should be considered an emergency since the City completed a condition assessment and alternatives analysis that included alternatives to replace the pump station and because the City scheduled the meeting with the property owners. They also felt this situation further justified an emergency annexation.

It is our position that although the water system serving the Livesay Road residents is in need of periodic repairs, we completely disagree that it is an emergency situation. This water system condition assessment and alternatives analysis was not performed to address an emergency water system need. This study was performed to help us better plan for the future water service needs of the area. We own and operate a pumping facility that has had its share of operation and maintenance complications and our preference would be to see it eliminated. However, we don't have water quality concerns and we can continue to operate the existing station and deliver water consistent with past practices.

I would be happy to speak to this topic and present our position regarding the Livesay Road water system if it is scheduled to come up in a future public meeting.

/jl
Attachment



BLACK & VEATCH Corporation PROJECT 164997	ALTERNATIVES ANALYSIS	FIGURE 1
	CITY OF OREGON CITY LIVESAY ROAD PUMP STATION EVALUATION	ALTERNATIVE A

FA30005

DRAFT

CITY OF OREGON CITY
PLANNING COMMISSION HEARING

February 8, 2010, 7:00 P.M.
City Commission Chambers - City Hall

1. CALL TO ORDER

Roll Call:	**Staff Present:**
Chair Tim Powell	Tony Konkol, Senior Planner
Commissioner Dan Lajoie	Laura Butler, Assistant Planner
Commissioner Carter Stein	Pete Walter, Associate
Commissioner Chris Groener	Planner

Chair Powell called the meeting to order at 7 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There was no public comment on items not listed on the agenda.

4. PLANNING COMMISSION HEARINGS

AN 09-02. The applicant is requesting approval of an annexation of eight properties totalling approximately 53 acres. Recommend approval of the proposed annexation and to set the election for May 18, 2010 to the City Commission for their consideration at the February 17, 2010 public hearing.

Commission Report

AN 09-02 2.8.10 PC Memo

Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7 CRW Comments

Exhibit 8 Mike Mueller

Exhibit 9 Paul Edgar

Exhibit 10 PPNA Comments

Chair Powell asked if there was any additional conflict of interest or bias to declare. Commissioner Stein declared an ex parte contact as the secretary of the Park Place Neighborhood Association and the Association had submitted Exhibit 10. He felt capable of rendering a decision on this annexation.

Pete Walter, Associate Planner, discussed the outstanding issues of this application. One was the concerns from the Park Place Neighborhood Association in respect to compliance with the Transportation Planning Rule, flooding and storm concerns on Redland Road and Abernethy Creek, and if the Rivers development was taken into account during preparation of the Transportation Impact Analysis. Redland Road did flood up to the Holly Lane Bridge during a 100 year flood event, and while access to 213 from Holcomb Boulevard was cut off during the 1996 flood, the access to 213 from Clackamas River Drive was maintained. Staff met with the adjacent neighbor, the Townsends, in regard to drainage, flooding, water run off, wildlife habitat, and geotechnical concerns. He did not know if they were in support or against the proposal but were provided all of the needed information. Approximately half of the area in the Park Place Concept Plan was designated as sensitive habitat or geologic overlay zone and would fall under these zones and development codes at the time of a development proposal. Regarding how new System Development Charges would be applied and the process for developing a proportional share analysis, staff attached Exhibits 4, 5, and 6, which explained the new rates, methodology, and analysis for SDC's. The City was working with ODOT to develop an appropriate methodology for a proportional share, and the City had developed applicable proportional share for the 213/205 corridor for developments that had been approved in the past. Regarding Clackamas River Water's concerns, staff met to discuss the Holcomb Outlook Park Place Water Agreement and there were changes to the document indicated in Exhibit 7. He discussed recently submitted exhibits 8-10. The other concerns of the Park Place Neighborhood Association regarding slopes would be discussed when the site specific development plan was proposed. Regarding the request to reduce the density of housing in this area, there was not a conflict with the Park Place Concept Plan regarding density. He also discussed the capacity of the 213/205 interchange particularly the approach to the 213 corridor from the Redland Road interchange. The applicant was not proposing any development or rezoning and wanted to annex eight tax lots with five existing homes. Subsequent to a rezoning proposal, the applicant would need to show compliance with the Transportation Planning Rule.

Commissioner Stein clarified the list of projects in the Park Place Concept Plan were included in the SDC list. Tony Konkol, Community Development Director, explained it was for future federal funding for major projects on the state highway system to create a local match.

Kirsten VanLoo of Emerio Design said staff had resolved issues from Clackamas River Water and the Park Place Neighborhood Association. The majority of the Association's concern related to the decisions made as part of the Park Place Concept Plan. The last issue in the Association's letter was a lot of capital expenditures needed to be made to fix 213 and staff had addressed how they would be funded. The density, topography, site, soils, and drainage analysis for the annexation area would be addressed at the time of development review. They still had to go through a zone change process as well. This was

just the first step and they needed to move forward with the annexation.

Chair Powell reopened the public hearing and asked for any public comment.

Kent Ziegler of Clackamas County thanked staff for answering questions of Clackamas River Water. He agreed the ultimate fix on 213/205 was beyond the scope of the homes they proposed to do in the Park Place Area. They were in discussions with ODOT and any other stakeholders to find a proportionality solution to submit their fair share. He explained why this annexation made sense especially due to health and safety issues and a failing water system in the area. He submitted a letter into the record dated January 27, 2010 from the Oregon City Public Works Department which discussed the water system problems. He thought they could put a permanent water line through this development that they could help fund. He requested approval of the annexation application. They would come back for zoning change and phasing development approvals.

George Thomas of unincorporated Clackamas County said he was in favor of the annexation because of the flooding issues that made it difficult for emergency vehicles to reach the homes on Livesay Road as well as residents getting out to get needed medical supplies. He explained his own experience with this when he had a heart attack. There were several elderly people living on the road. He would like a new roadway put in if at all possible.

Mr. Konkol submitted Exhibts 7-10 into the record. Exhibit 11 was a letter submitted by Christine Kosinski dated February 8, 2010 and Exhibit 12 would be the Oregon City Public Works letter dated January 27, 2010.

Tom Geil, Park Place Neighborhood Association Vice-Chair, said it was critical to improve Redland Road as part of this development. He read from the letter from the Park Place Neighborhood Association regarding transportation impacts and the need for serious discussions for concrete solutions to the overwhelming existing traffic problems faced by the Park Place neighborhood. Because of these issues, the Neighborhood Association did not feel they could support annexations intended for the intensive development called for in the Concept Plan. Not all the people who lived in Park Place agreed with the Concept Plan and citizens were nervous about annexations and what it meant to them.

Christine Kosinski of unincorporated Clackamas County said they had been told the applicant was asking only to annex the 53 acres at this time and not seeking approval to develop. Why then in a letter dated January 25, 2010 sent to the Planning Commission from Planning and Land Design LLC state that the applicant was requesting R5 zoning for the first phase to allow construction in summer of 2010. She said the cumulative traffic impacts for residential and commercial development should be taken into account. Before the City proposed any development for this region, a master regional transportation plan needed to be developed and a financial plan must be put into place to ensure funding was available. The Holly Lane Bridge would be closed for one month in the summer of 2010.

Mr. Konkol said the City was not pushing development. To get a zone change, the applicant would have to comply with the Tansportation Planning Rule and he explained what they would need to do to comply. The transportation impacts came from the trips through an extensive main State highway system that served a greater part of Clackamas County. They were trying to address this problem through the SDC's. They would see this again through zone change application and development review and these issues would be addressed at that time.

Ms. VanLoo said in Oregon they had developed a process of land use planning that was renowned. They needed to move forward to implement the work that had been done before. The voters would decide and if they were successful, the proper analysis would be done.

Chair Powell closed the public hearing.

Commissioner Stein had participated in developing the Park Place Concept Plan. All of the issues had been addressed in the Plan and he thought it was a good Plan. It was time to move forward.

Commissioner LaJoie said the Park Place Concept Plan represented the first step in the process and all of the pieces were there. He agreed with the Plan and this piece at the north end was critical for access.

Commissioner Groener agreed and thanked staff for the citizen education for how land use planning worked. He thought the process worked and there would be a time for the level of detail that was needed. He knew the applicant's dedication to the community. He was in support of annexation.

Chair Powell said it was premature to ask the applicant to do more work than what they had already done and he applauded them for the work that had been done. All the concerns would carry on to the development process and would need to be resolved. The Concept Plan process was well done and he was impressed with the outcome. The planning Commission's role was to determine this particular five house annexation and he supported moving this forward to the City Commission for a vote of the public.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to recommend approval of AN 09-02 and to set the election for May 18, 2010 to the City Commission for their consideration at the February 17, 2010 public hearing.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye. [4:0:0]

L 08-01 6 Month Code Update

L 08-01 Commission Report

Mr. Konkol requested a continuance of this hearing to the Februaray 22, 2010 Planning Commission meeting.

Chair Powell asked for public comment. There was none.

Motion by Commissioner Chris Groener, second by Commissioner Carter Stein to to continue the hearing to the February 22, 2010 Planning Commission meeting.

A roll call was taken and the motion passed with Chair Tim Powell, Commissioner Dan Lajoie, Commissioner Carter Stein, Commissioner Chris Groener voting aye and Commissioner Allan Dunn abstained. [4:0:1]

INFORMATION

2009 Planning Applications

Commission Report

Land Use Applications

Mr. Konkol gave the Commission a summary of the last 7 to 10 years of planning applications that had been submitted to the City. It showed the extent of the recession in terms of building lots. He thought things would pick up again in 2011. He emphasized Nancy Kraushaar, City Engineer and Public Works Director, worked closely with the State and Metro to address the regional transportation issues. Oregon City was the main route in Clackamas County to reach the metropolitan area and there were many issues to address. Improvements that were made were not only for Oregon City, but for the region and there were equity issues as well.

Chair Powell said public education was key to help people understand how the process worked.

Mr. Konkol also gave an update on the Operations Center and the efforts to maintain or preserve as much of the basalt outcropping as possible. He discussed the status of the Beavercreek Concept Plan which was remanded back to the City Commission.

ADJOURN

Chair Powell adjourned the meeting at 8:40 p.m.

BLACK & VEATCH
Building a world of difference

City of Oregon City
Livesay Road Pump Station Evaluation

B&V Project 164991
B&V File E 1.0
January 29, 2010

Ms. Nancy Kraushaar
City Engineer
City of Oregon City
320 Warne Milne Road
Oregon City, 97045

Subject: Final Technical Memoranda

Dear Ms. Kraushaar:

Enclosed are the final technical memoranda for the Livesay Road Pump Station Evaluation. Black & Veatch met with City of Oregon City on January 6th, 2010 to discuss the findings of the evaluation. Based on this meeting, the recommendation for the City going forward is as follows in the enclosed technical memoranda.

The City is interested in exploring measures to reduce the costs associated with Alternative A, installing a 2-inch HDPE gravity fed service line, and Alternative B, replacing the pump and tanks in the existing pump station.

The main source of uncertainty in the cost of installing the gravity line is the cooperation of the homeowners with regard to property easements for the pipe. The City would like to hold a meeting with the homeowners in the Livesay service area to propose the idea of installing the 2-inch HDPE gravity line and discussing easements for it. The City requested Black & Veatch's presence at this meeting. Another cost saving measure that was discussed was that the City could trench and install the pipe themselves rather than contracting that work out to a third party contractor. The City is interested in pursuing this option if they can easily secure the necessary easements from the property owners.

A potential cost-saving option to replace the existing pump and tanks in the existing pump station would be to contract the work as separate mechanical and electrical contracts. The City would procure the necessary equipment themselves and contract out the installation. The City would also perform all desired site improvements themselves. This approach could save cost over a general contractor bid.

Sincerely,

BLACK & VEATCH COPORATION

Alan Peck

Alan Peck, P.E.
Project Manager

AWP:taj

CC: John Lewis, P.E. (4 Sets of TMs)
B&V File

Enclosures
Cygnet\164991\B Correspondence\B 1.0 B&V Correspondence\Letter-Kraushaar-01-29-10-final TMs.doc

TECHNICAL MEMORANDUM 1

To:	Nancy Kraushaar, P.E. John Lewis, P.E.
From:	Alan Peck, P.E.
Date:	January 29, 2010
RE:	Background Review and Facility Assessment

1. Project Goals

The goals of the project, as identified in the Scope of Work, are summarized below.

Phase 1 – Background Review and Facility Assessment

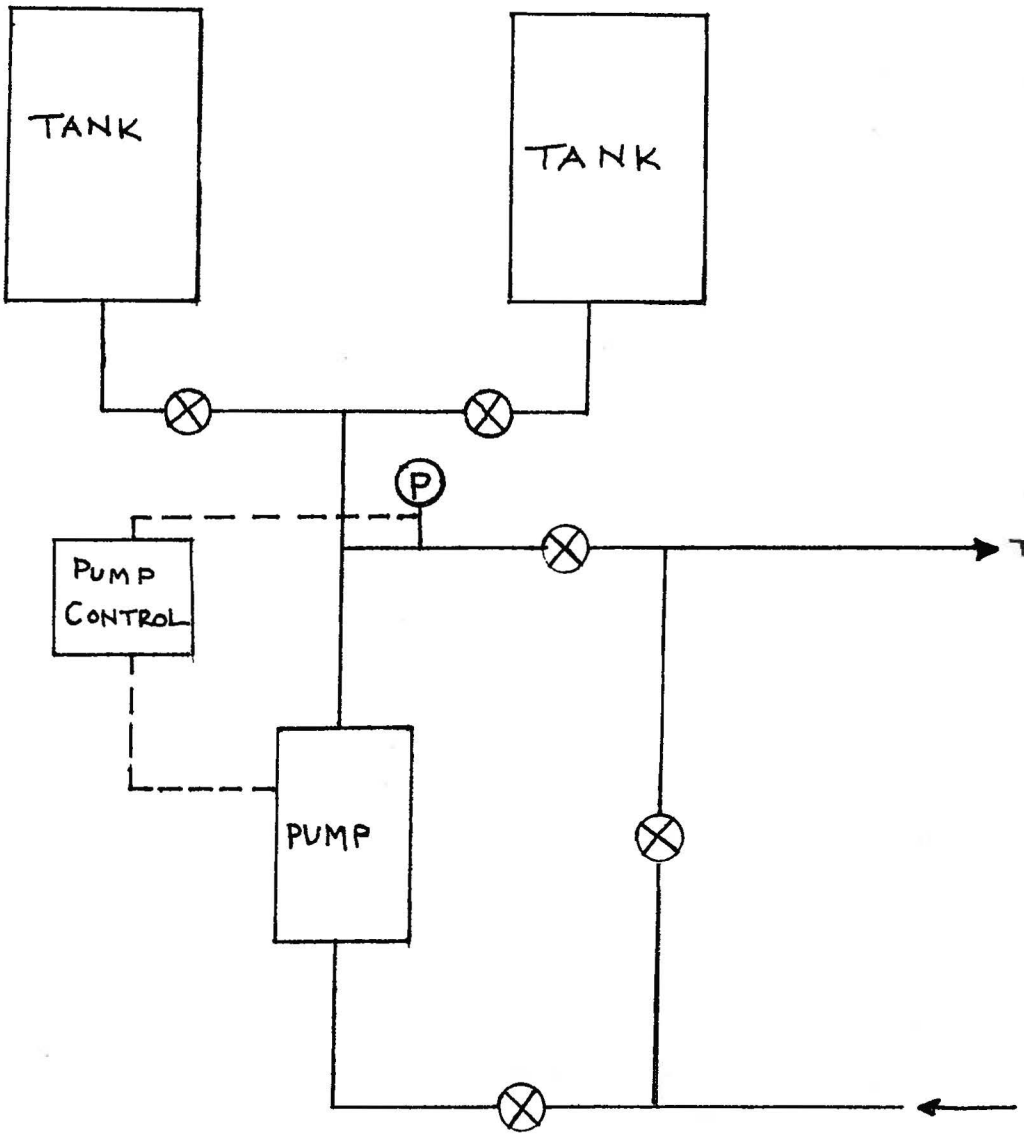
- Identify specific physical deficiencies in the Livesay Pump Station facility and equipment components.
- Identify specific operational and maintenance issues that need to be addressed.
- Evaluate the capacity of the existing system and facilities to meet the service level goals of the City of Oregon City for this service area.

Phase 2 – Alternatives Analysis

- Identify alternatives to upgrade the system and to address the deficiencies identified under Phase 1.
- Evaluate the identified alternatives, including hydraulic analysis, feasibility, cost, reliability, and operational considerations.
- Develop a description and planning level cost estimate for the proposed recommended improvements to the facilities.

2. Background Information

The Livesay Pump Station provides water to a small service area comprised of four customers. The pump station maintains a minimum discharge pressure to the area. Figure 1 is a schematic of the Livesay Pump Station. The pump pumps into two 119 gallon tanks. When the pressure in the tanks falls below 70 psi the pump turns on until the pressure reaches 100 psi. Historically, there have been several occasions where the pump motor has burned up and City personnel have reported that the station breaks down often.



⊗ Valve

Ⓟ Pressure Gauge

BLACK & VEATCH	BACKGROUND REVIEW AND FACILITY ASSESSMENT	FIGU
	CITY OF OREGON CITY LIVESAY RD PUMP STATION EVALUATION	PUMP SCHE

3. Condition Assessment

Black & Veatch and City of Oregon City personnel visited the Livesay Pump Station to complete a Condition Assessment (see photographs in Appendix A). Following is a summary of the Condition Assessment for the facility. Input from operations staff interviews is included in this assessment. Table 1 defines the rating system that was used to evaluate the condition of the pump station. Figure 2 describes the relationship between the condition rating and the value remaining for each component group of the facility. Table 2 summarizes the finding from the Condition Assessment.

Table 1. Condition Rating

Condition Rating	Percent of Value Remaining	Description
1	100%	New condition, good build quality
2	90%	Well maintained with little or no history of repairs. No improvements required to maintain function.
3	60%	Average repair history. Improvements required to improve performance or efficiency.
4	20%	High incidence of repairs. Immediate improvements required to maintain reliability.
5	10%	Almost unserviceable. Near total failure. Replacement required.

Figure 2. Percent of Value Vs. Condition Rating

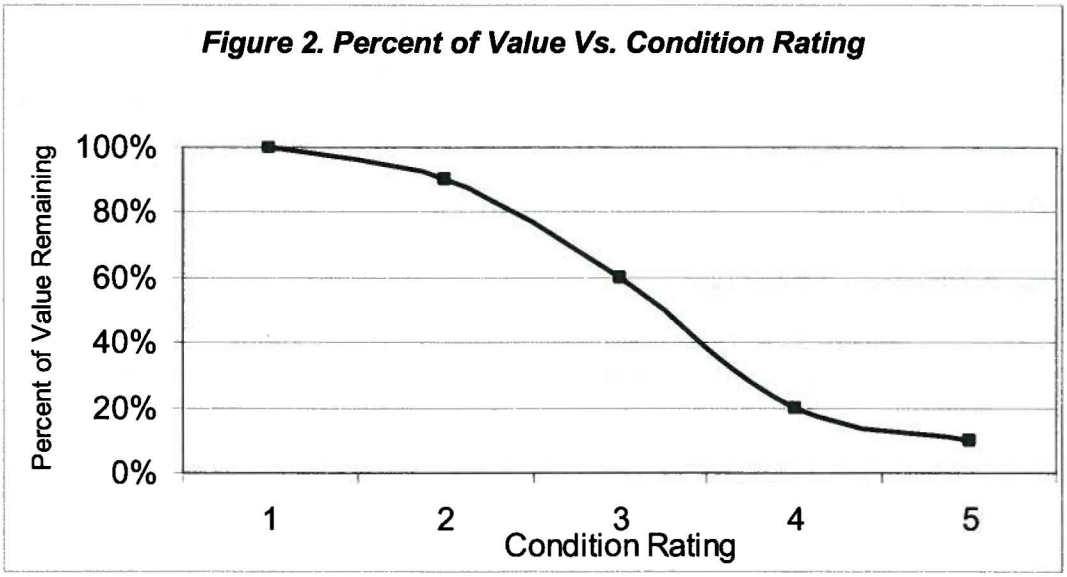


Table 2. Condition Assessment		
Component Group	**Condition Rating***	**Comments**
Site – Access, Room for Expansion, Surrounding Area	4	Site is on the side of a steep embankment. Site is not easily accessible to City personnel.
Structure – Walls, Roof, Foundation	2	Concrete shows some spalling on the floor and walls. There is no ventilation in the building which causes moisture buildup resulting in a slippery floor and corrosion of electrical equipment. There are exposed rebar studs in the door frame. Building itself is in generally good condition.
Pumps and Motors	4	Centrifugal pump with a capacity of 30 gpm. Motor is 7.5 hp, 230 V, single phase. Pump is not secured to the base. Pump short cycles and several pump motors have burned up. Pump failed again in August 2009.
Mechanical – Valves, Piping, Tanks	3	Two 119 gallon diaphragm well tanks. Piping and valves are in good condition. Tanks are in fair condition, but are sitting on cinder blocks.
Electrical – AFD, MCC, Standby Power	3	Pumps station has single phase power service. Control panel is attached to a wood board which is nailed to the wall. The space does not provide the required 36 inches in front of the panel. The ground line from the the control panel to the floor is exposed. There is corrosion on the conduit to the light fixture.
Instrumentation – Flow/Pressure Instruments, SCADA, Transmitter/modem	2	Limited instrumentation. Pressure gauge is in good working condition.
Security – Locks, Site Lighting, Surveillance Devices, Fencing	5	No site security.
Operation		Pump turns on when pressure in the tanks drops to 70 psi and pumps until the pressure reaches 100 psi.
Issues (Capacity, Operation, Power)		Pump has a history of short cycling. Pump failed again in August 2009. Historically, several motors have burned up. City personnel monitor air pressure in the tanks and recharge the tanks manually with an air compressor.
Overall Facility Rating	3	

4. Water Demand Analysis

Historical water demands from the City of Oregon City Water Distribution System Master Plan (2003) were used to establish a basis for system demands. System demands are summarized in Table 3.

Table 3. Water Demand Analysis			
Description	**Peaking Factor[a]**	**Demand (gpd[b])**	**Demand (gpm[c])**
Average Day Demand (ADD)[d]	1.0	1,728	1.2
Maximum Day Demand (MDD)	2.1	3,629	2.5
Peak Hour Demand (PHD)	4.5	16,330	11.3

[a]Peaking Factors from Table 3-4 of the City of Oregon City Water Distribution System Master Plan (2003).
[b]gpd: gallons per day
[c]gpm: gallons per minute
[d]Average Day Demand was determined using Average Per Capita Demand from Table 3-5 of the City of Oregon City Water Distribution System Master Plan, assuming 3 persons per household and 4 service households.

A maximum instantaneous demand of 40 gpm was determined using Uniform Plumbing Code Water Supply Fixture Units (State of Oregon Plumbing Specialty Code, 2000 Edition, Appendix A). Therefore, the expected maximum demand is between 11 gpm and 40 gpm. A peak instantaneous demand between 20 gpm and 40 gpm will be supplied by the tanks. The pump should be sized to meet the Peak Hour Demand of 10 gpm to 20 gpm.

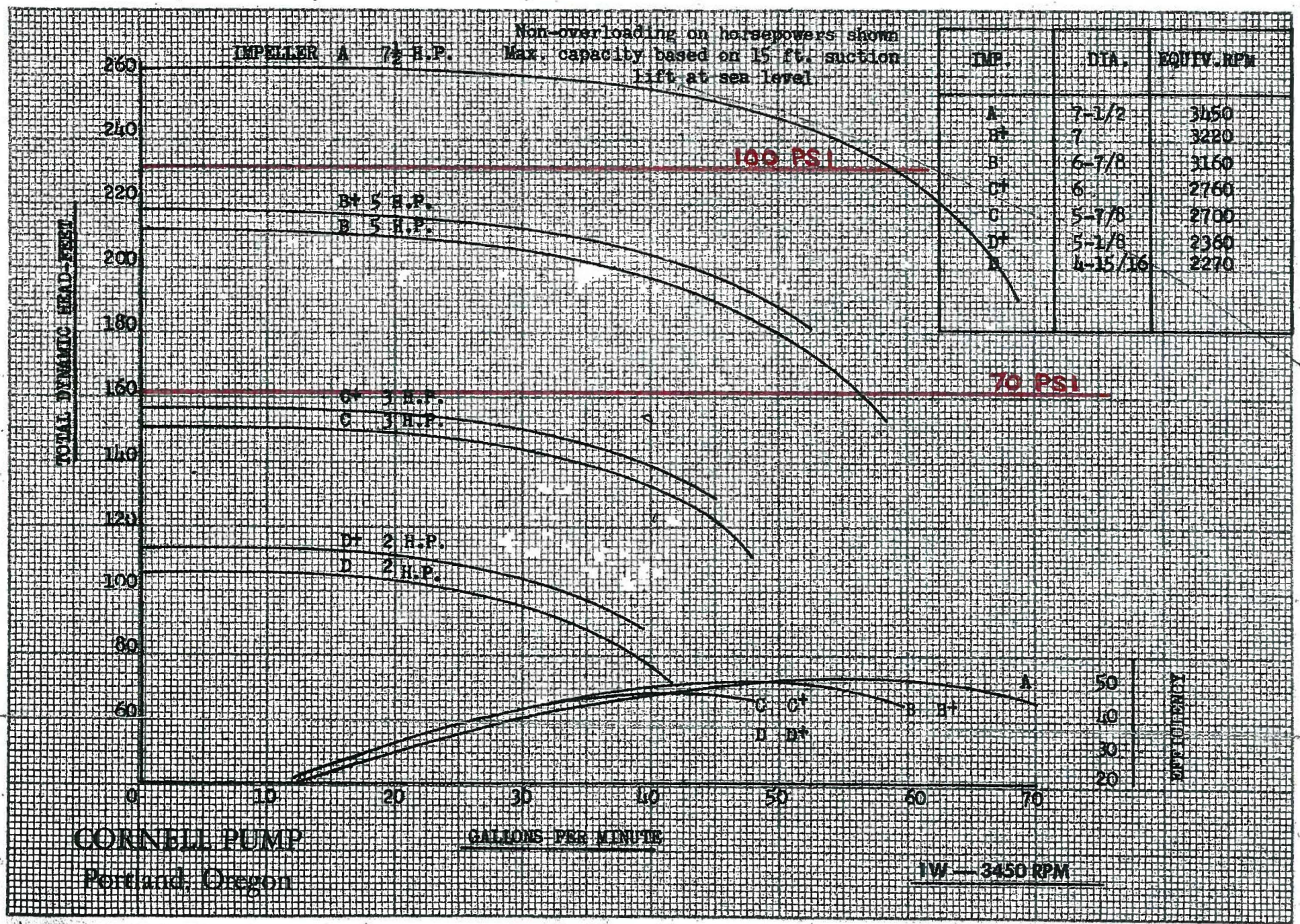
It was assumed that there would be no change in demand or land use throughout the life of the pump station. It should be noted that the Livesay Pump Station does not provide any fire flow to the service area.

5. Capacity Assessment

The pump turns on when pressure in the tanks reaches 70 psi and turns off when pressure in the tanks reaches 100 psi. Table 2-4 of the City of Oregon City Water Distribution System Master Plan (2003) lists the pump as a 5 horse-power pump with a capacity of 30 gallons per minute at a discharge head of 210 feet. The pump currently has a 7.5 horse-power motor. Figure 3 shows the pump curve, which was acquired from Cornell Pump Co. Based on this pump curve, the 7.5 horse-power motor is too big for the system's requirements. When the pump turns on at 70 psi, the pump is operating at around 70 gallons per minute. At this rate, the pump fills the tanks very quickly and then shuts off. This could be why the pump is short cycling and why several motors have burned up.

6. Summary

The overall condition rating of the Livesay Road Pump Station is 3. The pump station requires some improvements in order to improve performance and efficiency. The pump station structure itself is in good condition. The primary deficiencies are the pump and motor. The pump and the motor are incorrectly sized to meet the required service capacity of the pump station.

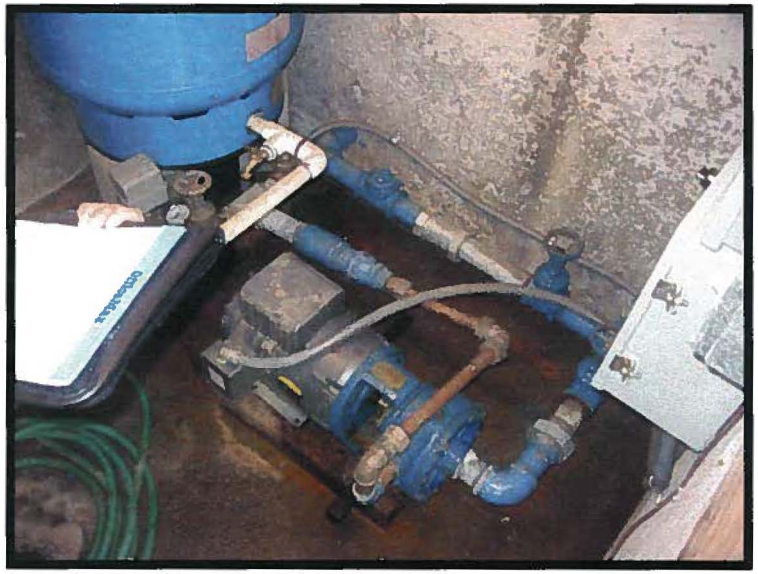

Non-overloading on horsepowers shown
Max. capacity based on 15 ft. suction lift at sea level
IMPELLER A 7½ H.P.
100 PSI
B+ 5 H.P.
B 5 H.P.
70 PSI
C+ 3 H.P.
C 3 H.P.
D+ 2 H.P.
D 2 H.P.
IMP. | DIA. | EQUIV. RPM
A | 7-1/2 | 3450
B+ | 7 | 3220
B | 6-7/8 | 3160
C+ | 6 | 2760
C | 5-7/8 | 2700
D+ | 5-1/8 | 2360
D | 4-15/16 | 2270
TOTAL DYNAMIC HEAD-FEET
260
240
220
200
180
160
140
120
100
80
60
0
10
20
30
40
50
60
70
A
B B+
C C+
D D+
50
40
30
20
EFFICIENCY
GALLONS PER MINUTE
1W — 3450 RPM
CORNELL PUMP
Portland, Oregon

Appendix A

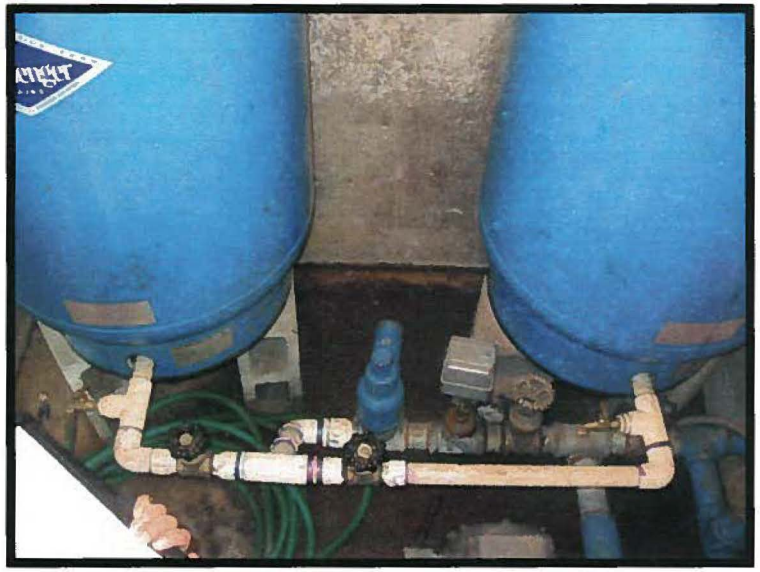
Condition Assessment Site Photos



Livesay Road Pump Station Site



7.5 HP Centrifugal Pump



119 Gallon Diaphragm Well Tanks



7.5 HP Centrifugal Pump Base

TECHNICAL MEMORANDUM 2

To: Nancy Kraushaar, P.E.
John Lewis, P.E.

From: Alan Peck, P.E.

Date: January 29, 2010

RE: Alternatives Analysis

1.0 BACKGROUND

The Livesay Pump Station provides water to a small service area comprised of four customers. The pump station maintains a minimum discharge pressure to the area. The pump pumps into two 119 gallon tanks. When the pressure in the tanks falls below 70 psi the pump turns on until the pressure reaches 100 psi. Historically, there have been several occasions where the pump motor has burned up and City personnel have reported that the station breaks down often.

1.1 Project Goals

The goals of the project, as identified in the Scope of Work are summarized below.

1.1.1 Phase 1 – Background Review and Facility Assessment

- Identified specific physical deficiencies in the Livesay Pump Station facility and equipment components.
- Identified specific operational and maintenance issues that need to be addressed.
- Evaluated the capacity of the existing system and facilities to meet the service level goals of the City of Oregon City for this service area.

1.1.2 Phase 2 – Alternatives Analysis

- Identify alternatives to upgrade the system and to address the deficiencies identified under Phase 1.
- Evaluate the identified alternatives, including feasibility, cost, reliability, and operational considerations.
- Develop a description and planning level cost estimate for the proposed recommended improvements to the facility.

1.2 Summary of Phase 1 Findings

The overall condition rating of the Livesay Road Pump Station is average. The pump station requires some improvements in order to improve performance and efficiency. The pump station structure itself is in good condition, although it lacks any HVAC system or ventilation which causes moisture build-up, slipping hazards and corrosion of

electrical equipment. The primary deficiencies are the pump and motor. The pump and the motor are incorrectly sized to meet the required service capacity of the pump station. The pump station currently operates with one pump. Having two pumps installed would provide backup in case of failure.

2.0 DETAILED ALTERNATIVES ANALYSIS

A preliminary analysis of the system was conducted to evaluate the capacity of the facility to meet the service goals of the City of Oregon City for present and near future operating conditions. Phase 1 evaluated the system's deficiencies. Phase 2 will analyze the feasibility of alternatives proposed to remedy pump station deficiencies.

2.1 Criteria for a Good Solution

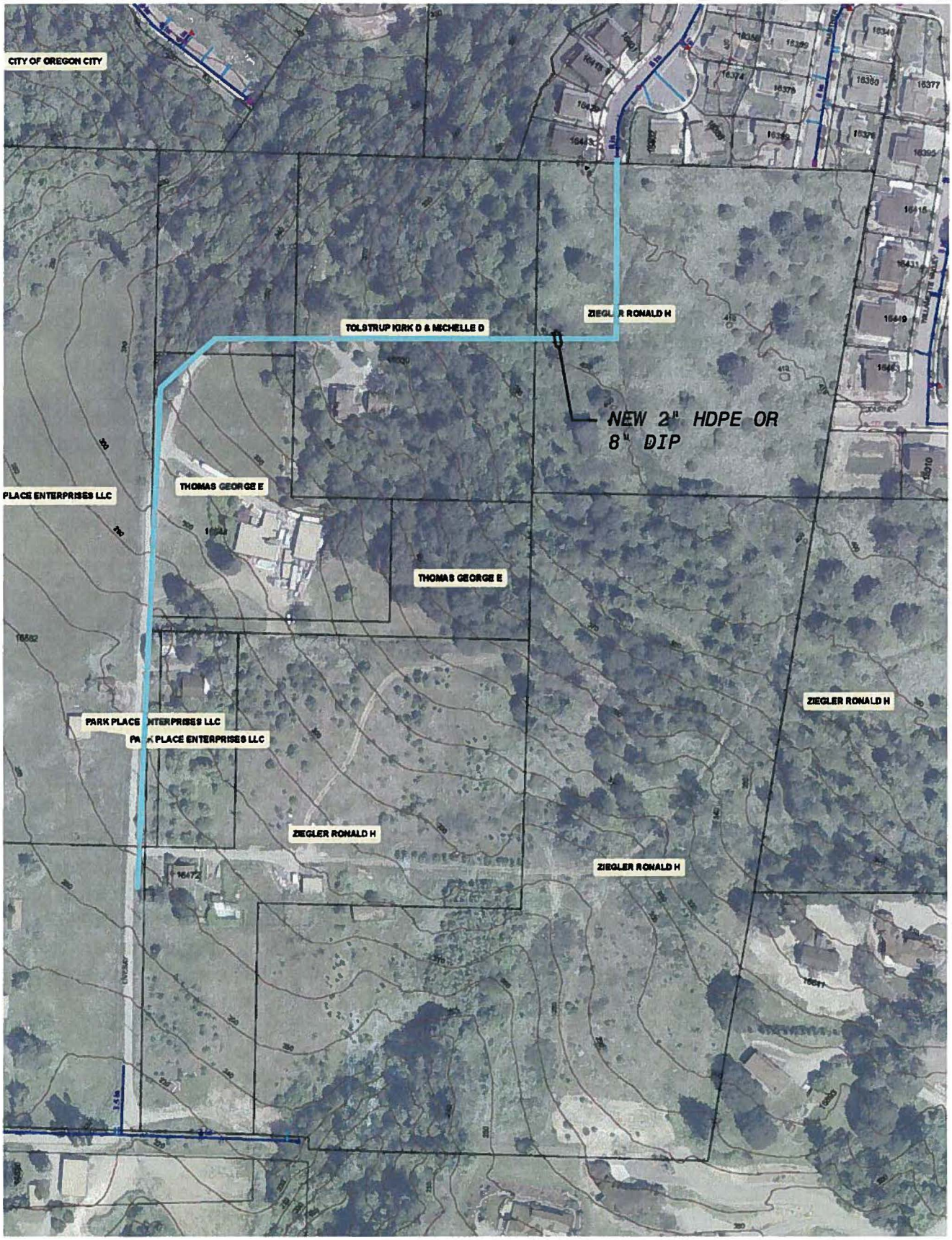
- **System Benefit.** Alternative shall address identified deficiency and allow system to meet service goals.
- **Constructability.** Alternative shall be easily constructible without compromising system reliability.
- **Permitting.** Alternative shall be feasible to permit and shall be compatible with land use and City and County codes.
- **Operational Functionality.** Alternative shall promote operational flexibility and minimize maintenance issues.
- **Cost.** Alternative's operational and capital costs shall be reasonable. Costs presented at the planning level of analysis are budgetary-level costs, and will need to be refined during design.

2.2 Evaluation of Selected Alternatives

Based on the evaluations in Phase 1, Black & Veatch and the City of Oregon City developed a list of possible alternatives to be considered to address the Livesay Pump Station's identified deficiencies. During the Livesay Pump Station Evaluation Review Meeting (held on September 28, 2009) Black & Veatch and City personnel identified the following three alternatives to upgrade the pump station to meet the City's service goals.

2.2.1 Alternative A – Gravity Feed from Pressure Zone to the North

Description. The neighborhood to the north of the Livesay Pump Station service area is a part of the City of Oregon City water distribution system. This alternative proposes connecting a service line from the distribution system to feed water to the service area via gravity flow. One option of this alternative involves installation of a 2-inch high-density polyethylene (HDPE) pipe that would serve as a temporary line until the service area is incorporated into Oregon City's Urban Growth Boundary. The second option of this alternative involves installation of permanent 8-inch ductile iron pipe (DIP). Both options would connect to the distribution system at Cattle Drive directly north of the service area and provide gravity flow to each of the service connections. A schematic of Alternative A is shown in Figure 1.



BLACK & VEATCH Corporation PROJECT 164997	ALTERNATIVES ANALYSIS	FIGURE 1
	CITY OF OREGON CITY LIVESAY ROAD PUMP STATION EVALUATION	ALTERNATIVE A

A30005
FA30005

System Benefit. Supplying water to the Livesay service area by gravity would allow the City to meet the service goals for the area without the need for additional pumping. The system's current deficiencies would be eliminated completely. Installation of 8-inch DIP would tie in to the distribution system in the future when the Urban Growth Boundary expands to include the Livesay service area.

Constructability. Gravity feeding requires a high level of construction effort. For the 2-inch HDPE line, the pipe could probably be installed by horizontal directional drilling. Installing the 8-inch DIP would require traditional trench excavation, which is more intrusive and also requires clearing vegetation through the rural area. Subsurface conditions in the Oregon City area can be rocky and difficult to maneuver through. Before pursuing one of these alternative, it would be beneficial for the City to excavate test pits in order to examine subsurface conditions in the service area, to verify feasibility and cost assumptions.

Permitting. Easements would need to be obtained for the pipe, which would cross up to 4 properties. A geological hazards permit may be required depending on the slope.

Operational Functionality. Operational flexibility would be maximized with the gravity feed option and system maintenance issues would essentially be eliminated.

Cost. The budgetary cost to install a 2-inch HDPE gravity line to the service area is $170,000. The budgetary cost to install an 8-inch DIP gravity line to the service area is $410,000. There are no operational costs associated with either of the gravity feed options.

2.2.2 Alternative B – Replace Pump and Tanks

Description. This alternative involves replacing the existing pump and storage tanks. A new pump and two new diaphragm well tanks would be installed in the existing pump station structure. A spare pump would be kept on the shelf for backup. The electrical pump control panel would be upgraded to be NEMA 4 rated and would be installed externally, either mounted on the outside of the pump station or on a panel stand next to the station. The control panel would be lockable so that only City personnel have access to the control switches. A schematic of Alternative B is shown in Figure 2.



BLACK & VEATCH Corporation PROJECT 164997	ALTERNATIVES ANALYSIS	FIGURE 2
	CITY OF OREGON CITY LIVESAY ROAD PUMP STATION EVALUATION	ALTERNATIVE B

A30005
FA30005

System Benefit. This alternative replaces all elements of the current system that are deficient. This alternative would allow the pump station to operate as it is intended to and would provide a new pump that is more suitable to the service needs of the area. The recommended spare pump would require installation in the event that the installed pump failed.

Constructability. Construction for this alternative would involve removing the existing tanks, pump, and controls from the pump station structure and installing the new tanks and pump inside the structure and the electrical controls outside of the structure. This could be difficult, as access to the pump station is down a steep embankment. Also, the structure itself is small and hard to maneuver in and around. However, the total construction effort for this alternative would be the best of all alternatives.

Permitting. Permitting requirements for replacing the pump and tanks are minimal at most. Electrical controls would need to be installed and inspected in accordance with the electrical code.

Operational Functionality. Replacing the existing pump and tanks would improve the operational functionality of the pump station. The existing pump and motor are not correctly sized for the service needs of the system. A new pump that is properly sized as well as new tanks would address the maintenance and reliability issues that the City has dealt with historically. A spare pump would provide redundancy that the pump station is currently lacking as well. This alternative would address some of the site deficiencies that were identified during Phase 1. Site access could be improved by removing the existing buried, abandoned tank that is currently underneath the stairs to the pump station, and adding improved access facilities.

Cost. The budgetary cost to replace the existing pump, provide a spare pump, replace the existing tanks, and provide improved access is $100,000. It was assumed that this alternative would require some basic operational and maintenance attention. Assuming one operator spends four hours per week maintaining the pump station, the operational cost for this alternative is approximately $12,500 per year.

2.2.3 Alternative C – New Packaged Pump Station

Description. This alternative involves abandoning the existing pump station entirely and replacing it with a new prefabricated pump station. One option for this alternative involves a prefabricated pump station that consists of two 20 gallon per minute (gpm) capacity pumps. This option would have one pump providing service flow and one pump as backup. The other option for this alternative involves two 20 gpm pumps and two 250 gpm pumps. This option would provide have one 20 gpm pump providing service flow with the second as back up as well as the two 250 gpm pumps which would provide fire flow to the service area. A schematic of Alternative C is shown in Figure 3.



BLACK & VEATCH Corporation PROJECT 164997	ALTERNATIVES ANALYSIS	FIGURE 3
	CITY OF OREGON CITY LIVESAY ROAD PUMP STATION EVALUATION	ALTERNATIVE C

A30005
FA30005

System Benefit. This alternative would allow the City to meet its service goals and eliminate any uncertainty associated with the existing pump station. It would also provide redundancy which the existing pump station lacks.

Constructability. This alternative would be easily constructible if a suitable site is found. For either option, the prefabricated pump station would be delivered to the site ready to install. All principle components, including pumps, motors, valves, interconnecting piping, pump control panel, pressure sensors and indicators, are mounted on a structural steel base. A concrete pad and an enclosure complete the station and it would be connected to the existing piping.

Permitting. The location of the new packaged pump station would need to be determined. Right-of-way in the area of the existing pump station is unknown. An easement may need to be obtained for the placement of the pump station. Purchasing a small piece of property is also an option.

Operational Functionality. A prefabricated pump station would provide all new equipment that meets current codes and is easy to maintain. Either option for this alternative would provide redundancy as well.

Cost. The budgetary cost of a packaged pump station that provides service flow only is $380,000. The cost of a packaged pump station that provides service flow as well as fire flow is $470,000. It was assumed that either of these alternatives would require basic maintenance. Assuming one operator spends four hours per week maintaining the pump station, the operational cost for this alternative is approximately $12,500 per year.

3.0 SUMMARY OF FINDINGS

3.1 Recommendations

Each of the alternatives addresses the deficiencies of the existing Livesay Road pump station identified during Phase 1. Each alternative was scored based on how well it satisfied each of the criteria for a good solution. A summary of these scores is shown in Table 1.

Table 1. Alternatives Scoring Matrix

	Alternative A Gravity Feed		Alternative B Replace Pump and Tanks	Alternative C Packaged Pump Station	
	2-inch HDPE	8-inch DIP		Service Flow	Service + Fire Flow
System Benefit	1	1	2	1	1
Constructability	2	3	1	1	1
Permitting	2	3	1	3	3
Operational Functionality	1	1	2	1	1
Initial Capital Cost	2	4	1	3	4
Annual Operational Cost	1	1	3	3	3
Total Score	9	13	10	12	13

Criteria Rating Chart
1 - Low cost, high benefit
2 - Medium cost, average benefit
3 - High cost, low benefit
4 - Very high cost

The option to gravity feed water via a 2-inch HDPE line scored the best in the analysis, followed closely by the option to replace the existing pump and tanks. Each of the packaged pump station options carry a very high cost, as does gravity feeding via an 8-inch DIP line. The associated costs for each alternative varied. A summary of the costs is provided in Table 2. A detailed cost breakdown for each alternative can be found in the Appendix. One reason for the high relative cost of Alternative C is the assumed cost of site or easement acquisition and permitting. If the City can obtain a pump station site or easement at low cost, then this alternative would appear more attractive.

Table 2. Summary of Costs

Alternative	BudgetaryCost
Alternative A - Gravity Feed	
2-inch HDPE	$ 170,000
8-inch DIP	$ 410,000
Alternative B - Replace Pump and Tanks	$ 100,000
Alternative C - Packaged Pump Station	
Service Flow	$ 380,000
Service + Fire Flow	$ 470,000

It is Black & Veatch's recommendation that the City install 2-inch HDPE to gravity feed water to the service area. However, there is uncertainty in the cooperation of the property owners in the area. If the acquisition of permits and/or easements seems feasible, this

option would provide the best solution. If, on the other hand, the acquisition of permits and easements proves to be too difficult or too costly, it is Black & Veatch's recommendation that the City replace the pump and tanks in the existing pump station.

3.2 Cost Benefit Analysis

Black & Veatch and City of Oregon City staff met on January 6, 2010 to discuss the findings of the Livesay Road Pump Station Evaluation Alternatives Analysis. The City is interested in exploring measures to reduce the costs associated with Alternative A, installing a 2-inch HDPE gravity fed service line, and Alternative B, replacing the pump and tanks in the existing pump station.

The main source of uncertainty in the cost of installing the gravity line is the cooperation of the homeowners with regard to property easements for the pipe. The City would like to hold a meeting with the homeowners in the Livesay service area to propose the idea of installing the 2-inch HDPE gravity line and discussing easements for it. The City requested Black & Veatch's presence at this meeting. Another cost saving measure that was discussed was that the City could trench and install the pipe themselves rather than contracting that work out to a third party contractor. The City is interested in pursuing this option if they can easily secure the necessary easements from the property owners.

A potential cost-saving option to replace the existing pump and tanks in the existing pump station would be to contract the work as separate mechanical and electrical contracts. The City would procure the necessary equipment themselves and contract out the installation. The City would also perform all desired site improvements themselves. This approach could save cost over a general contractor bid.

Appendix

Detailed Cost Breakdown For Each Alternative

Appendix - Detailed Cost Breakdown

Alternative A - Gravity Feed from Higher Pressure Zone

Option 1: 2-inch HDPE Pipe

Item No.	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization (20% of Total)	Lump Sum	All	Lump Sum	$ 8,800
2	Contractor's Overhead (20% of Total)	Lump Sum	All	Lump Sum	$ 8,800
3	2-inch HDPE Pipe	Feet	2,000	$ -	$ -
4	Directional Drilling (includes cost of pipe)	Feet	2,000	$ 15	$ 30,000
5	Fittings and Appurtenances	Lump Sum	All	Lump Sum	$ 6,000
6	Service connections	-	4	$ 2,000	$ 8,000
7	Land / right of way / permitting (assumed)	Lump Sum	All	Lump Sum	$ 50,000
8	Engineering, admin and legal 40%				$ 17,600
				SUBTOTAL	$ 129,200
				CONTINGENCY AT 30%	$ 38,760
				BUDGETARY COST	$ 170,000

Option 2: 8-inch DIP

Item No.	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization (15% of Total)	Lump Sum	All	Lump Sum	$ 25,500
2	Contractor's Overhead (10% of Total)	Lump Sum	All	Lump Sum	$ 17,000
3	8-inch Ductile Iron Pipe	Feet	2,000	$ -	$ -
4	Excavation/Backfill (includes cost of pipe)	Feet	2,000	$ 65	$ 130,000
5	Fittings and Appurtenances	Lump Sum	All	Lump Sum	$ 26,000
6	Fire hydrant assembly		2	$ 3,000	$ 6,000
7	Service connections		4	$ 2,000	$ 8,000
8	Land / right or way / permitting (assumed)	Lump Sum	All	Lump Sum	$ 50,000
9	Engineering, admin and legal 30%				$ 51,000
				SUBTOTAL	$ 313,500
				CONTINGENCY AT 30%	$ 94,050
				BUDGETARY COST	$ 410,000

Appendix - Detailed Cost Breakdown

Alternative B - Replace Pump and Tanks

Item No.	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization (20% of Total)	Lump Sum	All	Lump Sum	$ 8,800
2	Contractor's Overhead (20% of Total)	Lump Sum	All	Lump Sum	$ 8,800
3	Pump (EZ Boost model 15 BMQE 07B 180)	Lump Sum	2	$ 2,818	$ 5,636
4	Tanks (Flexcon Challenger series diaphragm tanks)	Lump Sum	2	$ 630	$ 1,260
5	Installation of equipment 100% of cost	Lump Sum	All	Lump Sum	$ 6,900
6	Access and Site Improvements	Lump Sum	All	Lump Sum	$ 20,000
7	Electrical Improvements	Lump Sum	All	Lump Sum	$ 10,000
8	Engineering, admin and legal 40%				$ 17,500
				SUBTOTAL	$ 78,900
				CONTINGENCY AT 30%	$ 23,670
				BUDGETARY COST	$ 100,000
	Annual O&M cost 1 operator x 4 hrs week x 52 wks/yr x $60	Year	1	$12,480	$12,480

Appendix - Detailed Cost Breakdown
Alternative C - Packaged Pump Station

Option 1: Service Flow

Item No.	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization (15% of Total)	Lump Sum	All	Lump Sum	$ 16,700
2	Contractor's Overhead (10% of Total)	Lump Sum	All	Lump Sum	$ 11,900
3	Package Pump Station	Lump Sum	1	$ 17,825	$ 17,825
4	Pump Station Building	Square feet	225	$ 150	$ 33,750
5	Installation of equipment 100% of cost	Lump Sum	All	Lump Sum	$ 17,825
6	Site improvements	Lump Sum	All	Lump Sum	$ 50,000
7	Land / right or way / permitting (assumed)	Lump Sum	All	Lump Sum	$ 100,000
8	Engineering, admin and legal 40%				$ 47,800
				SUBTOTAL	$ 295,800
				CONTINGENCY AT 30%	$ 88,740
				BUDGETARY COST	$ 380,000
	Annual O&M cost 1 operator x 4 hrs week x 52 wks/yr x $60	Year	1	$12,480	$12,480

Option 2: Service Flow + Fire Flow

Item No.	Description	Units	Quantity	Unit Price	Total Price
1	Mobilization (15% of Total)	Lump Sum	All	Lump Sum	$ 23,700
2	Contractor's Overhead (10% of Total)	Lump Sum	All	Lump Sum	$ 15,800
3	Package Pump Station	Lump Sum	1	$ 31,660	$ 31,660
4	Pump Station Building	Square feet	300	$ 150	$ 45,000
5	Installation of equipment 100% of cost	Lump Sum	All	Lump Sum	$ 31,660
6	Site Improvements	Lump Sum	All	Lump Sum	$ 50,000
7	Land / right or way / permitting (assumed)	Lump Sum	All	Lump Sum	$ 100,000
	Engineering, admin and legal 40%				$ 63,300
				SUBTOTAL	$ 361,100
				CONTINGENCY AT 30%	$ 108,330
				BUDGETARY COST	$ 470,000
	Annual O&M cost 1 operator x 4 hrs week x 52 wks/yr x $60	Year	1	$12,480	$12,480

ENTERED INTO THE RECORD
DATE RECEIVED: 2-17-2010
SUBMITTED BY: Nancy Walters
SUBJECT: Item 6a

February 17, 2010

City Commission Hearing
Agenda Item 6: Resolution No. 10-02 Annexation of approximately 54 acres into the City of Oregon City (Planning File AN 09-02)
Testimony of Nancy Walters, Park Place resident

The City's Comprehensive Plan calls for a full range of urban services to be available to accommodate new development. Staff findings for this proposed annexation state, "The City operates and provides a full range of urban services. Specifically with regard to water, storm and sewer service the City has both of these services available to serve the subject site..."

This finding does not address "a full range" of urban services such as parks, sidewalks, and public transportation. The County Plan says annexations should ensure the "orderly, economic provision of public facilities and services." Previous experience shows the City's process does not adequately address the likelihood of fund availability with respect to a full range of urban services.

Specifically, PPNA has been involved with the City for nearly ten years to improve Holcomb Boulevard to urban standards. The product of all this time and effort, while much appreciated, falls fall short of an "orderly, economic provision of public facilities and services." A full range of urban services for this facility would have been sidewalks on both sides of Holcomb from Redland Road to the City limit. What we have instead is sidewalk on a portion of one side of Holcomb. Notably missing are segments connecting to downtown Oregon City and between Holcomb School and most newer developments including the proposed annexation area. These portions were deemed too expensive to improve and are unlikely to be improved in the foreseeable future and are not covered by the Park Place Concept Plan.

The Park Place Concept Plan identifies $80+million in capital expenditures required to address transportation infrastructure needed to support additional development. The City continues to consider and approve relatively small annexations that appear to have little impact on overall traffic levels but have produced Level of Service F on Redland Road. The Park Place Concept Plan also calls for a new North/South connector that the neighborhood believes will never be built due to complicated topography and accompanying high cost. Instead the developer has proposed using existing residential neighborhood streets to provide access to the annexation area. Neighbors have expressed concerns regarding construction trucks and additional traffic on these residential roads.

Another urban service that falls short of "orderly, economic provision" is parks. According to the City's 2008 Park and Recreation Master Plan Update, "the most significant challenge faced by the Parks Maintenance division is the ability to provide adequate system maintenance at current staffing and funding levels. This issue is magnified by the addition of new parks and facilities to meet the needs of the growing community." High needs identified include walking and biking trails, new parks, open space and natural areas, and large picnic areas and shelters.

According to the Master Plan Update, the City maintains 36 park properties comprising of about 250 acres, quite a bit lower than the average park numbers per 1000 residents. Park Place Neighborhood covers about 25% of land in Oregon City. There is only one park in Park Place Neighborhood, five acres in size comprising 2% of total park acreage in Oregon City. This park is mostly undeveloped and its primary feature is a camping trailer parked next to the restrooms and occupied by "park hosts" who are supposed to help maintain the park but instead chase

people away and tell them that "this is not the park." While the Park Place Concept Plan area is identified as a priority for 2011-2012, the Park and Recreation Master Plan Update does not identify acquisition or maintenance costs for any additional parks in Park Place Neighborhood.

In summary, we do not concur that "existing infrastructure is sufficient, or can be made sufficient, to serve the needs of the annexation area." We do not believe the existing infrastructure is sufficient to meet the needs of the existing City area. Moreover, the City has failed to deliver a full range of urban services to accommodate new development from previous annexations and has failed to demonstrate the ability to provide these services in an "orderly and economic" fashion for the proposed annexation area.

ENTERED INTO THE RECORD
DATE RECEIVED: 02-17-2010
SUBMITTED BY: Christine Kosinski
SUBJECT: Item 6a

Oregon City Commission Meeting
February 17, 2010

RE: Annexation AN 09-02, Resolution # 10-02

Testimony of: Christine Kosinski, Unincorporated Clackamas County

In 2008 the Park Place Concept Plan was approved, but to some, may have lacked ability to meet State Transportation Guidelines because it could not be determined if the Swan Rd extension could be safely built due to Geotechnical and landslide issues.

In 2008, annexation was sought for 84 acres in Park Place, but it was voted down, AFTER THE CONCEPT PLAN APPROVAL.

Now the City, once again, seeks to annex 53 acres in Park Place, but has anything changed since the previous annexation?

A Regional Transportation Plan has not been developed.

Development is still not paying it's way, even though SDC's have been raised, the higher SDC's would not apply to this development.

Lack of roads (and the financing of) in this corridor have not been addressed. The efficacy for the Swan Rd Extension remains unknown since Geotechnical studies have not been done.

The upcoming May Ballot Measure will seek "only to annex 53 acres", however I direct you to a letter dated January 25th, 2010 from Planning and Land Design LLC, in which the applicant clearly states that development for the first phase can begin in Summer of this year, 2010.

If intentions for this annexation are to re-zone, build and develop beginning in Summer of this year, then the ballot measure should address the cost of infrastructure, the ability of the city to service the new homes, the financing for a new water system on Frank Road since the current system is failing.

A Regional Transportation Plan must be developed for this corridor. If the Rivers Shopping Center is approved, huge amounts of traffic will use the Redland Rd corridor and it's few connector roads which already are failing or close to failing. The "cumulative" vehicles per day into the Park Place area must be assessed. Costs for these roads will be a huge expense, who will finance these large amounts of money? Your

citizens and taxpayers have the right to know "full details" before they vote on this annexation issue.

For myself, I cannot support this annexation. Citizens have testified innumerable times citing the need for a Regional Transportation Plan for the Redland Rd corridor and it's connector streets. Until such a plan is developed and until financing is in place, I'm afraid development in this region remains a dream.

I WANT YOU TO KNOW - HOLLY LN RESIDENTS WILL NOT BE HELD HOSTAGE DUE TO LACK OF APPROPRIATE TRANSPORTATION PLANNING FOR THE REDLANDS RD CORRIDOR. WE WILL NOT LOSE OUR COMMUNITY & SENSE OF PLACE.

Christine Lysinski

ENTERED INTO THE RECORD
DATE RECEIVED: 02-17-2010
SUBMITTED BY: George Thomas
SUBJECT: Item 6a2

January 25, 2010

To whom it may concern,

My name is George Thomas and I presently reside with my wife Linda off of Livesay Road in the Park Place area. I am requesting that the annexation measure be approved and be placed on the ballot for the May 18th election date. I understand this application submittal needs to first go to the Oregon City Planning Commission and then on to the City Council in order for this to occur. There are numerous reasons why I want to see this application approved but I will try to highlight for you a few that I find very important.

To begin with, right now all the homes and residents living in the Livesay Road neighborhood are placed in grave danger from time to time by the flooding of the Abernethy Creek onto Redland Road. This periodic flooding can cause closure of the stretch of the road where only our access intersects with it. These weather events have left all of us in complete isolation from emergency vehicles and other necessary medical services for days at a time. To me this is totally unacceptable when there are options available to remedy the situation. We have had houses burn down to the ground in the past because the fire trucks were unable to get there. In addition, I personally almost died last year from a heart attack. Fortunately, the flood waters receded enough that I was able to get to the hospital in time to save my life.

Recognizing the health and safety risks that presently exist to all of us living on Livesay Road and the fact that this application, if approved, would most likely resolve these serious exposures it would be a tremendous tragedy if another house unfortunately burns down. A even larger concern we have is if a person where to die or have a serious medical emergency and unable to get to the proper hospital facilities due to the flooding or an accident blocking our way. For these primary reasons I strongly urge the approval of this application.

As I understand from the previous public hearings that dealt with the approval and adoption of the concept plan for our area it was pointed out that secondary vehicular accesses were to be provided as the property comes into the city. This is not just for our benefit but also for the existing residents living in the Holcomb Road neighborhoods that have only the Trailview entry for access. If their road were to be blocked, for whatever reason, they too could face serious medical emergencies and possibly a death with no way of an ambulance or fire truck getting in or out.

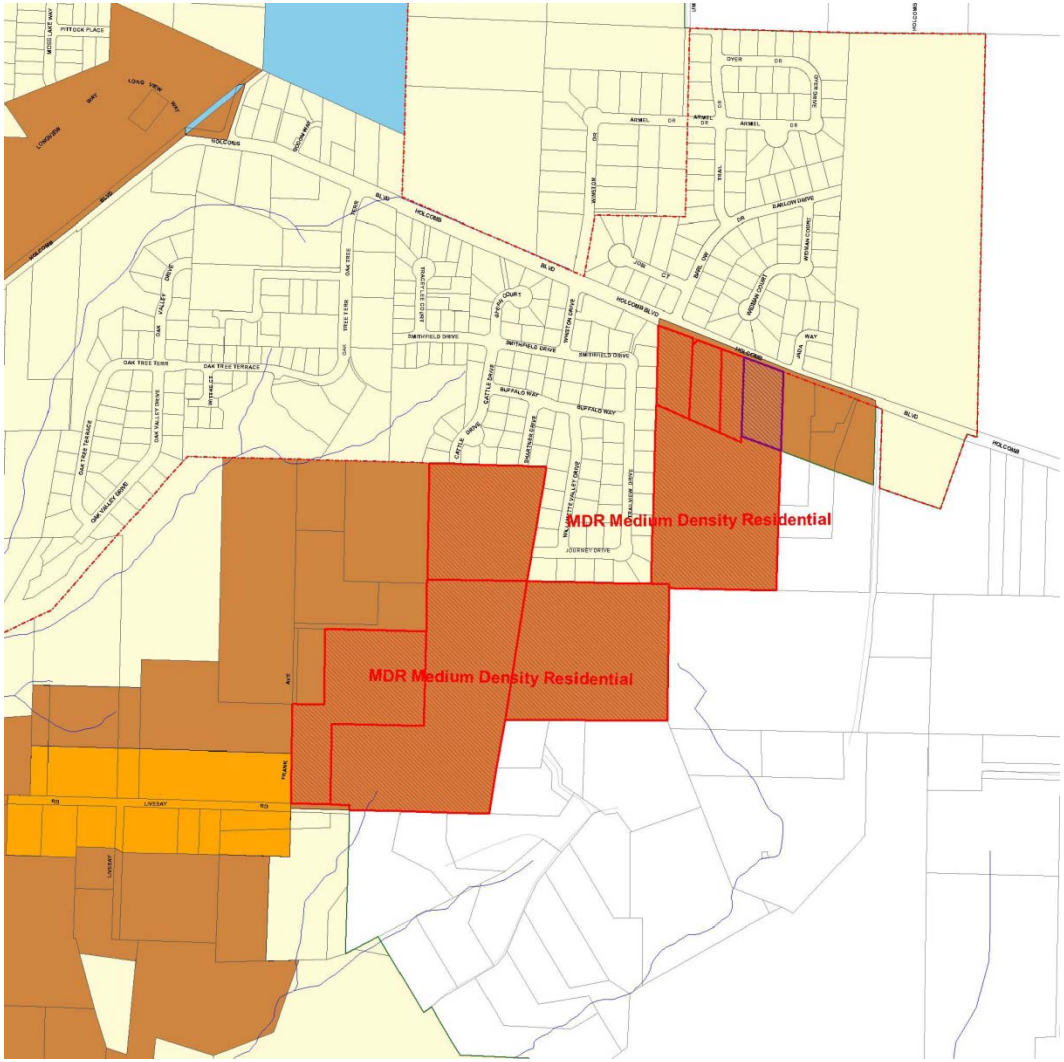
In talking with my neighbors we all believe it would be very irresponsible of the city to not go forward with a unanimous approval of this annexation application. Every night we get a strong winter storm we constantly worry about whether our road access will be blocked for possibly several days. We understand the applicant has analyzed some potential layouts for a temporary emergency vehicle access which could prevent these tragedies from occurring in the future.

I don't want to sound like an alarmist but let me make sure everyone fully understands how serious we are about this issue. If the city were to somehow attempt to block or not support this health and safety improvement from being constructed for whatever reason and either my wife or I were to die we would pursue any and all legal avenues available to us due to the city's irresponsible actions. We are not here to make any threats but simply want you to recognize there is a solution to this dire situation and we strongly request you support us with a yes vote so that the process can continue to allow this property to eventually come into the city and develop.

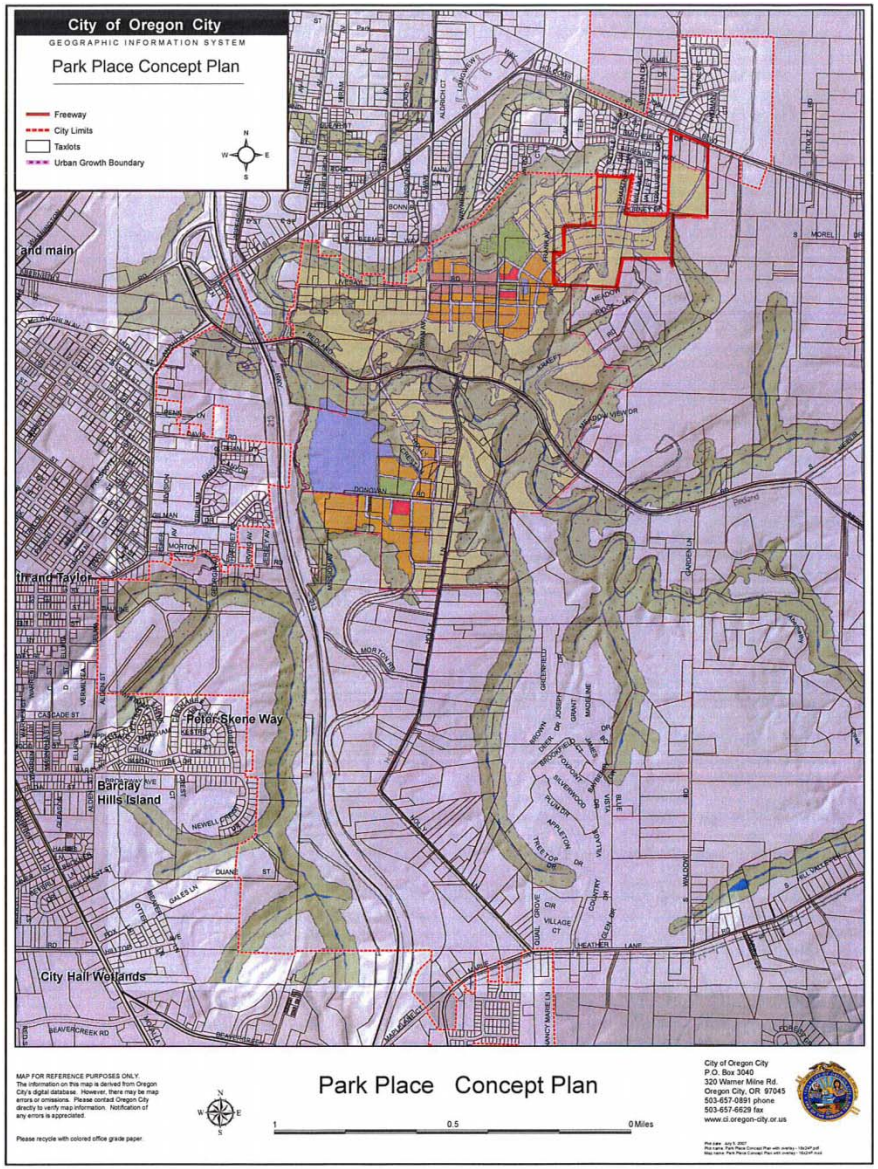
Sincerely,

George Thomas

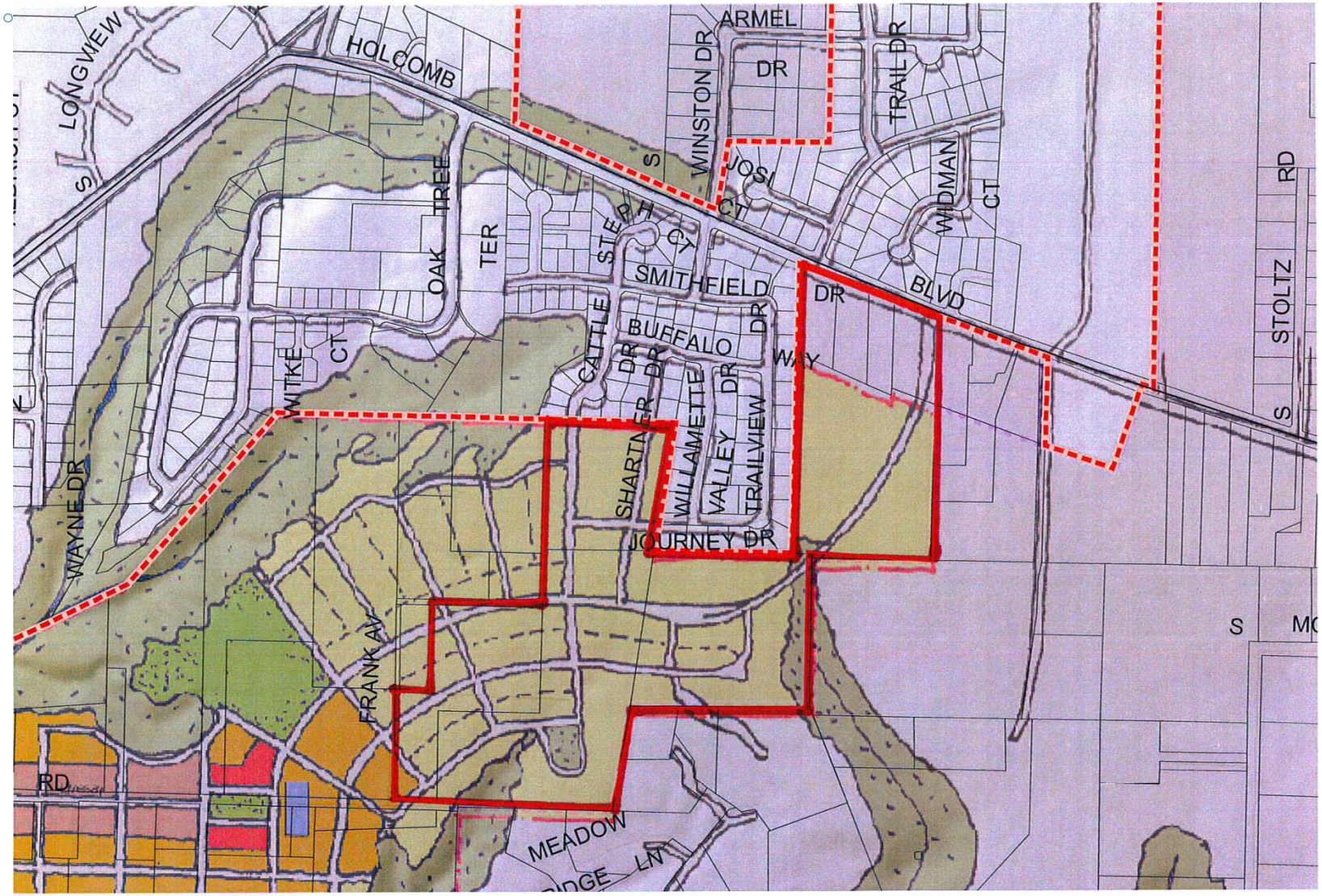
City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Location and Comprehensive Plan Map



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Park Place Concept Plan



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Park Place Concept Plan



City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Oregon City Municipal Code Approval Criteria

When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

1. Adequacy of access to the site.
2. Conformity of the proposal with the City's Comprehensive Plan.
3. Adequacy and availability of public facilities and services to service potential development.
4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222 and Metro Code 3.09.
5. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes.
6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at the time of annexation.
7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation.

The city commission shall only set for an election annexations consistent with a positive balance of the factors.

City of Oregon City
Park Place Annexation Request – Planning File: AN 09-02
Staff Recommendation

1. Set AN 09-02 for consideration on the May 18, 2010 ballot.
2. Withdraw the territory from the Enhanced Law Enforcement district.
3. Concur with Tri-City Service District's annexation in the enacting ordinance upon voter approval.
4. Remain within Clackamas County Fire District #1.
5. Tax lots 1080, 600, 800, 900 and 1000 should remain within Clackamas River Water District until formal transfer proceedings are finalized.
6. Withdraw tax lot 190 from the Clackamas River Water District and connect to Oregon City water service.
7. Accept the applicant's Police Funding Fee proposal.
8. The annexed properties will maintain the existing county zoning designations if approved by the citizens of Oregon City.
9. If annexed, the properties shall demonstrate compliance with Oregon's Transportation Planning Rule at the time of the rezoning request.

Agenda Item No. 6b
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Tony Konkol, Community Development Director
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	2007 Development Agreement Amendment with Modena Homes
Agenda Heading: Public Hearing	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Approve the first reading of Ordinance No. 10-1002 amending the 2007 Development Agreement between the City of Oregon City and Modena Homes.

BACKGROUND:

Dean Pollman received approval from the City for a 6-lot subdivision at 19038 South End Road (City file number TP 04-08) on August 11, 2005. The City and Mr. Pullman entered into a development agreement (Ordinance 05-1010) to provide compensation for the dedication of street right-of-way to the City and construction of public improvements that are larger or with greater capacity than needed to serve Pullman's subdivision. The subdivision was not platted with the Clackamas County Surveyor and thus expired after one year from the approval date per Chapter 17.50.200 of the Oregon City Municipal Code.

The property was acquired by Modena Homes and a second subdivision application was submitted. The 9-lot subdivision on the site at 19038 South End Road was approved on March 14, 2007 (City file number TP 06-08). The City and Modena Homes entered into a development agreement (Ordinance 07-1019) to provide compensation for dedication of street right-of-way to the City and construction of public improvements that are larger or with greater capacity than needed to serve Modena Homes' subdivision. The Conditions of approval were later revised on November 7, 2007.

The property has since undergone changes in ownership. Columbia River Bank acquired the Property and development agreement from Modena in July of 2009. Columbia State Bank acquired the Property and development agreement from Columbia River Bank on January 22, 2010. Columbia State Bank currently retains ownership of the property.

The proposed amendments to the 2007 development agreement (Ordinance 10-1002) would modify paragraphs 9, 12 and 18.

> Paragraph 9: This amendment extends the duration of the 2007 Development Agreement until January 1, 2015, effective as of January 1, 2010.
>
> Paragraph 12: This amendment extends the time permitted to construct the public improvements associated with the subdivision (Planning file TP 06-08) to January 1, 2015.
>
> Paragraph 18: This paragraph is deleted to clarify that the agreement may be assignable. This paragraph was in conflict with paragraph 11 which stated "this agreement shall be fully

assignable".

All other provisions of the 2007 development agreement remain in full force and effect. The amendment would not change the improvements required or the compensation amount.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

1. Ordinance 10-1002
2. Amendments to Development Agreement
3. Comments from John Lewis, Public Works Operations Manager

After Recording Return to:
City Recorder
City of Oregon City
PO Box 3040
Oregon City, OR 97045

ORDINANCE NO. 10-1002

AN ORDINANCE AMENDING A DEVELOPMENT AGREEMENT FOR 19038 SOUTH END ROAD PURSUANT TO ORS 94.504 TO 94.528

WHEREAS, on December 5, 2007, the City of Oregon City approved a Development Agreement (the "2007 Development Agreement") between Modena Homes (Modena) and the City regarding approximately 2.23 acres of real property located at 19038 South End Road, more specifically identified as TL 4400 on Clackamas County Map 3-1E-12AA (the "Property"), zoned by the City as R-8 (Single-Family Residential); and

WHEREAS, the 2007 Development Agreement approved a 9-lot subdivision on the Property and provided for the construction and reimbursement of certain over-sized public facilities in connection with Modena's subdivision; and

WHEREAS, the 2007 Development Agreement was adopted as a development agreement under ORS Chapter 94, which authorizes local governments to adopt agreements that include the approval of land use decisions, such as subdivisions, as part of an agreement with a property owner, and

WHEREAS, Columbia River Bank subsequently acquired the Property from Modena and, in addition, was assigned Modena's rights and responsibilities under the 2007 Development Agreement; and

WHEREAS, on January 22, 2009, Columbia River Bank was placed into receivership with the Federal Deposit Insurance Corporation ("FDIC"). Immediately thereafter, substantially all of the assets of Columbia River Bank, including Columbia River Bank's loan portfolio was assigned to Columbia State Bank, including, but not limited to the Property acquired from Modena and the rights and responsibilities under the 2007 Development Agreement between Columbia River Bank and Modena. Columbia State Bank is the successor in interest to and is now the lawful owner and holder of the Property acquired from Modena and the rights and responsibilities under the 2007 Development Agreement between Columbia River Bank and Modena; and

WHEREAS, Columbia also wishes to extend the term of the 2007 Development Agreement for an additional five years and ORS 94.504(8) authorizes development agreements to extended for periods up to 15 years; and

WHEREAS, in order to amend a development agreement under ORS Chapter 94, the City must notice and hold a hearing on the amendment, which occurred on February 17, 2010; and

WHEREAS, Paragraphs 9, 12 and 18 of the 2007 Development Agreement between Modena Homes and the City of Oregon City are revised as attached.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The following attachment entitled "Amendment to Development Agreement" including attachments to such Agreement labeled Exhibit 1 are hereby adopted and incorporated herein by reference.

Read for the first time at a regular meeting of the City Commission held on the 17th day of February, 2010, and the foregoing ordinance was finally enacted by the City Commission this 3rd day of March 2010.

_____
ALICE NORRIS, Mayor

ATTESTED to this 3rd day of March 2010

_____
NANCY IDE, City Recorder

AMENDMENT TO
DEVELOPMENT AGREEMENT

This AGREEMENT is made by and between the CITY OF OREGON CITY, an Oregon municipal corporation, (the "City") and COLUMBIA STATE BANK, a Washington State charted bank doing business in Oregon ("Columbia") on the _____ day of _____, 2010.

WHEREAS, on December 5, 2007, the City of Oregon City approved a Development Agreement (the "2007 Development Agreement") between Modena Homes (Modena) and the City; regarding approximately 2.23 acres of real property located at 19038 South End Road, more specifically identified as TL 4400 on Clackamas County Map 3-1E-12AA (the "Property"), zoned by the City as R-8 (Single-Family Residential); and

WHEREAS, the 2007 Development Agreement approved a 9-lot subdivision on the Property and provided for the construction and reimbursement of certain over-sized public facilities in connection with Modena's subdivision; and

WHEREAS, Columbia River Bank subsequently acquired the Property from Modena and, in addition, was assigned Modena's rights and responsibilities under the 2007 Development Agreement; and

WHEREAS, on January 22, 2009, Columbia River Bank was placed into receivership with the Federal Deposit Insurance Corporation ("FDIC"). Immediately thereafter, substantially all of the assets of Columbia River Bank, including Columbia River Bank's loan portfolio was assigned to Columbia State Bank, including, but not limited to the Property acquired from Modena and the rights and responsibilities under the 2007 Development Agreement between Columbia River Bank and Modena. Columbia State Bank is the successor in interest to and is now the lawful owner and holder of the Property acquired from Modena and the rights and responsibilities under the 2007 Development Agreement between Columbia River Bank and Modena; and

WHEREAS, Columbia also wishes to extend the term of the 2007 Development Agreement for an additional five years; and

WHEREAS, in order to amend a development agreement under ORS Chapter 94, the City must notice and hold a hearing on the amendment, which occurred on February 17, 2010,

NOW, THEREFORE, based on the foregoing recitals, the CITY COMMISSION FOR THE CITY OF OREGON CITY and COLUMBIA, hereby agree to the following:

Paragraphs 9, 12 and 18 of the 2007 Development Agreement between Modena Homes and the City of Oregon City are revised to provide as follows:

9. <u>Effective Date, Term and Modification</u>: This Amendment to the 2007 Development Agreement shall be effective as of January 1, 2010, upon signature by both parties and shall have a duration (term) of five years from the effective date. This Development Agreement may be modified or

terminated sooner than five years from the date of the Amendment to the 2007 Development Agreement only upon the written agreement signed by the authorized representatives of both parties.

12. Completion of Public Improvements: Construction of the public improvements shall be completed within five years of the effective date of this Amendment to the Development Agreement.

18. Assignment: This paragraph is deleted.

All other provisions of the 2007 Development Agreement remain in full force and effect.

CITY OF OREGON CITY:

_____ _____

City Manager Date

COLUMBIA STATE BANK:

_____ _____

Date

Approved as to form:

_____

City Attorney

Attachment:
Exhibit 1 – Ordinance 07-1019: 2007 Development Agreement

Clackamas County Official Records
Sherry Hall, County Clerk
2008-006012

$56.00

01182515200800060120060068

01/28/2008 01:20:48 PM

D-DEVA Cnt=1 Stn=8 TINAJAR
$30.00 $16.00 $10.00

After recording return to:
Nancy Ide, City Recorder
City of Oregon City
PO Box 3040
Oregon City, Oregon 97045

DEVELOPMENT AGREEMENT
between
Modena Homes and the City of Oregon City

This Development Agreement ("Agreement") is made and entered into this 5th day of December, 2007 by and between the City of Oregon City ("City") and Modena Homes, an Oregon corporation, ("Modena") pursuant to ORS 94.504 to 94.528 for the purpose of developing a 9-lot subdivision.

RECITALS

A. Modena owns approximately 2.23 acres of real property located at 19038 South End Road, more specifically identified as TL 4400 on Clackamas County Map 3-1E-12AA (the "Property"), zoned by the City as R-8 Single-Family residential; and

B. This Agreement is intended to provide certainty for future development of the site, which will include approval of a 9-lot subdivision and dedication of right-of-way to the City and construction of certain public improvements that are larger or with greater capacity than needed to service Modena's subdivision; and

C. The City agrees to provide reimbursement to Modena for the extra cost of right-of-way dedication and construction of public improvements in excess of the size and capacity needed to serve Modena's subdivision; and

D. This Agreement has been a cooperative effort between Modena and the City and both parties desire to enter into this Agreement to establish the obligations and responsibilities of Modena in undertaking the development of this site; and

Exhibit 1

E. This Agreement was authorized by Oregon City Ordinance No. 07-1019. That Ordinance was adopted by the City Commission following a hearing held on December 5, 2007. Notice of the hearings was provided to nearby property owners and affected agencies consistent with ORS 94.513. The execution of this Agreement is in the best interest of the public health, safety and general welfare and is consistent with the Oregon City Comprehensive Plan and implanting regulations.

AGREEMENT

In consideration of the mutual promises and performance obligations of each party set out in this Agreement, the City and Modena Homes hereby agree to the following terms and conditions.

1. **Subdivision Approval (TP 06-08):** The CITY hereby approves the subdivision application presented by MODENA (City file no. TP 06-08) as reflected in the Staff Report and Notice of Decision, Subdivision (TP 6-08) attached to this Development Agreement as Exhibit 1, and incorporated herein by this reference (the "Subdivision Approval" or the "Development"). Both parties agree to be bound by and to implement the terms and conditions of the Subdivision Approval, attached as Exhibit 2 and incorporated herein by this reference, except as those terms and conditions are specifically modified and clarified by this Development Agreement. This Development Agreement shall modify and clarify, among other things, Conditions 2, 11 and 12 of the Subdivision Approval.

2. **Water Main Extension:** Subdivision Approval Condition 2 requires MODENA to extend the existing 12-inch water main in Partlow Road to, and connect with, the existing 12-inch water main in South End Road. The only water line needed to serve MODENA'S subdivision is an 8-inch line, and the connection of these 12-inch lines is in excess of what the City can require MODENA to undertake. CITY shall reimburse MODENA $7,380 as the cost of over-sizing the water main by issuing a lump sum check to Modena upon completion of the waterline construction and its acceptance by CITY. Modena shall submit a pay request for this amount and CITY shall pay the amount within 30 days of its receipt.

3. **Partlow Road Realignment, Vacation and Right-of-Way Dedication:** Subdivision Approval Conditions 11 and 12 require MODENA, among other things, to realign Partlow Road from its current location along the southern boundary of the Property and off-set relative to Lafayette Avenue at their intersection with South End Road, to a new location that aligns with Lafayette Avenue as they both intersect with South End Road. These conditions require MODENA to dedicate to the CITY sufficient right-of-way to construct full Collector Street improvements for the realigned Partlow Road. As currently configured, the CITY already holds a public right-of-way easement for half-street improvements for Partlow Road along the Property's southern edge.

   a. To implement these conditions, the CITY agrees to cooperate in the vacation of the existing half-street right-of-way for Partlow Road to MODENA to provide additional area to MODENA'S proposed Lots 8 and 9.

   b. MODENA agrees to dedicate sufficient right-of-way to the CITY to construct full Collector Street improvements for the realigned Partlow Road.

c. Modena agrees to dedicate a minimum 3 feet right of way along all site frontages with South End Road north of the new alignment of Partlow Road and a minimum of 7 feet of right of way along all site frontages with South End Road south of the new alignment of Partlow Road.

d. The CITY shall reimburse MODENA $83,000 as just compensation for all right-of-way dedication for the newly aligned Partlow Road and South End Road within 30 days of recording the dedication.

4. **Partlow Road Construction Costs:** Subdivision Approval Conditions 11 and 12 also require MODENA to construct full Collector Street improvements for the realigned Partlow Road. As with the right-of-way dedication needed to fulfill the CITY'S desire to realign Partlow Road, Conditions 11 and 12 require MODENA to construct additional street improvements for Partlow Road beyond what it could otherwise be legally required to construct.

a. In particular, absent the CITY'S desire to realign Partlow Road, MODENA would be responsible only for constructing certain frontage improvements along the Property's southern boundary. Because the CITY desires to relocate Partlow Road, MODENA is required by Conditions 11 and 12 to construct full collector street improvements for the relocated and realigned Partlow Road. These improvements exceed what the CITY is legally entitled to require of MODENA as a condition of subdivision approval.

b. MODENA shall construct the relocated and realigned Partlow Road with the following improvements: Centerline monument boxes, Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved full street width of 45-feet (two 11-foot travel lanes, 11-foot turn lane and two 6-foot bike lanes), curb, gutter, 6-foot concrete sidewalk, 5-foot planter strip with street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights. This street section shall be narrowed down after the left turn lane queue length to eliminate the 11-foot center turn lane, leaving a paved width of 34 feet. As part of the Partlow Road improvement, the city requires the access onto Partlow Road, including the easement (or dedication) on the east side of proposed Lot 9, to be improved (paved or curb cut) as a part of the street design. The exact details of this improvement will be reviewed and approved during the Engineering Construction review process. Minor modifications to the street layout and design as described may be permitted during the Engineering Review process. All street improvements shall be in compliance with the CITY'S municipal code and its Transportation System Plan.

c. The CITY shall reimburse MODENA for the cost of constructing the Partlow Road improvements in the amount of $92,866 by extending to MODENA System Development Charge (SDC) credit for this amount pursuant to OCMC chapter 13.20. As building permits are issued for homes in this 9-lot subdivision, the CITY shall collect the then-applicable transportation SDC from each building permit applicant, and issue to MODENA a check for that amount up to a total of $92,866. In the event that the transportation SDCs collected by the CITY for all buildable lots in this Development are insufficient to pay this total amount, the CITY shall pay to MODENA the difference in cash within 30 days of when the CITY issues a building permit for the last lot in the Development.

5. **Pedestrian/Bike Connection:** MODENA has proposed a pedestrian bicycle connection from this Development (between Lots 3 and 4) to the adjacent subdivision to the north (Gentry Meadows). The CITY'S municipal code states that pedestrian/bicycle accessways shall comply with the development standards in OCMC 12.24.040. MODENA shall dedicate the land required to accommodate this pedestrian/bicycle path (maximum 15 feet wide), for which the CITY shall pay to MODENA $5,800 as just compensation for the land within 30 days of the dedication. MODENA shall also construct the pedestrian/bicycle path in accordance with the CITY'S standards.

6. **No Other Fees, Charges or SDCs:** The CITY agrees that no other dedications, SDCs, assessments and improvement costs, other than what is set out in Exhibit 3, will be imposed on or exacted against MODENA or its successors or assigns with respect to the Property for final plat approval or building permits.

7. **City Construction Plan Review:** The CITY shall use best efforts to review and provide comments to MODENA on their construction plans, tree survey and any review applications within 30 days of submission of those applications.

8. **Agreement to be Adopted by Ordinance:** This Agreement shall be adopted by the CITY as a Development Agreement under ORS Chapter 94 and, upon adoption, will serve as the Land Use Approval of the preliminary subdivision plan for 9 lots of this Development. The subdivision approval will consist of the findings and conclusions contained in the Approval attached as Exhibit 1 as modified and clarified in this Agreement.

9. **Effective Date, Term and Modification:** This Development Agreement shall be effective upon signature by both parties and shall have a duration (term) of two years from the effective date. This Development Agreement may be modified or terminated sooner than two years only upon the written agreement signed by the authorized representatives of both parties.

10. **City Land Division Requirements Control:** Review of the requirements set out in the subdivision approval (Exhibit 1) will occur as provided in OCMC Title 16.

11. **Assignment and Transfer:** This Agreement shall be fully assignable.

12. **Completion of Public Improvements:** Construction of the public improvements shall be completed within two years of the effective date of this Agreement.

13. **City Financial Obligations Contingent on Budget Process:** All City obligations to expend moneys under this Agreement shall be contingent upon future appropriations as part of the local budget process. The City represents that sufficient moneys have been appropriated to fund this Agreement.

14. **Remedies for Breach:** Should either party breach this Agreement, remedies available under Oregon law for breach of contract are available to the parties, including damages and injunctive relief.

15. **Controlling Law and Venue for Disputes:** This Agreement shall be deemed to have been entered into in the State of Oregon and shall be construed and interpreted in accordance with the

laws of Oregon. Any litigation or proceedings arising out of or connected with this Agreement shall be heard and decided in Oregon Circuit Court.

16. Entire Agreement: The CITY and MODENA acknowledge and agree that no promises or representations have been made which do not appear written herein and that this Agreement contains the entire agreement of the parties as to this Agreement.

17. Severability Clause: The parties to this Agreement agree that if any term, provision, covenant, condition or portion of this Agreement is held to be illegal, invalid, void, voidable or unenforceable, the remainder of the provisions shall remain in full force and effect as a separate contact and shall in no way be affected, impaired or invalidated.

18. Assignment: MODENA may not assign all or any portion of its right and interest in and to this Development Agreement, whether by disposition of its property or otherwise, whether by direct or indirect assignment or transfer, by operation or law or by any stock sale, merger, consolidation or other means in any one or more transactions, without the prior written consent of the City, which consent shall not be unreasonably withheld.

19. Rescission of Pollman Agreement: MODENA expressly recognizes that, under ORS Chapter 94, this Development Agreement is dependent on the rescission of the previous Pollman Agreement.

20. No Restriction on City's Power to Vacate: The parties recognize that the vacation of a portion of Partlow Road contemplated in Section 3(a) of this agreement is a legislative act which must follow a hearing and the City Commission cannot be legally bound to vacate any public property. If the portion of Partlow Road proposed to be vacated is not, in fact, vacated, this agreement will be void and of no effect. The parties agree to extend the 120 day period for a decision of the subdivision to a time 21 days following the decision on the vacation of the aforementioned section of Partlow Road.

Exhibit 1 –Staff Report and Notice of Subdivision Decision for file no. TP 06-08.
Exhibit 2 – Revised Conditions of Approval for TP 06-08.
Exhibit 3 – Schedule of Charges.
Exhibit 4 – 9-Lot Subdivision Drawing Showing Dedications

NOTE: Exhibits 1, 2, 3, and 4 are on file with the City Recorder's Office at the City of Oregon City, 320 Warner Milne Road, Oregon City, OR 97045.

CITY OF OREGON CITY:

City Manager

1/11/08
Date

MODENA HOMES:

1-4-08
Date

Approved as to form:

City Attorney

The foregoing instrument was acknowledged before me on this 11th day of January, 2008, by Larry Patterson as City Manager of the City of Oregon City, on behalf of said City.

OFFICIAL SEAL
NANCY S. IDE
NOTARY PUBLIC-OREGON
COMMISSION NO. 400033
MY COMMISSION EXPIRES DEC. 1, 2009

Nancy S. Ide
Notary Public for Oregon
My Commission expires: 12-01-09

The foregoing instrument was acknowledged before me on this 4th day of JANUARY, 2008, by BRYAN HUNTER as an authorized member of Modena Homes and on behalf of said corporation.

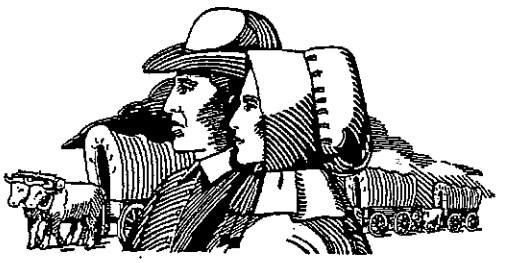
OFFICIAL SEAL
MELISSA MAYLENDER
NOTARY PUBLIC - OREGON
COMMISSION NO. 408142
MY COMMISSION EXPIRES JULY 4, 2010

Notary Public for Oregon
My Commission expires: July 4, 2010

CITY OF OREGON CITY

PLANNING DIVISION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



STAFF REPORT AND NOTICE OF DECISION
SUBDIVISION

FILE NO.:	TP 06-08: Subdivision
APPLICANT/ OWNER:	Modena Homes Jeff Hayes 921 Washington Street #228 Portland, Oregon 97205
REPRESENTATIVE:	Parati – LDC Design Group Danelle Isenhart, AICP 20085 NW Tanasbourne Drive Hillsboro, Oregon 97045
REQUEST:	The applicant is seeking approval of a 9-lot subdivision (zoned "R-8" Single-Family Dwelling District).
LOCATION:	19038 South End Road, Oregon City, Oregon 97045 Clackamas County Map 3-1E-12AA, Tax Lot 4400 (Exhibit 1)
REVIEWERS:	Tony Konkol, Senior Planner Laura Butler, Assistant Planner Bob Cullison, Engineering Manager
DECISION:	Approval with Conditions
CRITERIA:	Administration and Procedures set forth in Chapter 17.50, Minimum Subdivision: Process and Standards in Chapter 16.08, Improvements and Design Standards for Land Divisions in Chapter 16.12 and the "R-8" Single-Family Dwelling District is located in Chapter 17.10 of the Oregon City Municipal Code. The City Code Book is available on-line at www.orcity.org.

DECISION: The decision of the Planning Manager is final unless appealed to the City Commission within ten (10) days following the mailing of this notice. Only persons who participated in writing before the Planning Manager may appeal this Type II land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the proposal does not meet the above-mentioned criteria. The record on appeal will be limited to the file of the Planning Manager. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

I. BACKGROUND:

The applicant requested approval to subdivide a site located at the intersection of Partlow and South End Roads into 9-lots known as "Rachelle Estates" (Exhibits 2 and 3). The 2.23-acre parcel is zoned "R-8", Single-Family Dwelling District and is primarily covered by grass with a grove of trees adjacent to a single-family dwelling on the northwest corner of the site. The subdivision application included a detailed narrative (Exhibit 2), site plans depicting the dimensions and conditions of the proposal (Exhibit 3), the staff report for the prior subdivision application TP 04-08 (Exhibit 4), traffic analysis letter for the prior subdivision application TP 04-08 (Exhibit 5), preliminary stormwater report for the prior subdivision application TP 04-08 (Exhibit 6), and a geotechnical report for the prior subdivision application TP 04-08 (Exhibit 7).

A prior 6-lot subdivision application (Planning file TP 04-08) was approved for the subject site on August 11, 2005 (Exhibit 4). Though the Planning Division approved the prior subdivision, the proposal was never platted with the Clackamas County Surveyor and thus expired after one year from the approval date per Chapter 17.50.200 of the Oregon City Municipal Code.

II. BASIC FACTS:

1. **Zoning/Permitted Use:** The subject site is currently zoned "R-8" Single Family Dwelling District and is designated as "LR" Low Density Residential in the City of Oregon City Comprehensive Plan.

2. **Dimensional Standards:** The "R-8", Single-Family Dwelling District, requires the following:
   1. Front yard fifteen feet minimum depth,
   2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
   3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
   4. Corner side yard, fifteen feet minimum width,
   5. Rear yard, twenty feet minimum depth,
   6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070.

   F. Garage Standards: See Section 17.20 – Residential Design Standards.
   G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards.

2. **Surrounding Uses/Zoning**: The site is surrounded by the following:

Northeast:	"R-8" Single-Family Dwelling District – Gentry Meadows 2 Subdivision
Southeast:	"R-8" Single-Family Dwelling District – Single-Family Dwellings
Northwest:	"I" Institutional - The Oregon City South End Fire Station
	"R-10" Single-Family Dwelling District – United Methodist Church
Southwest:	"R-8" Single-Family Dwelling District – Single-Family Dwellings

4. **Comments:** Notice of the proposed Subdivision was mailed to property owners within 300 feet of the site, the South End Neighborhood Association and affected agencies on November 14, 2006. The property was posted with a Land Use Action sign providing details and requesting comments about the development from November 21, 2006 to December 7, 2006.

   Comments were received from the Kathy Robertson of the South End and Hazel Grove/Westling Farms Neighborhood Association indicating that the proposal does not conflict with neighborhood interests and furthermore supporting the realignment of Partlow and South End roads (Exhibit 8).

   Comments were additionally submitted by Scott Archer, Community Services Director for the City of Oregon City (Exhibit 10), Gorden Huiras, Director of Public Safety for the City of Oregon City (Exhibit

11), as well as John Lewis, Public Works Operations Manager for the City of Oregon City (Exhibit 12) which are further addressed within this report.

No other comments were received regarding this proposal.

DECISION-MAKING CRITERIA:

Municipal Code Standards and Requirements

Title 16, Subdivisions:	Chapter 16.08, Subdivisions-Process and Standards Chapter 16.12, Minimum Improvements and Design Standards for Land Division
Title 17, Zoning:	Chapter 17.10, "R-8" Single-Family Dwelling District Chapter 17.50, Administration and Procedures

OREGON CITY MUNICIPAL CODE

Chapter 16.08.010 - Purpose and General Provisions

All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to conditions of approval.

Analysis: The applicant proposed a 9-lot subdivision, thus requiring review by the Planning Division for compliance with the subdivision standards of the Oregon City Municipal Code. The application was reviewed by all appropriate city departments upon submittal to the Planning Division. Findings determining compliance with conditions to applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specification are enclosed.

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.08.020 – Pre-application Conference

Analysis: The applicant filed a pre-application conference which was held on August 1, 2006 (Exhibit 2).

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.08.050.A – Preliminary Subdivision Plat - Subdivision Description.

Analysis: The applicant provided a detailed description of the proposed development within the Subdivision application (Exhibit 2).

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.08.050.B – Preliminary Subdivision Plat – Timely Provision of Public Services and Facilities.

Water

Analysis: There are existing ductile iron 8-inch (north of Lafayette Avenue) and 12-inch (south of Lafayette Avenue) Oregon City (City) water mains in South End Road. An old 8-inch steel City water main in Partlow Road connects to a new City 12-inch ductile iron water main in South End Road and connects to the new 12-inch water main in Partlow Road, which was constructed as part of the Pioneer Square Subdivision. There is also a City 8-inch ductile iron water main with a blow-off assembly in the existing pedestrian walkway connection to the north of the project site. The nearest fire hydrant is located on the north side of Partlow Road and near the east corner of the site, constructed with the nearby Pioneer Square subdivision.

The applicant proposed to extend the existing City 12-inch water main in Partlow Road and connect to the existing City 12-inch water main in South End Road. The applicant also proposed to construct a short dead-end line with a blow-off assembly within the proposed eyebrow. In addition, the applicant proposed to install a fire

hydrant near the west side of the eyebrow.

The applicant has proposed a water system that does not meet City standards. The existing City 8-inch steel water main is not adequate to serve the subdivision. The City's Water Master Plan calls for a 12-inch water main in Partlow Road, which should follow the new alignment. The City 8-inch steel line is approaching its life expectancy, initiating replacement due to its age and condition. Fire hydrants shall be installed as required by Clackamas County Fire District 1. Dead-end lines shall be avoided whenever possible. The applicant shall loop a ductile iron 8-inch public water main through the site from Partlow Road to the existing 8-inch stub in the pedestrian walk north of the site. A ductile iron 12-inch water main shall be constructed along the property fronting Partlow Road and South End Road. Oversizing this 12-inch main described in the staff report falls under the capital improvement program (CIP) and the applicant may request system development charges (SDC) credit as referenced in OCMC 13.20. Prior to construction, the applicant shall provide the City with the cost of oversizing the water mains (i.e., the cost differential between construction and installation of an 8-inch line and a 12-inch line). The City and the applicant shall follow OCMC 13.20 to determine the waterline oversizing reimbursement credit. Water facilities required for this development shall include (but is not limited to) the water mains, backflow preventors, valves, fire hydrants, blow-offs, service laterals and meters. The applicable shall submit and install utility plans in compliance with Development Services Division standards prior to final plat.

Finding: The applicant can satisfy this standard by complying with conditions of approval 1, 2, 3, 4 and 5.

Sanitary Sewer

Analysis: An existing 12-inch sanitary sewer main is located within South End Road. The applicant proposed to construct a new 8-inch sanitary sewer main in Partlow Road, extending into the eyebrow. The applicant proposed a sanitary sewer system that appears to be acceptable to the City with some modifications. The applicable shall submit and install utility plans in compliance with Development Services Division standards prior to final plat.

Finding: The applicant can satisfy this standard by complying with conditions of approval 1 and 2.

Storm Sewer and Storm Water Drainage

Analysis: Though the proposed project site is not located within the Water Quality Resource Area Overlay District, it is located in the South End Drainage Basin as designated in the City's Drainage Master Plan. The South End Drainage Basin drains to Little Beaver Creek, to Beaver Creek, and ultimately flows to the Willamette River above the falls. The Willamette River is an anadromous salmon-bearing stream and thus the drainage impacts from this site are significant. The applicant shall provide Storm Drainage Facilities for this development in accordance with requirements contained in the City's Storm Drainage Master Plan.

Erosion and water quality controls are critical for the development of this site. The applicant proposed a storm drainage system consisting of curb basins and storm piping which drains to a proposed public T-shaped storm detention tank located in the Partlow Road frontage and perpendicular into the eyebrow. Compliance with the stormwater facility standards shall be required to be completed during the Engineering Review process. The proposed tank is shown to discharge into the existing 30-inch storm pipe in South End Road. Preliminary hydrology/detention calculations have been provided to the City for review.

The City of Oregon City completed the vacation of half of the existing Partlow Road except for the recording of the street vacation ordinance document. This vacation was originally done as part of a development agreement for a previous applicant to have room for a storm pond and a lot on the south side of the realigned Partlow Road. The City's preference is for the Applicant to find an alternative method of achieving storm detention capacity other than an underground tank. The City would prefer other methods such as over detaining through another existing downstream or upstream pond in the same basin or paying the City a fee-in-lieu-of for the City to use in the future in building a regional or sub-regional pond system (would require downstream analysis to ensure the downstream capacity exists to convey their stormwater).

As previously described, the applicant proposed a storm sewer system that appears to be acceptable to the City with some modifications. The applicable shall submit and install utility plans in compliance with Development Services Division standards prior to final plat.
Finding: The applicant can satisfy this standard by complying with conditions of approval 1, 2, 3, 4, 5, 6 and 7.

Parks and Recreation -
Analysis: The proposed subdivision is located within one-half mile of Chapin Park. As the Trails Master Plan identifies the need for a proposed community trail along the South End and Partlow Road frontages of the site, the applicant's proposal included the installment of sidewalks within the public right-of-way along the aforementioned frontages. System Development Charges for individual impacts to city parks will additionally be paid upon the issuance for building permits for each lot in the subdivision. Furthermore, Scott Archer, Community Services Director for the City of Oregon City submitted comments noting that the proposal does not conflict with departmental interests (Exhibit 10).
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Traffic and Transportation
Analysis: A Transportation Assessment Letter (TAL) was prepared for the site by Todd E. Mobley, P.E. with Lancaster Engineering, dated September 29, 2006. The City's traffic engineer concluded that the applicant's Transportation Assessment Letter met the City's requirements and the proposed development does not require off-site mitigation measures. However, the TAL states that there is a sight distance issue on what is now Lot 7 of this proposal. The applicant shall ensure the proper sight distance for the eyebrow turning left onto Partlow Road by ensuring the building envelope, fences, and vegetation do not limit sight distance as described in Chapter 10.32 of the Oregon City Municipal Code.
Finding: The applicant can satisfy this standard by complying with condition of approval 7.

Schools -
Analysis: The Oregon City School District is responsible for providing adequate facilities. The school district was notified of the proposed development and did not return comments indicating an inadequate capacity to serve the proposed dwellings. Thus, it is assumed that a total of 9 houses are not likely to result in a significant adverse impact on the Oregon City School District.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Fire and Police Services
Analysis: The proposed development is currently in the city limits and has not exceeded the density allowed in the base zone. Clackamas County Fire District #1 was notified of the proposal and did not indicate an inadequate capacity to serve the proposed dwellings, thus it is assumed that a total of 9 houses are not likely to result in a significant adverse impact to fire and police services. Gorden Huiras, Director of Public Safety for the City of Oregon City submitted comments (Exhibit 11) that Police Department has sporadically failed to comply with service standards, though the proposed development does not conflict with departmental interests.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.08.050.C – Preliminary Subdivision Plat – Approval Criteria and Justification for Variances.
Analysis: The applicant did not request a variance.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.08.050.D – Preliminary Subdivision Plat –Geologic Hazards.

Analysis: The site is located in a "Wet Soils-High Water Table" hazard area according to the DOGAMI map in Bulletin 99-Geology and Geologic Hazards of North Western Clackamas County. The applicant provided a Subsurface Exploration and Geotechnical Report dated June 5, 2006 (Exhibit 7) by Mikhail P. Golberg, C.E.G. The report concluded that, from a geological perspective, the site is feasible to construct the features proposed for this project subject to the limitations and design criteria discussed in the report. The applicant shall comply with the recommendations of the Subsurface Exploration and Geotechnical Report dated June 5, 2006 by Mikhail P. Golberg, C.E.G.
Finding: The applicant can satisfy this standard by complying with condition of approval 8.

Chapter 16.08.050.E – Preliminary Subdivision Plat –Water Resources.
Analysis: The site is not identified within the Water Quality Resource Overlay District.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.08.050.F – Preliminary Subdivision Plat – Drafts of the proposed CC&R's.
Analysis: CC&R's are not required for development of a subdivision. The applicant indicated that no CC&R's would be drafted for the proposed subdivision.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.08.050.G – Preliminary Subdivision Plat – Phasing.
Analysis: The proposed development would be completed in one phase.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.08.050.H – Preliminary Subdivision Plat – Overall density of the subdivision and the density by dwelling type for each.
Analysis: The proposed development would be completed in one phase in which all nine (9) single-family dwellings would be platted. As discussed in OCMC Chapters 17.06.070 and 17.10.040, the maximum density is 5.4 units per acre. The proposed development would be approximately 5.26 units per acre, less then the maximum density permitted in the zoning designation.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.020 - Street Design-Generally
The location, width and grade of the street shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the land division and the resulting dead-end street may be approved with a temporary turnaround *as approved by the city engineer (or Fire Marshal).*
Analysis: Partlow Road is classified as a Collector in the Oregon City Transportation System Plan. Collector streets require a pavement width of 34 to 62 feet. Currently, Partlow Road has a pavement width of approximately 21 feet at this location with a portion of the road constructed as part of the Pioneer Square subdivision. In coordination with the Oregon City Transportation System Plan (TSP), the applicant proposed to realign Partlow Road with Lafayette Avenue. To accomplish this task, the applicant proposed a full street improvement including a pavement width of 45 feet and constructing curb, gutter, sidewalk, street trees and streetlights along the site frontages on Partlow Road. This street section shall be narrowed down after the left turn lane queue length to eliminate the 11-foot center turn lane, leaving a paved width of 34 feet. Minor modifications to the street layout and design as described may be permitted during the Engineering Review process. The applicant proposed to install 6-foot sidewalks and 5-foot wide planters between the curb and sidewalk on both sides of Partlow Road. In addition, the applicant proposed a 54-foot radii paved eyebrow. As part of the Partlow Road improvement, the city requires the access onto Partlow Road, including the easement on the east side of proposed Lots 8 and 9, to be improved (paved or curb cut) as a part of the street design. The

exact details of this improvement shall be reviewed and approved during the Engineering Construction review process.

South End Road is classified as a Minor Arterial in the Oregon City Transportation System Plan. Minor Arterials require a pavement width of 36 to 88 feet. Currently, South End Road has a pavement width of approximately 35 to 45 feet at this location. The applicant proposed half street improvements along the frontage of the site on South End Road. The applicant proposed widening the pavement to 22 feet in width from the centerline and constructing curb, gutter, sidewalk, street trees and streetlights along the site frontage with South End Road. The applicant additionally proposed to install 7-foot sidewalks adjacent to the curb and tree wells north of Partlow Road along the South End frontage. The applicant proposed to install 6-foot sidewalks and 6-foot wide planters between the curb and sidewalk south of Partlow Road along the South End frontage. The applicant shall substantially match the South End Road pavement street section of Gentry Meadows 2 for frontage improvements on South End Road north of Partlow Road. Gentry Meadows 2 has 25-foot of pavement on their side of the centerline, curb and gutter, 7-foot side walks adjacent to the curb with tree wells. The applicant shall construct 3-foot by 5-foot tree wells in-lieu of Gentry Meadows 3-foot by 3-foot tree wells.

Oversizing realigned Partlow Road described in this staff report falls under the capital improvement program (CIP) and the applicant may request system development charges (SDC) credit as referenced in OCMC 13.20. The owner shall provide the City with the cost of oversizing for the full Collector street improvements for the new realignment of Partlow Road. The reimbursement shall be the difference between the half street improvements for a standard city street that would have been required to Partlow Road prior to the proposed realignment and the full Collector street improvements for the new realignment of Partlow Road.

The applicant proposed a street system that meets the City design standards and codes with a few minor modifications. Modifications to the street design as described may be permitted during the Engineering Review process.

Finding: The applicant can satisfy this standard by complying with conditions of approval 1, 9, 10, 11 and 12.

Chapter 16.12.030 Street Design–Minimum right-of-way

This standard addresses minimum right-of-way (ROW) width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer's recommendation.

Analysis: South End Road is classified as a minor arterial in the Oregon City Transportation System Plan. Minor arterials require a minimum right-of-way width of 64 to 124 feet and currently South End Road has approximately 60 feet of right-of-way abutting the site. The applicant thus proposed 3 feet of additional right-of-way dedication along the site's frontage with South End Road. The 3-foot dedication is adequate for the north side of the new road alignment of Partlow Road. A 7-foot dedication is proposed along the south side of the new road alignment of Partlow Road. The applicant shall dedicate these widths of right-of-way along the site's frontage with South End Road prior to final plat.

Partlow Road is classified as a Collector in the Oregon City Transportation System Plan. Collectors require a minimum right-of-way width of 64 to 114 feet and currently Partlow Road has approximately 40-feet of right-of-way. The applicant proposed to realign Partlow Road with Lafayette Avenue with a 60 to 69-foot wide right-of-way dedication for Partlow Road and a 54-foot radii right-of-way for the eyebrow. The 54-foot radii are too small to meet the requirements for a Collector street section and shall be increased to 57-foot radii. Thus the applicant shall dedicate the following:

a) A minimum 3 feet of right-of-way along all site frontages with South End Road north of the new alignment of Partlow Road.

b) A minimum of 7 feet of right-of-way along all site frontages with South End Road south of the new alignment of Partlow Road.

c) A minimum of 60 feet of right-of-way along the site frontage with Partlow Road increasing to at least 69 feet at the intersection with South End Road with an appropriate taper for the center turn lane.

d) A minimum 57 feet radii of right-of-way for the Partlow Road eyebrow.

The City shall provide just compensation to the applicant for the excess dedication of the applicant's property to realign Partlow Road under conditions (c) and (d) above. For purposes of this condition, "excess dedication" means the incremental difference between the dedication of land to widen the existing Partlow Road to normal City street standards and the right-of-way required for the realigned Partlow Road under this condition. If the parties are unable to agree to the just compensation owed for this taking, then no later than one hundred twenty (120) days following the approval of this application and the resolution of all appeals relating to the same, the City shall file condemnation proceedings as provided for in ORS Chapter 35. In the event the City fails to file such condemnation proceedings within 120 days, the applicant shall have the right to file inverse condemnation proceedings for the taking under ORS Ch. 20.085.

Finding: The applicant can satisfy this standard by complying with conditions of approval 1, 9, 10, 11 and 12.

Chapter 16.12.040 Street Design–Reserve Strips

The decision-maker shall require the dedication of reserve strips to prevent access to streets when recommended by the City Engineer to protect public safety and welfare.

Analysis: The proposed realignment of Partlow Road would result in a continuation of a through street. An access control strip is not proposed or required. Non-vehicular Accesses (NVA's) are described in Chapter 16.12.140 of this report.

Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.050 Street Design–Alignment

Streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines. For local streets, staggered alignments resulting in a "T" intersection shall have a minimum distance of 100 feet between centerlines.

Analysis: The centerline of South End Road would remain as it currently exists. As proposed by the applicant, dedication and half street improvements will be performed along the frontage of the site on South End, measured from the existing centerline. In addition, the applicant proposed to realign Partlow Road with Lafayette Avenue at the intersection with South End Road in accordance to the Oregon City TSP. As Partlow Road is currently off center from Lafayette- Avenue on the opposing side of South End Road, the proposed alignment of the intersection would improve the transportation system by aligning the centerlines of the two roads and creating a standard four-way intersection. The applicant also included an eyebrow adjacent to Partlow Road to serve the proposed lots. The street design appears to meet City standards. Oversizing the street width is in compliance with the TSP and the applicant may request SDC credit as referenced in OCMC 13.20.

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.055 Minimum Street Intersection Spacing Standards

Functional Classification	Major Arterial	Minor Arterial	Collector	Neighborhood Collector	Local Street
Major Arterial	2 miles	1 mile	¼ mile	1,000 feet	500 feet
Minor Arterial	1 mile	½ mile	1,000 feet	800 feet	400 feet

Collector	¼ mile	1,000 feet	800 feet	600 feet	300 feet
Neighborhood Collector	1,000 feet	800 feet	600 feet	500 feet	200 feet
Local Street	500 feet	400 feet	300 feet	200 feet	150 feet

Analysis: The proposed realignment of Partlow Road is in conformance with the minimum street intersection spacing standards listed in this chapter as each of the intersections being proposed exceeds the minimum 300 foot distance between a collector and a local street.

Street	*Intersection #1*	*Intersection #2*
South End Road	Between Partlow and Longstanding: Existing – 360 Feet Proposed - 420 Feet	Between Partlow and Gentry Way: Existing – 1,200 Feet Proposed – 1,130 Feet
Partlow Road	Between South End and Pine Place Unchanged	

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.060 Street Design–Constrained Local Streets and/or Right-of-Way
Any access way with a pavement width of less than 32 feet shall require the approval of the City Engineer, Planning Manager, and Fire Chief, and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Chief to assure an adequate level of fire and life safety.
Analysis: The City Commission approved the vacation of the northern half of Partlow Road with the prior Subdivision application (file number SV 05-02). The old portion of Partlow Road became a constrained street to access the two existing lots on the south side of Partlow Road. The southern portion of the prior Partlow Road will function like a driveway with a pavement width of less than 32 feet. To facilitate the function of the constrained street, a Non-Vehicular Access (NVA) strip will be required along the proposed Partlow Road frontage extending across Lots 8 and 9.
Finding: The applicant can satisfy this standard by complying with conditions of approval 1 and 14.

Chapter 16.12.065.A Street design--Intersection level of service standards
For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than one point zero for the sum of critical movements.
Analysis: The applicant proposed to install a stop sign at the intersection of Partlow and South End Roads. The applicant has not proposed and is not required to install a signalized intersection.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.065.B Street design--Intersection level of service standards
For signalized intersections within the Regional Center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than one point zero.
Analysis: The applicant proposed to install a stop sign at the intersection of Partlow and South End Roads. The applicant has not proposed and is not required to install a signalized intersection.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.065.C Street design--Intersection level of service standards
For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.
Analysis: The applicant proposed to construct an intersection at the convergence of South End and Partlow

Roads. The unsignalized intersection would be equipped with a stop sign, proposed by the applicant, as a traffic calming device. The applicant submitted a Traffic Analysis Letter (Exhibit 5) by Todd E. Mobley, PE, PTOE of Lancaster Engineering indicating that the previous traffic analysis for the approved six-lot subdivision (including the same realignment of Partlow Road) would suffice for this development application for a nine-lot subdivision, provided the proposed road remained the same and that the impact was minimized due to increasing from 6 lots to 9 lots. As the road is proposed in the same location, the prior traffic analysis letter may be applied to this proposal.

Finding: The applicant can satisfy this standard by complying with condition of approval 13.

Chapter 16.12.070 Street Design-Intersection Angles

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles.

Analysis: The realignment of Partlow and Lafayette Roads with South End would result in a right-angle intersection of approximately 90-degrees.

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.080 Street Design-Additional right-of-way

The decision-maker shall require dedication of additional right-of-way sufficient to achieve conformance with minimum applicable design standards.

Analysis: This standard was addressed above in Section 16.12.030.

Finding: The applicant can satisfy this standard by complying with conditions of approval 1, 9, 10, 11 and 12.

Chapter 16.12.090 Street Design–Half Street

Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.

Analysis: The applicant did not propose to install a half street. Prior vacation of the public right-of-way was previously processed resulting in a half street, which would continue to be used to provide access to lots 8 and 9.

Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.100 Street Design–Cul-de-sac

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint.

Analysis: The applicant did not propose a cul-de-sac but rather an eyebrow off of the realignment of Partlow Road. The eyebrow appears to meet City standards with an increased right-of-way (57' radii) as discussed above (Section 16.12.030) as opposed to the 54-foot radii on the plans.

Finding: The applicant can satisfy this standard by complying with conditions of approval 7 and 11.

Chapter 16.12.110 Street Design–Private Street

The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint.

Analysis: The applicant has not proposed the development of a private street.

Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.120 Street Design–Street Names

No street name shall be used which will duplicate or be confused with the name of an existing street.

Analysis: The proposed development would utilize the frontages along Partlow Road and South End Road. No new street names are proposed or required as a part of this development.

Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.130 Street Design–Grades and Curves
Grades and centerline radii shall conform to the standards in the city's street design standards and specifications.
Analysis: The proposed street has a slope of approximately 2.7% and the eyebrow has a slope of approximately 1 to 2.5 %. The applicant did not show the centerline radii of the horizontal curves proposed for Partlow Road though it appears that the proposed realignment of Partlow Road meets City standards.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.140 Street Design–Access Control
Where a land division abuts or contains an existing or proposed arterial or collector street, the decision-maker may require: access control; screen planting or wall contained in a reserve strip along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic.
Analysis: The Oregon City Transportation System Plan identifies South End Road as a Minor Arterial and Partlow Road as a Collector. The applicant has not proposed to install any access control. The proposed eyebrow shall provide access to proposed Lots 3-7 while proposed Lots 1 and 2 obtain access from Partlow Road and Lots 8-9 obtain access through old Partlow Road.

A Non-Vehicular Access (NVA) strip will be required along the side of Lot 7 and along Lot 1 frontage along Partlow Road except for the 40 feet on Lot 1 furthest from the intersection. A Non-Vehicular Access (NVA) strip will be required along all of the site frontages with South End Road. A Non-Vehicular Access (NVA) strip shall additionally be placed along the proposed Partlow Road frontage extending across Lots 8 and 9.
Finding: The applicant can satisfy this standard by complying with condition of approval 14.

Chapter 16.12.150 Street Design–Pedestrian and Bicycle Safety
Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision-maker may require that local streets be so designed as to discourage their use by non-local automobile traffic.
Analysis: The proposed development is not abutting a local street and thus discouragement of non-local traffic is not warranted.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.160 Street Design–Alleys
Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.
Analysis: The applicant has not proposed and is not required to install an alley.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.170 Street Design–Transit
Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-met where the application impacts transit streets. Pedestrian/bicycle accessways shall be provided as necessary in conformance with the requirements in Section 16.12.220 of this code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision-maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the subdivision has been identified.
Analysis: South End Road is identified as a transit street in the Oregon City TSP. The applicant shall provide a Tri-Met bus stop along South End Road.

Finding: The applicant can satisfy this standard by complying with condition of approval 19.

Chapter 16.12.180 Street Design–Planter Strips

Where practicable, all development proposed along local streets shall include planter strips that are four feet in width or larger, located adjacent to the curb. Development proposed along collector or arterial streets may use tree wells located near the curb in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions, maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.

Analysis: The applicant proposed to install a 7-foot sidewalk along the South End frontage north of the proposed intersection and a 6-foor planter strip followed by a 6-foot sidewalk on South End south of the proposed intersection as well as along the northern and southern portion of the proposed Partlow Road realigned street segment. South End Road is identified as a collector in the TSP, thus permitting the use of tree wells. The applicant noted that street trees shall be planted in accordinance with OCMC Chapter 12.08 though submitted a tree plan specifying the location of 13 trees without distinguishing their caliper or species. As noted in Chapter 12.08 of the Oregon City Municipal Code, the applicant is required to install one street tree for every 35 feet of frontage. The applicant has approximately 626.8 feet of frontage along South End and Partlow Roads, thus is required to install 26 trees (626.8/35 = 26). The applicant shall submit a revised site plan prior to final plat approval identifying compliance with OCMC Chapter 16.12.180 distinguishing the location, species and caliper of 26 street trees. In addition, the Development Services Division shall review the tree wells located near the curb along the South End frontage to assure each tree shall have a protected area of at least six feet in diameter.

Finding: The applicant can satisfy this standard by complying with condition of approval 15.

16.12.190 Blocks--Generally.

The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

Analysis: An existing block pattern has emerged surrounding the subject site due to surrounding development. The proposed development accounts for convenient and safer motor vehicle travel through half street improvements and adequate pedestrian/ bicycle access through half street improvements and a pedestrian accessway. The alterations to the block would a facilitate a safer intersection by aligning Partlow Road with Lafayette Avenue. The installation of a stop sign and relocation of the intersection meets the needs for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features given the existing conditions.

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

16.12.200 Blocks--Length.

Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines. The maximum perimeter of the blocks formed by local streets shall not exceed one thousand eight hundred feet between through streets, except where precluded by topography or other physical constraint or by existing development patterns.

Analysis: The block lengths altered within this proposed development are along South End Road which is determined to be a Minor Arterial as noted in the TSP.

Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

16.12.210 Blocks--Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.

Analysis: The proposed layout generally offers two tiers of lot development, consistent with the residential zoning designation. The realignment of Partlow Road to increase the safety of the intersection consequently results in a single tier of development to the south between the location of the existing and proposed Partlow Road. A through lot means a lot having frontage on two streets. Lots 8 and 9 shall not be considered a through lot, as Partlow Road is being realigned for safety purposes. The existing Partlow Road has been partially vacated leaving a remainder of City right-of-way that functions more like an alley or driveway than a street. Additionally, an access control strip is being conditioned that further eliminates this lot from being a through lot. Based on staff's analysis, proposed lots 8 and 9 are not considered through lots.

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

16.12.220.A Blocks--Pedestrian and bicycle access.

To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle access-ways between discontinuous street right-of-way where the following applies:

1. Where a new street is not practicable;

2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or

3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Analysis: The block length between Partlow Road and Gentry Meadows to the north is in excess of 500 feet, thus requiring a pedestrian and bicycle connection as described in OCMC Chapter 16.12.220.A.2. A pedestrian accessway abuts the subject site to the north from the Gentry Meadows subdivision, near proposed lots 3 and 4. The applicant proposed a 15-foot wide pedestrian easement along the common lot line for Lots 3 and 4 on sheet 4 of the site plans though failed to distinguish the pedestrian connection in the narrative. This connection would provide the continuation of an accessway provided by the adjacent development that connects the residents of Gentry Meadows to South End Road (a transit street). In addition, the proposed accessway would provide a connection for the surrounding neighborhood to the John McLoughlin School, which is located approximately a quarter mile south of the subject property along South End Road. The applicant shall construct the accessway as approved by the Planning and Development Services Divisions in compliance with OCMC Chapter 16.12.220.

Finding: The applicant can meet this standard by complying with condition of approval 16.

16.12.220.B Blocks--Pedestrian and bicycle access.

Pedestrian/bicycle accessways shall be provided:

1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;

2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;

3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;

4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.

Analysis: A pedestrian accessway abuts the subject site to the north from the Gentry Meadows subdivision, near proposed lots 3 and 4. The applicant proposed a 15-foot wide pedestrian easement along the common lot line for Lots 3 and 4 on sheet 4 of the site plans though failed to distinguish the pedestrian connection in the narrative (Exhibits 2 and 3). This connection would provide the continuation of an accessway provided by the adjacent development that connects the residents of Gentry Meadows to South End Road (a transit street). In addition, the proposed accessway would provide a connection for the surrounding neighborhood to the John McLoughlin School, which is located approximately a quarter mile south of the subject property along South End Road. The applicant shall construct the accessway as approved by the Planning and Development Services Divisions in compliance with OCMC Chapter 16.12.220.

Finding: The applicant can meet this standard by complying with condition of approval 16.

16.12.220.C Blocks--Pedestrian and bicycle access.
An exception may be made where the decision-maker determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:
1. That other federal, state or local requirements prevent construction of an accessway;
2. That the nature of abutting existing development makes construction of an accessway impracticable;
3. That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;
4. That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;
5. That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.
Analysis: The applicant has not proposed an exception.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

16.12.220.D Blocks--Pedestrian and bicycle access.
Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24.040 of this code, with the ownership, liability and maintenance standards in Section 12.24.060 of this code, and with such other design standards as the city may adopt.
Analysis: The applicant failed to respond to this section. The applicant shall assure compliance with OCMC Chapter 16.12.220.D.
Finding: The applicant can meet this standard by complying with condition of approval 18.

Chapter 16.12.230 Building Sites
The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance.
Analysis: As shown below, the applicant proposed to subdivide the subject site for the construction of nine single-family dwellings in a manner compatible with the requirements of the zoning designation. The "R-8" Single-Family Dwelling District lists the minimum lot width as 60 feet, minimum lot depth as 75 feet and the minimum lot size as 8,000 square feet. The proposed dimensional standards are proposed. As noted in 16.12.235.A, a subdivision in the R-10, R-8, R-6, R-3.5 or R-2 dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on *average* meets the minimum site area requirement of the underlying zone. The provision permits a minimum lot size of 9,000 (8,000*.9=7,200). The average lot size is 8,269 square feet (74,424/9=8,269 square feet.)

Lot Number	*Approximate Lot Width*	*Approximate Lot Depth*	*Total Square Footage*
1	75	115	8,567
2	69	119	8,212
3	75	100	8,359
4	76	116	8,039
5	70	174	9,342
6	66	133	8,224
7	70	144	9,090
8	85	86	7,205
9	105	75	7,386

Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.232 Building Sites – Minimum Density
All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.

Analysis: The proposed subdivision includes 9 single-family detached dwellings at a density of 5.26 units per acre. The approximately 106,606 square foot parcel contains nearly 32,182 square feet of right-of-way leaving 74,424 square feet of net developable area. The 74,424 square feet provides a maximum density of 9 dwellings (74,424/8,000=9.303) and a minimum density of 7 dwellings (74,424*0.8=59,539/8,000=7.4).
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.235 Calculations of Lot Area.
A subdivision in a Single Family Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.
Analysis: The applicant proposed a subdivision with lots ranging from 7,205 square feet to 9,342 square feet. As indicated in this chapter, lots are permitted to be 10 percent less then the required minimum, provided the entire subdivision on average meets the minimum lot area requirement (8,000*0.9=7,200). The minimum lot size is 8,000 square feet and the average of all the lot sizes must exceed 8,000 square feet. The average lot size is 8,269 square feet (74,424/9=8,269 square feet).
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.238 Flag Lots
Analysis: No flag lots are proposed.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.240 Building Sites—Frontage Width Requirement
Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.
Analysis: As noted in the site plan, all of the proposed lots have 20 feet or more of frontage on a public street.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.250 Building Sites -Through Lots
Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography. A reserve strip may be required. A planting screen easement may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.
Analysis: A through lot means a lot having frontage on two streets. Lots 8 and 9 shall not be considered a through lot, as Partlow Road is being realigned for safety purposes. The existing Partlow Road has been partially vacated leaving a remainder of City right-of-way that functions more like an alley or driveway than a street. Additionally, an access control strip is being conditioned that further eliminates this lot from being a through lot. Based on staff's analysis, proposed lots 8 and 9 are not considered through lots.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.260 Building Sites—Lots and Parcel Side Lines
The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
Analysis: The applicant proposed a subdivision with lot lines oriented at right angles to the street or radial to the curve of the street or eyebrow wherever practicable.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.270 Building Sites—Solar Access
The lines of lots and parcels, as far as is practical, shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the axis in the east-west direction permitting sunlight access

three hours before and after solar noon.
Analysis: The applicant oriented the lots to meet this standard to the extent practicable given the physical site constraints.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.
Chapter 16.12.280 Building Sites—Grading
Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.
Analysis: The applicant has provided a preliminary rough grading plan. The Development Services Division shall further review the plan subsequent to Planning approval.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

16.12.290 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is to have lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.
16.12.290.A. *All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.*
Analysis: The houses on Lots 2-7 shall face the collector (Partlow Road). The house on Lot 1 may face either the collector (Partlow Road) or minor arterial (South End Road). As previously described, no vehicular access is permitted onto South End Road. As a portion of the existing Partlow Road is being retained for access to proposed Lots 8 and 9, the proposed houses shall orient toward and place the front setback along Partlow Road. As previously described within this report, Lots 8 and 9 shall not have vehicular access from the proposed Partlow Road and thus shall if a garage is proposed, it shall be detached rear entry or an attached rear entry garage accessed from the remaining 20-foot wide Partlow Road section. A Non-Vehicular Access (NVA) strip shall additionally be placed along the proposed Partlow Road frontage extending across Lots 8 and 9.
Finding: The applicant can satisfy this standard by complying with conditions of approval 14 and 17.

16.12.290.B. *All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the city engineer determines that:*
1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
Analysis: The applicant failed to display the location of the driveways. The use of the eyebrow eliminates the cause for a traffic safety issue for the driveways on Lots 3-7. A Non-Vehicular Access (NVA) strip will be required along the side of Lot 7. Lots 1-2 shall share a driveway to reduce the driveways on Partlow Road, a collector, and reduce the driveways close to the intersection. As mentioned in 16.12.140, a non-vehicle access strip is required on Lot 1 across South End Road, around the radius, and over to just leave 40 feet on the east side of Lot 1 frontage on Partlow Road. Lot 1 & 2 shall have a shared driveway designed to accommodate vehicular turnarounds so they don't have to back out of the driveway onto the busy intersection. Garages for lots 8-9 shall be rear loaded from the remaining 20-foot portion of Partlow Road on the south side of the lots that was not vacated. As previously described, no vehicular access is permitted onto South End Road. As a portion of the existing Partlow Road is being retained for access to proposed Lots 8 and 9, the proposed houses shall orient toward and place the front setback along Partlow Road. As previously described within this report, Lots 8 and 9 shall not have vehicular access from the realigned Partlow Road. If a garage is proposed, it shall be detached rear loaded or an attached rear entry garage accessed from the remaining 20-foot Partlow Road. A

Non-Vehicular Access (NVA) strip shall additionally be placed along the proposed Partlow Road frontage extending across Lots 8 and 9.
Finding: The applicant can satisfy this standard by complying with conditions of approval 14, 16, and 18.

16.12.290.C. An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the community development director.
Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements.
Analysis: The applicant did not propose an alternative design.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.300 Building Sites—Division of Lots
Where a tract of land is to be divided into lots or parcels capable of re-division in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets that facilitates future re-division.
Analysis: As noted by the proposed dimensional standards none of the proposed lots are capable of further re-division under the existing zoning designation of "R-8" Single-Family Dwelling District.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.310 Building Sites—Protection of Trees
Site planning, including the placement of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved wherever practicable outside the building area. Where the decision-maker determines it is impracticable or unsafe to preserve these trees, the applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings at least two inches in caliper. Where the decision-maker finds this requirement would cause an undue hardship, the requirement may be modified in a manner which the decision-maker finds will reasonably satisfy the objectives of this section.
Analysis: The applicant submitted a site plan of the existing trees onsite, specifying potential trees to be saved (Exhibit 3). The narrative indicated that of the sixteen existing trees onsite, two are proposed to remain without mitigation as they are located within the building footprints of lots 1, 2 and 3. However, upon further review of the tree removal plan, it appears as though the applicant proposed to remove trees within the building setbacks, thus requiring mitigation. The applicant shall submit a tree mitigation plan for the removal trees within the building setback to the Planning Division prior to final plat. The mitigation plan shall be in accordinance with the Oregon City Municipal Code and shall additionally identify the species, caliper and placement of the replacement plantings.
Finding: The applicant can satisfy this standard by complying with condition of approval 19.

Chapter 16.12.320 Easements
This standard governs the location improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.
Analysis: The applicant has not shown any public utility easements on the plans. The applicant proposed a 15-foot wide pedestrian easement along the common lot line for Lots 3 and 4. The applicant shall also provide a waterline easement within the pedestrian easement. In the future, a traffic signal will be required at the intersection of South End Road and Partlow Road. The applicant shall provide easements or additional dedications for the traffic signal poles and crosswalk pedestals on Lots 1 and 8. The applicant has proposed a private easement on the east side of proposed Lot 9 just for the benefit of Tax Lot 5300. This easement should be a public easement or just part of the right-of-way dedication if the lot size is not compromised.
Finding: The applicant can satisfy this standard by complying with conditions of approval 14, 16, and 20.

Chapter 16.12.330 Water Resources

Any land division which contains water quality resource area shall comply with the requirements of the water quality resource area overlay district, Chapter 17.49, including the requirement, pursuant to Section 17.49.060, that new subdivisions and partitions delineate and show the water quality resource area as either a separate tract or part of a larger tract that will not be developed.
Analysis: The subject site is not located with the Water Quality Resource Area Overlay District.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

Chapter 16.12.340 Minimum Improvements—Procedures
In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works Stormwater and Grading Design Standards.
Analysis: The applicant noted that all improvements would be constructed per the procedures and standards of this section, erosion control would be installed per Chapter 17.47 and the Public Works Erosion and Sediment Control Standards, utilities would be constructed prior to surfacing the streets, stubs to the underground utilities would be extended to the lot lines and that as-built plans would be filed with the City Engineer upon completion of street improvements.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

Chapter 16.12.350 Minimum Improvements—Public Facilities and Services
The following minimum improvements shall be required of all applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities.
L. Over-sizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the city's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. The city may require over-sizing of facilities to meet standards in the city's facility master plan or to allow for orderly and efficient development. Where over-sizing is required, the applicant may request reimbursement from the city for over-sizing based on the city's reimbursement policy and funds available, or provide for recovery of costs from intervening properties as they develop.
Analysis: This standard addresses minimum improvements, which are required for public transportation systems, storm water drainage and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The Oregon City Development Services Division reviewed the need for the minimum improvements required for this project under Title 16 above.
Finding: The applicant can satisfy this standard by complying with conditions of approval 1 and 5.

16.12.360 Minimum Improvements—Road Standards and Requirements
The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions.
Analysis: This section addresses requirements for public streets which fail to comply with adopted standards. The applicant has proposed streets which would comply with city standards.
Finding: Not Applicable. Staff finds that this criterion is not applicable to the proposed project.

16.12.370 Minimum Improvements—Timing Requirements
Prior to applying for final plat approval, the applicant shall construct all of the public improvements required as part of the preliminary plat approval. A guarantee for the construction of those improvements will be provided.
Analysis: The Engineering process requires this section be met prior to final plat approval.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

17.10.040.A "R-8" Single-Family Dwelling District

Minimum lot area: eight thousand square feet.
Analysis: Staff reviewed each lot in the proposed subdivision for compliance with the dimensional standards in Chapter 16.12.230 of this report. Proposed lots 1-9 comply with the dimensional standards for the applicable zoning designation.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

17.10.040.B "R-8" Single-Family Dwelling District
Minimum lot width: sixty feet.
Analysis: Staff reviewed each lot in the proposed subdivision for compliance with the dimensional standards in Chapter 16.12.230 of this report. Proposed lots 1-9 comply with the dimensional standards for the applicable zoning designation.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

17.10.040.C "R-8" Single-Family Dwelling District
Minimum lot depth: seventy-five feet.
Analysis: Staff reviewed each lot in the proposed subdivision for compliance with the dimensional standards in Chapter 16.12.230 of this report. Proposed lots 1-9 comply with the dimensional standards for the applicable zoning designation.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

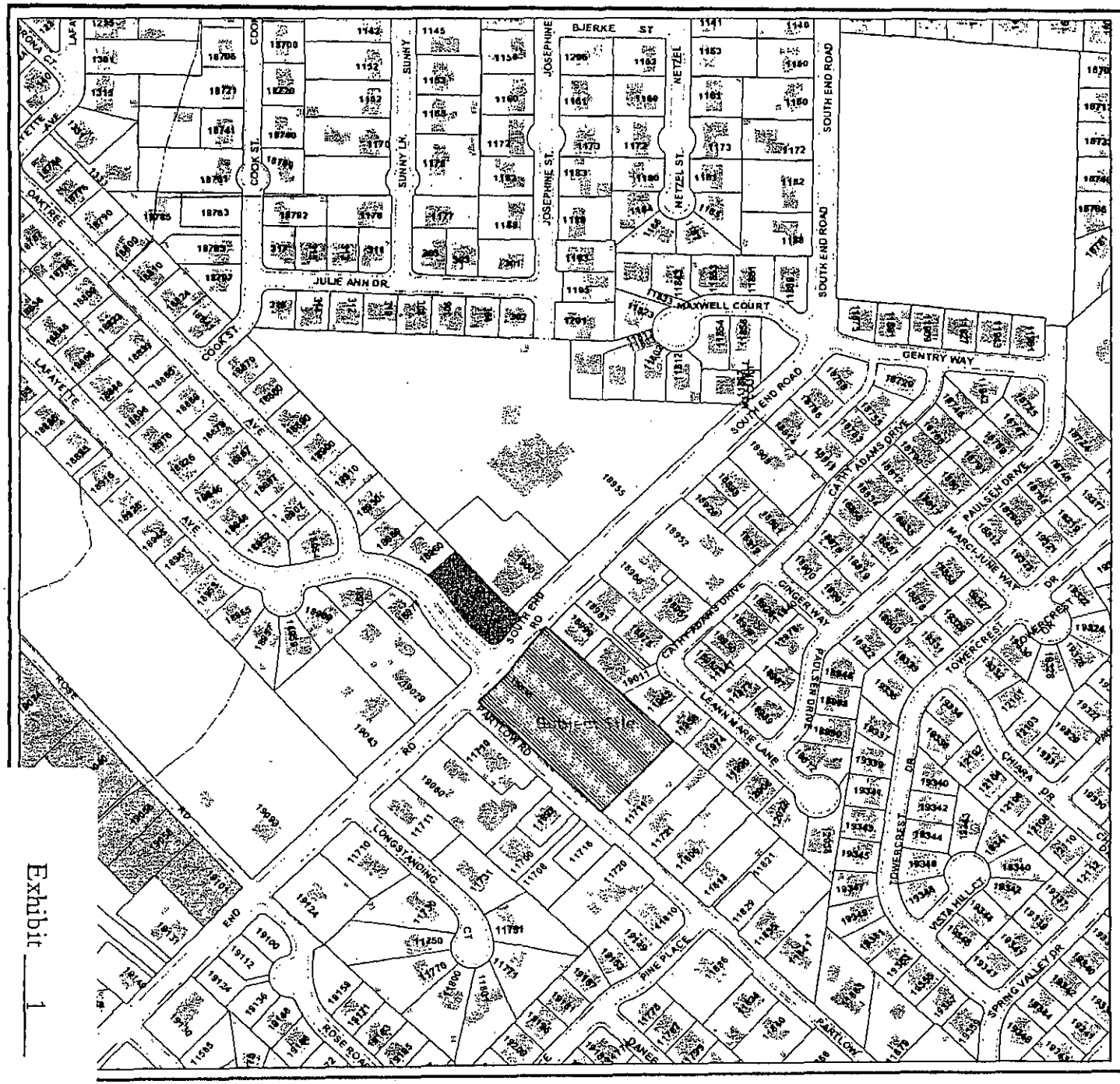
17.10.040.D "R-8" Single-Family Dwelling District
Maximum building height: two and one-half stories, not to exceed thirty-five feet.
Analysis: The applicant has not proposed the construction of dwellings onsite. All future construction is subject to review by the Planning Division for compliance with the Oregon City Municipal Code.
Finding: Complies as Proposed. Staff finds that the applicant has met this standard.

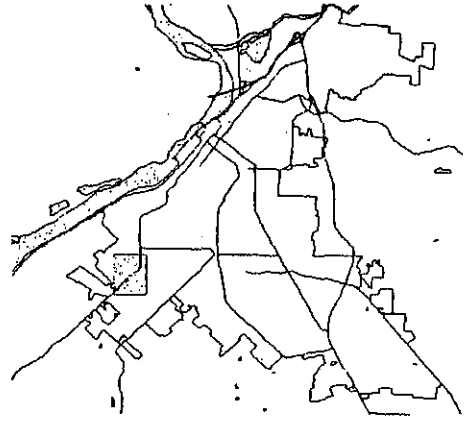
17.10.040.E. Minimum Required Setbacks.
Analysis: The applicant proposed to remove all existing structures prior to final plat.
Finding: The applicant can satisfy this standard by complying with condition of approval 21.

CONCLUSION AND DECISION:
In conclusion, the proposed 9-lot subdivision, TP 06-08, can meet the requirements as outlined above by complying with the attached Conditions of Approval (Exhibit 1). Therefore, the Planning Manager approves file TP 06-08 for the property located at 19038 South End Road, subject to the Conditions of Approval contained in this report.

EXHIBITS:
1. Vicinity Map
2. Applicant's Submittal (On File)
3. Applicant's Site Plan (On File)
4. TP 04-08 Staff Report (On File)
5. TP 04-08 Transportation Analysis (On File)
6. TP 04-08 Stormwater Analysis (On File)
7. TP 04-08 Geotechnical Analysis (on File)
8. Engineering Policy 00-01 (On File)
9. Comments submitted by Kathy Robertson, Vice Chair of the South End and Hazel Grove Westling Farms Neighborhood Association
10. Comments submitted by Scott Archer, Community Services Director for the City of Oregon City
11. Comments submitted by Gorden Huiras, Director of Public Safety for the City of Oregon City
12. Comments submitted by John Lewis, Public Works Operations Manager for the City of Oregon City

TP 06-08





N
W E
S

City of Oregon City
P O Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www orcity org

This map is not suitable for survey, engineering, legal, or navigation purposes Errors and omissions may exist

Map created with OCMap 2006

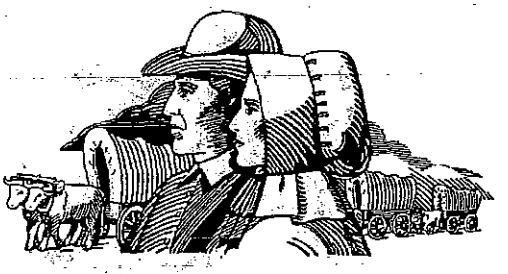
11/14/2006

Exhibit 1

CITY OF OREGON CITY

PLANNING DIVISION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL (503) 657-0891 FAX (503) 722-3880



REVISED CONDITIONS OF APPROVAL
MODENA HOMES DEVELOPMENT AGREEMENT (Planning File: TP 06-08)
NOVEMBER 7, 2007

1. The applicant is responsible for this project's compliance to Engineering Policy 00-01 (Exhibit 5). The policies pertain to any land use decision requiring the applicant to provide any public improvements.

2. The applicant shall extend the existing City 12-inch water main in Partlow Road and connect to the existing City 12-inch water main in South End Road. The applicant shall also construct a short dead-end line with a blow-off assembly within the proposed eyebrow. The applicant shall loop a ductile iron 8-inch public water main through the site from Partlow Road to the existing 8-inch stub in the pedestrian walk north of the site. A ductile-iron 12-inch water main shall be constructed along the property fronting Partlow Road and South End Road. Oversizing this 12-inch main described in the staff report falls under the capital improvement program (CIP) and the applicant may request system development charges (SDC) credit as referenced in OCMC 13.20. Prior to construction, the applicant shall provide the City with the cost of oversizing the water mains (i.e., the cost differential between construction and installation of an 8-inch line and a 12-inch line). The City and the applicant shall follow OCMC 13.20 to determine the waterline oversizing reimbursement credit. Water facilities required for this development shall include (but is not limited to) the water mains, backflow preventors, valves, fire hydrants, blow-offs, service laterals and meters. The applicable shall submit and install utility plans in compliance with Development Services Division standards prior to final plat.

3. The existing 8-inch steel water main in Partlow Road shall be abandoned and any existing service shall be connected to the new City 12-inch water main.

4. Fire hydrants shall be installed as required by Clackamas County Fire District 1.

5. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

6. The City prefers detaining stormwater through another existing downstream or upstream pond in the same basin or paying the City a fee-in-lieu-of for the City to use in the future in building a regional or sub regional pond system (would require downstream analysis to ensure the downstream capacity exists to convey their stormwater). Compliance with the stormwater facility standards will be required to be completed during the Engineering construction review.

7. The applicant shall ensure the proper sight distance for the eyebrow turning left onto Partlow Road by ensuring the building envelope, fences, and vegetation do not limit sight distance as described in Chapter 10.32 of the Oregon City Municipal Code.

8. The applicant shall comply with the recommendations of the Subsurface Exploration and Geotechnical Report dated June 5, 2006 (Exhibit 7) by Mikhail P. Golberg, C.E.G.

9. The applicant shall construct half-street improvements along the site's frontage with South End Road north of the realigned Partlow Road. A half-street improvement is defined as to the centerline plus 10-foot. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. Centerline monument boxes shall be required. The improved street portions that the applicant is required to provide north of the realigned Partlow Road includes, but is not to be limited to, 35 feet of pavement and base (12-foot travel lane, 6-foot bike lane, and half of a 14-foot turn lane plus 10-feet past the centerline) on the project's side of the road, 7-foot sidewalk adjacent to the curb with 3-foot by 5-foot tree wells, street trees, city utilities (water, sanitary and storm drainage facilities), easements for future signal poles, traffic control devices. The eyebrow appears to meet City standards with an increased right-of-way (57' radii) as discussed above (Section 16.12.030) as opposed to the 54-foot radii on the plans.

10. The applicant shall construct half-street improvements along the site's frontage with South End Road south of the realigned Partlow Road. A half-street improvement is defined as to the centerline plus 10-foot. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. Centerline monument boxes shall be required. The improved street portions that the applicant is required to provide south of the realigned Partlow Road includes, but is not to be limited to, 34 feet of pavement and base (12-foot travel lane, 6-foot bike lane, and half of a 12-foot turn lane plus 10-feet past the center line) on the project's side of the road, 7-foot sidewalk with 5-foot planter strip, street trees, city utilities (water, sanitary and storm drainage facilities), easements for future signal poles/pedestrian crosswalk pedestals, traffic control devices and street lights in compliance with the City code for Oregon City and its various Master Plans.

11. The applicant shall provide full Collector Street improvements for the Partlow Road realignment. A full street improvement includes: Centerline monument boxes, Curb return radii and curb (handicap) ramps are required. The improved street portions that the applicant is required to provide includes, but is not to be limited to, base rock, paved full street width of 45-feet (2@11-foot travel lanes, 11-foot turn lane and 2@6-foot bike lanes), curb, gutter, 5-foot planter strip with street trees, 6-foot concrete sidewalk, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights in compliance with the City code for Oregon City and its various Master Plans. This street section shall be narrowed down after the left turn lane queue length to eliminate the 11-foot center turn lane, leaving a paved width of 34 feet. As part of the Partlow Road improvement, the city requires the access onto Partlow Road, including the easement (or dedication) on the east side of proposed Lot 9, to be improved (paved or curb cut) as a part of the street design. The exact details of this improvement will be reviewed and approved during the Construction Plan review process. Minor modifications to the street layout and design as described may be permitted during the Construction Plan review process.

12. The applicant shall provide dedication as needed to facilitate the aforementioned improvements including:
    a) Minimum 3 feet of right-of-way along all site frontages with South End Road north of the new alignment of Partlow Road.
    b) Minimum of 7 feet of right-of-way along all site frontages with South End Road south of the new alignment of Partlow Road.
    c) Minimum of 60 feet of right-of-way along the site frontage with Partlow Road increasing to at least 69 feet at the intersection with South End Road with an appropriate taper for the Partlow Road center turn lane. Some of the 69 feet may include a sidewalk/planter strip easement along Lots 8 & 9.
    d) Minimum 57 feet radii of right-of-way for the Partlow Road eyebrow.

13. The applicant shall install the stop sign as proposed and approved by the Development Services Division prior to final plat.

14. A Non-Vehicular Access (NVA) strip will be required along the side of Lot 7 and along Lot 1 frontage along Partlow Road except for the 40 feet on Lot 1 furthest from the intersection. A Non-Vehicular Access (NVA) strip will be required along all of the site frontages with South End Road. A Non-Vehicular Access (NVA) strip shall additionally be placed along the proposed Partlow Road frontage extending across Lots 8 and 9.

15. The applicant shall submit a revised site plan in compliance with OCMC Chapter 16.12.180 identifying the location, species and caliper of a minimum of 26 street trees. The approved street tree plan shall be approved prior to final plat.

16. The applicant shall provide information showing compliance with OCMC Chapter 16.12.220 and construct the accessway as approved by the Planning and Development Services Divisions prior to final plat.

17. Proposed Lots 8 and 9 shall orient toward and place the front setback along Partlow Road.

18. Lots 1-2 shall share a driveway to reduce the driveways on Partlow Road, a collector, and reduce the driveways close to the intersection.

19. The applicant shall submit a tree mitigation plan for the removal trees within the building setback to the Planning Division prior to final plat. The mitigation plan shall be in accordinance with the Oregon City Municipal Code and shall additionally identify the species, caliper and placement of the replacement plantings.

20. The applicant shall provide easements or additional dedications for the traffic signal poles and crosswalk pedestals on Lots 1 and 8 in addition to a waterline easement within the pedestrian easement.

21. The applicant shall remove all existing structures prior to final plat.

CITY OF OREGON CITY

Typical Single-Family Residence
System Development Charges
SOUTH END SEWER PROJECT AREA
(Effective 2/1/07)

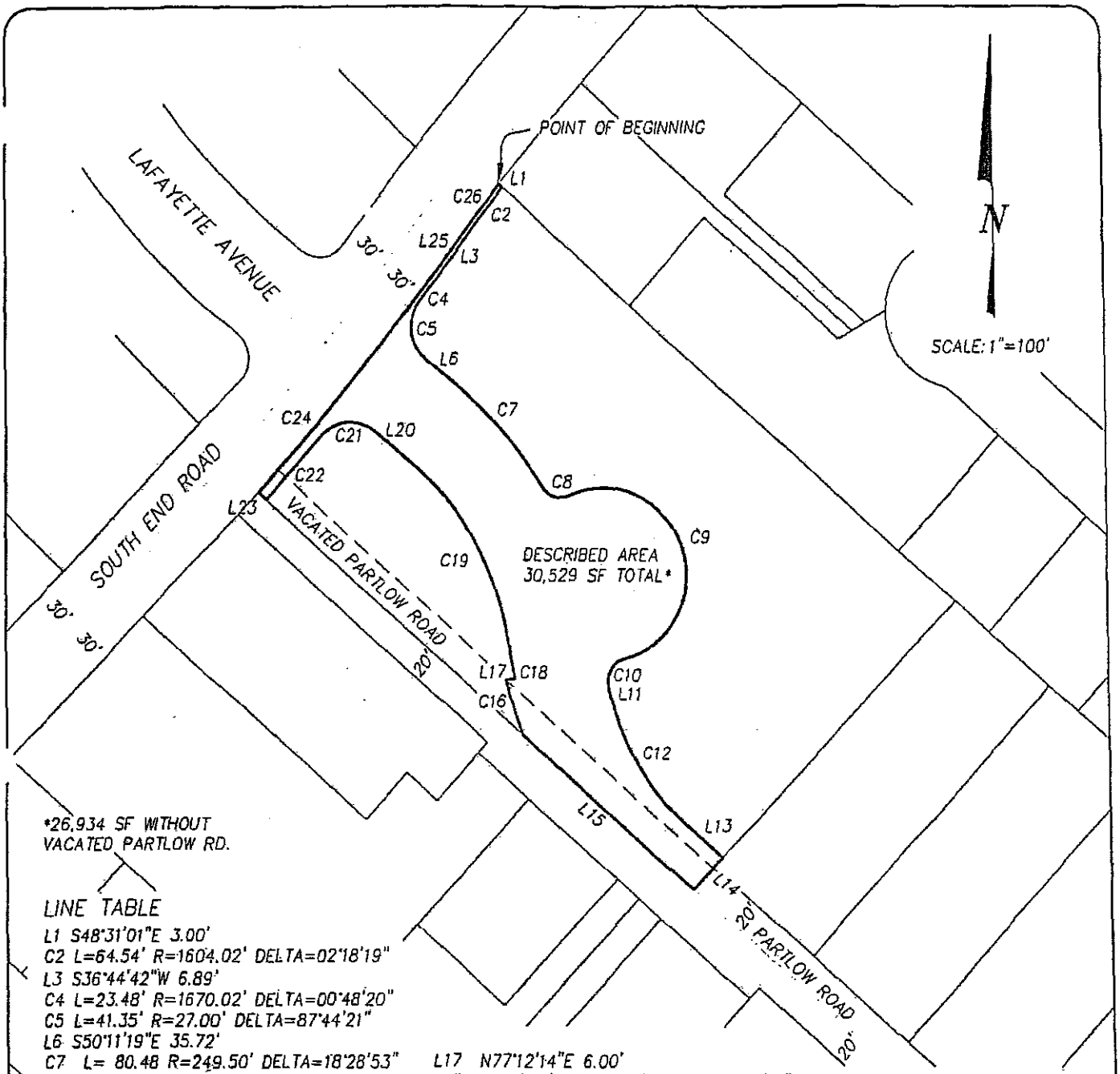
WATER - 5/8" by 3/4" Meter		$4,445
Oregon City	$3,097	
South Fork Water Board	$1,348	
SANITARY SEWER -		$4,788
OC South End Sewer	$2,768	
Tri-City Service District	$2,020	
STORM		$643
TRANSPORTATION -		$1,864
PARKS -		$3,056
TOTAL CITY SYSTEM DEVELOPMENT CHARGES		$14,796
Water Meter Installation (excludes service line installation)		$550
Right-of-Way Permit		$124
TOTAL		$15,470

CITY OF OREGON CITY

Typical Single-Family Residence
System Development Charges
(Effective 2/1/07)

WATER - 5/8" by 3/4" Meter		$4,445
Oregon City	$3,097	
South Fork Water Board	$1,348	
SANITARY SEWER -		$3,713
Oregon City	$1,693	
Tri-City Service District	$2,020	
STORM		$643
TRANSPORTATION -		$1,864
PARKS -		$3,056
TOTAL CITY SYSTEM DEVELOPMENT CHARGES		$13,721
Water Meter Installation (excludes service line installation)		$550
Right-of-Way Permit		$124
TOTAL		$14,395

H:\bcullison\SDC\Annual Sheets\SFR SDC Sheet



*26,934 SF WITHOUT VACATED PARTLOW RD.

LINE TABLE

L1 S48°31'01"E 3.00'
C2 L=64.54' R=1604.02' DELTA=02°18'19"
L3 S36°44'42"W 6.89'
C4 L=23.48' R=1670.02' DELTA=00°48'20"
C5 L=41.35' R=27.00' DELTA=87°44'21"
L6 S50°11'19"E 35.72'
C7 L= 80.48 R=249.50' DELTA=18°28'53"
C8 L=21.62' R=15.00' DELTA=82°34'45"
C9 L=189.62' R=57.00' DELTA=190°36'20"
C10 L=23.63' R=15.00' DELTA=90°14'59"
L11 S13°55'50"E 7.66'
C12 L=101.76' R=170.00' DELTA=34°17'47"
L13 S48°13'37"E 32.05'
L14 S42°34'37"W 30.00'
L15 N48°13'37"W 155.32'
C16 L=38.48' R=270.00' DELTA=08°09'54"
L17 N77°12'14"E 6.00'
C18 L=22.21' R=264.00' DELTA=04°49'11"
C19 L=140.72' R=191.00' DELTA=42°12'44"
L20 N50°11'19"W 31.01'
C21 L=41.69' R=27.00' DELTA=88°27'55"
C22 L=55.37' R=1674.02' DELTA=01°53'43"
L23 N48°13'37"W 7.00'
C24 L=189.19' R=1667.02' DELTA=06°30'09"
L25 N36°44'42"E 6.89'
C26 L=64.78' R=1607.02' DELTA=02°18'35"

BASIS OF BEARINGS: PS 20263

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 15, 1987
JON T. FEIGION
2252

RENEWS: 12-31-07

WELKIN ENGINEERING, P.C.
ENGINEERING
SURVEYING • PLANNING
7165 SW Fir Loop, Ste. 204
Portland, OR 97223
Tel: (503) 598-1866
Fax: (503) 598-1868
info@welkinengineering.net
www.welkinengineering.net

EXHIBIT MAP
FOR A RIGHT OF WAY DEDICATION

LOCATED IN THE N.E. 1/4 OF SEC. 12
T.3S., R.1E., W.M.
CITY OF OREGON CITY CLACKAMAS COUNTY
OREGON

DRAWN BY: JTF
DATE: 8-31-07
SCALE: 1"=100'
JN 07-172.01

JM Laura

OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

January 7, 2010

IN-HOUSE DISTRIBUTION

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

TRAFFIC ENGINEER

- ☐ John Replinger

MAIL-OUT DISTRIBUTION

- ☒ CICC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☒ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Marek
- ☐ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT – Loretta Kiefer
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO -
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

COMMENTS DUE BY:	**February 3, 2010**
IN REFERENCE TO-	
FILE # & TYPE:	N/A Developers Agreement TP 06-08
PLANNER:	Laura Butler, AICP, Assistant Planner (503) 722-3789
APPLICANT:	Columbia River Bank
REQUEST:	The applicant is seeking to amend a previously approved Development Agreement associated with the construction of a subdivision and associated street improvements.
LOCATION:	19038 South End Road, Oregon City, Oregon 97045 Clackamas County Map 3-1E-12AA, Tax Lot 4400

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

✓ The proposal does not conflict with our interests.

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

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

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

Signed John M Laura

Title Public Works Operations Manager

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

Agenda Item No. 6c
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Tony Konkol, Community Development Director
PRESENTER:	Tony Konkol, Community Development Director
SUBJECT:	Oregon City Code Amendments: 6-month update. Planning File L 08-01.
Agenda Heading: Public Hearing	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Staff is recommending that the Oregon City Code Amendments: 6-month update (Planning File L 08-01) be continued to the March 17, 2010 City Commission meeting.

BACKGROUND:

The Planning Commission hearing has been continued from the February 8th, 2010 meeting to the February 22nd, 2010 meeting where the final review of the code amendments and staff report is scheduled to be heard. A joint work session between the City Commission and Planning Commission was rescheduled from February 9th, 2010 to March 9th, 2010 to review and discuss the Municipal Code updates.

The Planning Commission met on November 23, 2009, December 14, 2009, January 11, 2010 and February 8th, 2010 to review the proposed amendments. Ordnance 08-1014, which adopted the July of 2009 code amendments, indicated that the City Commission would hold a public hearing on January 20, 2010. At the hearing on January 20, 2010, the City Commission continued the public hearing to the February 17th, 2010 meeting.

Ordinance 08-1014 setup a six-month update process to review the code language to determine if any sections needed revisions. At the end of the hearing adopting Ordinance 08-1014, the City Commission directed staff to study additional outstanding issues that were not addressed and incorporate new code language into the six-month review to address these outstanding issues.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

Agenda Item No. 7a
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Mike Conrad, Police Chief and Public Safety Director
PRESENTER:	Jim Loeffler, Human Resources Director
SUBJECT:	Collective Bargaining Agreement Between the City of Oregon City and Oregon City Police Employees Association for the Period July 1, 2010 – June 30, 2013 Staff: Mike Conrad, Police Chief and Public Safety Director & Jim Loeffler, Human Resources Director
Agenda Heading: General Business	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve the proposed collective bargaining agreement between the City of Oregon City and Oregon City Police Employees Association for the period of July 1, 2010 - June 30, 2013.

BACKGROUND:

The following terms were negotiated and ratified by the OCPEA members.

Three year contract

July 1, 2010 - June 30, 2012

Wages: Effective July 1, 2010 COLA 2% increase

Effective July 1, 2011 COLA 2% increase

Effective July 1, 2012 COLA 2% increase

Salary change
Minor change in the SGT salary range due to compression. Dropped the first step of the salary range, moved all the steps to the left and added a new top step for SGT only.

Vacation Accrual
Modified vacation accrual to conform to AFSCME contract, which will make it easier for both Payroll and Human Resources to administer vacation accruals.

Boot / Shoe Allowance
Increase boot/shoe allowance to ($275 over 2 years) to coincide with AFSCME contract.

PORAC - Peace Officers Research Association of California (PORAC)
The Union proposed joining the Peace Officers Research Association of California (PORAC), which replaces the City's Legal Defense Fund language. PORAC provides greater legal defense of all department personnel involved in a critical incidents. PORAC is viewed as a win-win for both the City and OCPEA.

Housekeeping/Process: Various wording, titles and dates changed throughout the contract to keep current and consistent. Significantly modified the Worker's Compensation injured worker process which should benefit both employee and HR staff.

BUDGET IMPACT:

FY(s): 2010-13 $ 5,265,225 (Increase of $259,699 over three years of the contract. Figure assumes the same benefit rate over three years.)

Funding Source: Predominantly General Fund

ATTACHMENTS:

COLLECTIVE BARGAINING AGREEMENT

between

OREGON CITY, OREGON

and the

OREGON CITY POLICE EMPLOYEES' ASSOCIATION

July 1, 2010 - June 30, 2013

TABLE OF CONTENTS

ARTICLE 1: AGREEMENT AND PURPOSE 1

ARTICLE 2: RECOGNITION 1

ARTICLE 3: EMPLOYEE AND ASSOCIATION RIGHTS 1

3.1 Non-Discrimination 1

3.2 Association Participation. 1

3.3 Association Representatives 2

3.4 Checkoff and Fair Share. 2

3.5 Association Bulletin Board. 2

ARTICLE 4: SECURITY 3

4.1 No Strike. 3

4.2 No Lockout 3

ARTICLE 5: MANAGEMENT RIGHTS 3

ARTICLE 6: PROBATIONARY PERIOD 4

6.1 New Hires 4

6.2 Promoted Employees 4

6.3 Extensions of Probation 4

6.4 Lateral Hires 4

ARTICLE 7: SENIORITY 5

7.1 Defined Accrual 5

7.2 Loss of Seniority 5

7.3 Scheduling 5

7.4 Layoff 6

ARTICLE 8: SALARIES 6

8.1 Salary Schedules. 6

8.2 Non-Sworn Longevity 7
8.3 Working Out of Class Pay. 7
8.4 On Call/Pager Differential 7
8.5 Motorcycle Premium 7
8.6 Certification Premium 8
8.7 Notification of Disapproval of Time 8
8.8 Section 125 Plan 8
8.9 FTO Premium 8
8.10 Records Shift Differential Pay 8
8.11 Bilingual Premium 8
8.12 Canine Premium 8
8.13 SRO Premium 9
ARTICLE 9: HOURS AND OVERTIME 9
9.1 Workweek 9
9.2 Rest and Meal Periods 10
9.3 Overtime Opportunities. 10
9.4 Overtime Compounding 11
9.5 Compensatory Time 11
9.6 Callback 11
9.7 Schedule Changes 11
ARTICLE 10: VACATION 12
10.1 Years of Employment Defined 12
10.2 Accrual 12
10.3 Ineligibility for Vacation 12
10.4 Accrual Cap/Balance Statement 12

10.5 Concurrent Leaves 12

ARTICLE 11: HOLIDAYS 13

11.1 Holiday Accrual 13

11.2 Payment for Holiday Balance at Termination 13

11.3 Day Observed 13

11.4 Holiday Premium 14

11.5 Four-Ten 14

11.6 Accrual Reports 14

ARTICLE 12: SICK LEAVE 14

12.1 Sick Leave Accrual 14

12.2 Use of Sick Leave 14

12.3 Reporting Absence 14

12.4 Substantiation 15

12.5 Sick Leave Fold-In on Retirement 15

12.6 Limitations Related to Outside Employment and Worker's Compensation 15

12.7 "Immediate Family" Defined 15

12.8 "Emergency" Defined 15

ARTICLE 13: LEAVES OF ABSENCE 15

13.1 Leaves of Absence Without Pay 15

13.2 Military Leave 16

13.3 Non-Duty Witness or Jury Duty 16

13.4 Voting 17

13.5 Medical and Dental Appointments 17

13.6 Funeral Leave 17

13.7 Parental and Family Leave 17

ARTICLE 14: EMPLOYEE INSURANCE BENEFITS 18
14.1 Health Insurance 18
14.2 Retiree Medical 18
14.3 Life Insurance 18
14.4 Liability Insurance 18
14.5 Disability 18
14.6 Workers' Compensation 18
14.7 Obligation to Pay Premiums is Exclusive 19
14.8 Changes in Provider or Benefits 19
14.9 HRA-VEBA 20
ARTICLE 15: RETIREMENT 20
ARTICLE 16: EDUCATION ASSISTANCE 21
16.1 Reimbursement for Tuition 21
16.2 Reimbursement for Books 21
16.3 Courses During Working Hours 21
16.4 Reimbursement for Travel Expenses 21
ARTICLE 17: RESERVE OFFICERS 22
ARTICLE 18: LAYOFFS 22
18.1 Notice of Layoff 22
18.2 Seniority 22
18.3 Recall 22
18.4 Administration 22
ARTICLE 19: UNIFORMS 23
19.1 Uniforms 23
19.2 Boots and Shoes 23

19.3 Clothing Allowance 23
19.4 Cleaning 23
19.5 Body Armor 23
ARTICLE 20: HEALTH AND FITNESS CLUB DUES ALLOWANCE 23
ARTICLE 21: PSYCHOLOGICAL EXAMINATION 23
21.1 23
21.2 25
ARTICLE 22: TRAVEL EXPENSES 25
ARTICLE 23: PERSONNEL RECORDS 25
23.1 The Personnel Record 25
23.2 Employee Response 25
23.3 Inspection and Copies 26
23.4 Removal 26
23.5 Transmittal 26
ARTICLE 24: FUNDING 26
ARTICLE 25: ASSOCIATION MEETINGS 26
ARTICLE 26: DISCIPLINE AND/OR DISCHARGE 27
26.1 Disciplinary Measures 27
26.2 Due Process 27
26.2 Due Process 27
26.4 Association Representation in Discipline Process 27
26.5 General Procedures. 28
ARTICLE 27: GRIEVANCE PROCEDURE 29
27.1 Grievance Defined 29
27.2 Grievance Adjustment Steps 30

27.3 Arbitration 30
27.4 Grievance Administration Issues 30
27.5 Time Limits 31
ARTICLE 28: TRAUMATIC INCIDENTS 31
28.1 Debriefing 31
28.2 Administrative Leave 31
ARTICLE 29: EXISTING CONDITIONS 31
ARTICLE 30: AMENDMENT AND CLOSURE 31
30.1 Renewal 31
30.2 Prior Agreements Superseded 32
ARTICLE 31: LEGAL DEFENSE FUND 32
ARTICLE 32: SAVINGS CLAUSE 33
APPENDIX A-1 34
APPENDIX A-2 35
APPENDIX A-3 36
APPENDIX B 37

ARTICLE 1: AGREEMENT AND PURPOSE

This Agreement is entered into between the City of Oregon City, hereinafter referred to as the "City", and the Oregon City Police Employees' Association, hereinafter referred to as the "Association," for the period of July 1, 2010, through June 30, 2013. This Agreement shall continue in full force and effect during the period of negotiations for a successor agreement. It is the purpose of this document to set forth the full agreement between the parties.

ARTICLE 2: RECOGNITION

The City recognizes the Association as the sole and exclusive bargaining agent for all full-time or regular part-time employees working fifteen (15) hours or more per week for the City, excluding temporary, supervisory and confidential employees but including Senior Police Officers and Police Sergeants, who are employed in any of the classifications listed in Appendix A to this Agreement.

Part-time employees covered by this Agreement shall accrue seniority but such accrued seniority shall not apply except in relation to another part-time employee in the same classification.

Only regular part-time employees who are regularly scheduled to work twenty (20) or more hours per week shall earn pro-rata paid time off benefits and health insurance benefits. For the purpose of accrual of all types of paid time off, eligible regular part-time employees shall accrue paid time off on a pro-rata basis, based on the number of hours in the part-time employee's regularly scheduled work week compared to a forty (40)-hour work week.

For eligible regular part-time employees covered by this Agreement, the City will contribute a pro-rata share of the monthly premium for health and welfare benefits based on the number of hours in the part-time employee's regularly scheduled work week compared to a forty (40)-hour work week. To receive this benefit a part-time employee must choose to be covered by the City's insurance under Article 14 of this Agreement.

ARTICLE 3: EMPLOYEE AND ASSOCIATION RIGHTS

3.1 Non-Discrimination. The provisions of this contract shall be applied equally to all employees in the bargaining unit without discrimination as to race, sex, marital status, color, religion, national origin, union affiliation, political affiliation, sexual orientation or disability unless it cannot be reasonably accommodated under the ADA. Nothing in this Section however, shall be construed to prohibit actions taken because of bona fide job qualifications. In light of the available State and Federal remedies for employment discrimination, alleged violations of Section 3.1 of this Agreement shall not be subject to the grievance procedure.

3.2 Association Participation. Employees covered by this Agreement have the right to form, join, and participate in the activities of the Association and there shall be no discrimination exercised against any employee covered by this Agreement because of membership in the Association or participation in Association activities.

3.3 Association Representatives. Association representatives shall be allowed time away from their duty stations without loss of pay when attending meetings with the City for the purpose of negotiating successors to this Agreement (including mediation and interest arbitration if necessary), or relating to the processing of grievances as provided within this Agreement. Such absences shall not hamper the normal operations of the Department and the City shall not incur any liability for overtime pay under the provisions of this Article. The Association's negotiating team will be not more than three (3) members, not counting legal counsel, when meeting with the City to secure Agreement renewal.

3.4 Checkoff and Fair Share.

A. The City agrees to deduct monthly membership dues from the pay of employees covered by this Agreement upon the submission of a signed request by the employee on a form provided by the City for that purpose. The City will not be held liable for deduction errors but will make proper adjustments with the Association for errors as soon as is practical. The City's obligations under this Article shall not exceed those imposed or required by Oregon and/or federal law.

B. Membership or non-membership in the Association shall be the individual choice of the employees covered by this Agreement. However, any employee who chooses not to become a member of the Association shall make a payment in lieu of dues as defined in ORS 243.650(18). The non-association of employees, based on bona fide religious tenets or teachings of a church or religious body of which the employee is a member, shall be guarded as provided for under ORS 243.666(1).

3.5 Association Bulletin Board.

A. The Association shall have a general use and information bulletin board in the hall near the property room and sergeants' office. This bulletin board will have "Oregon City Police Employees' Association" displayed on it. The general use bulletin board may contain information conveyed by letter and/or in memo format related to Association activities, meetings, endorsements or opinions about any matter related to legitimate concerns of Association members. However, campaign materials shall be restricted to the OCPEA's locker room bulletin boards. The City may assume any item placed on the bulletin board has received approval to be posted from a member of the Association's E-Board.

B. Any information on the general use bulletin board appearing to be clearly inappropriate in the workplace, or violating the law, may be removed and placed in the Association President's box indicating where it was removed from, by whom and when. The Association President may discuss the removal of any item from the bulletin board with the Chief of Police if the item is to be returned to the board, or if a dispute exists about the item removed.

ARTICLE 4: SECURITY

4.1 No Strike.

A. The Association will not initiate and employee(s) will not participate or engage in any strike, slowdown or any other form of interruption of work during the term of this Agreement or in any interim period between the expiration of this Agreement and the signing of a subsequent Agreement.

B. Should a strike or other interruption of work occur, the City shall notify the Association of the existence of such activity and request advice from the Association as to whether the activity has been authorized. The Association, immediately thereafter, shall respond to the City's request in writing. Upon receiving notice of a strike or other interruption of work which it has not authorized, the Association will take all reasonable steps to terminate such activity and induce the employees concerned to return to work. If the Association takes such action, it shall not be held liable by the City for the unauthorized activity of the employees involved.

C. In the event employees participate in a strike or other interruption of work in violation of this Article, the participating employee(s) shall be subject to selective disciplinary action which may include discharge.

D. It is understood that striking employees shall not be entitled to any benefits or wages whatsoever while they are engaged in a strike, work stoppage, or other interruption of work.

4.2 No Lockout. The City will not lockout any employees covered by this Agreement provided, however, that the City shall have no obligation to provide work during a labor dispute if the number of employees reporting for work is insufficient in the City's judgment to warrant continuation of part or all of its operations. If the City is able to continue its operations, employees not participating in the labor dispute shall be guaranteed work.

ARTICLE 5: MANAGEMENT RIGHTS

The City shall retain the exclusive right to exercise the customary functions of management, including, but not limited to, directing the activities of the Department, determining the levels of service and methods of operation, including subcontracting, and the introduction of new equipment; the right to hire, lay off, transfer and promote; to discipline its employees and to discharge for just cause; to determine work schedules and assign work and any other such rights not specifically referred to in this Agreement. The City will consult with the Association in adopting employee evaluation procedure.

ARTICLE 6: PROBATIONARY PERIOD

6.1 New Hires. Sworn employees with less than eighteen (18) months continuous service shall be on probation and shall not be considered regular employees. Non-sworn employees with less than twelve (12) months continuous service shall be on probation and shall not be considered regular employees. Without limitation of other rights enjoyed by all employees under this Agreement, prior to completion of the probationary period and any extension thereof a probationary employee may be discharged at will without recourse of the grievance procedure. Documentation of probationary performance shall not constitute "discipline" under the discipline article of this Agreement.

6.2 Promoted Employees. Employees promoted within the unit to a new classification shall be subject to a twelve (12) month probationary period. Promoted employees not successfully completing their probationary period shall be reinstated in their previous classification.

6.3 Extensions of Probation. The probationary period may be extended by mutual agreement of the City and the Association, and may be extended for any time the employee is on unpaid leave of absence including workers' compensation.

6.4 Lateral Hires.

1. A Lateral Police Officer is defined based on total years of previous service as a full-time sworn Police Officer at another (or other) Law Enforcement Agency (or Agencies) plus time served at the Oregon City Police Department.

2. The probationary period for a Lateral Police Officer is defined as twelve (12) months from the date of hire.

3. Lateral Officers are determined in accordance with Article 6.1 of the CBA and to receive this benefit must have at least three (3) consecutive years as a full-time Sworn Police Officer.

4. Lateral Officers shall be given, on their first day of employment, the pay step at the nearest Oregon City Police Department pay step which is equal to or exceeds their pay at their previous Police Employer.

5. The City and the Association agree that a DPSST Certified Police Officer with less than three (3) consecutive years as a full-time Sworn Police Officer may be offered some or all of the benefits of this MOA at the discretion of the City.

6. A newly hired Lateral Police Officer shall receive the lesser of eighty (80) hours of sick leave OR the actual number of sick leave hours the Lateral Police Officer had at the time of separation from their previous agency.

7. A newly hired Lateral Police Officer shall receive eighty (80) hours vacation leave upon successful completion of FTO training.

8. Lateral Officers shall be subject to the other terms of this Agreement.

9. A newly hired Lateral Officer shall accrue vacation (Section 10.2 of this labor agreement) based on the total service as set forth in subsection 1 of this Article 6.4 related to lateral hires.

10. Defining the terms of recruitment, selection and minimum qualifications of a lateral hire is within the City's discretion.

ARTICLE 7: SENIORITY

7.1 Defined Accrual. Seniority is defined as an employee's length of continuous service with the City since their last date of employment. In the event two (2) or more employees are hired in the same job classification on the same date, the filing date of their original employment application shall determine their seniority. Continuous service shall be service unbroken by separation from the City except that time spent on military leave, FMLA/OFLA leave, federal and state protected status leave or other authorized, paid leave which shall be included as continuous service. An employee shall not accrue seniority when on unpaid leave of absence exceeding one (1) month, except as required by state and/or federal law.

7.2 Loss of Seniority. An employee shall lose all seniority with the City in the event of the termination of employment for any reason. However, where a discharged employee is subsequently reinstated, no seniority, including that which would have been accrued but for the discharge, shall be lost.

7.3 Scheduling. Provided the employee is otherwise qualified, the Chief of Police shall give consideration to seniority in scheduling days off, annual vacation leave and holiday compensatory time off.

A. Each year a list of employees, listed by classification and seniority within classification, (except employees on probation) will be posted by January 15. Each employee, except probationary employees, will be required to sign up for the shift of his/her choice for each six (6)-month period of the twelve (12)-month schedule, by seniority within the employee's classification.

The senior Dog Handler, as defined by the continuous service of the Dog, shall have the option to reserve one (1) shift (Day Shift, Swing Shift, or Graveyard Shift), for one (1) shift rotation (Summer or Winter rotations), during the calendar year. The other Dog Handler must then choose one (1) of the two (2) other open shifts. After the senior Dog Handler has reserved one (1) shift, the other Dog Handler may reserve a shift from the other shift rotations.

B. Supervisors shall list the days off for positions allocated to the supervisors' respective shifts by January 23. Days off will be scheduled by the supervisors to meet the obligated and unobligated staffing requirements of the department. Final approval rests with the Chief of Police.

C. The sign-up will continue by January 30 and the most senior employees (one-third) must sign-up by February 7. The next most senior employees (one-third) must sign up by February 15, and the junior employees (one-third) must sign up by February 23. Any employee failing to sign up for the shifts of his/her choice will be assigned a shift by the City.

D. Shift length shall be approximately six (6) months with rotations in March and September, with rotations on approximately the same dates as is the current practice.

E. Each employee by seniority shall work at least two (2) different shifts (day, swing, graveyard) during the course of a twenty-four (24)-month period. If this creates a conflict the next senior employee shall be bumped, unless that creates a conflict, in which case the bump shall be to the next senior employee. The requirement that each employee shall work two (2) different shifts in the course of the twenty-four (24)-month period may be waived by the approval of the Chief of Police in cases of personal hardship, personnel situations, or where employees have agreed to trade shifts. The first twenty-four (24)-month period begins March 2008, and extends until March 2010.

F. The requirement that each employee shall work two (2) different shifts (day, swing, graveyard) in the course of a twenty-four (24)-month period, shall not apply to new employees or employees who are assigned to patrol from Detective or School Resource Officer assignments, for the remainder of the twenty-four (24)-month period in which they were hired or reassigned.

G. Probationary employees shall be assigned to the shift their individual Field Training Officer (FTO) selects. Upon release from the FTO, the probationary employee shall be assigned a shift by the Chief of Police for the balance of the twelve (12)-month sign-up.

H. Final approval of the shift schedule and assigned days off for all personnel shall rest with the Chief of Police.

I. The final schedule for the following twelve (12)-month sign-up will be posted not later than March 3.

7.4 Layoff. Layoff and recall shall be based upon seniority as provided in Article 18.

ARTICLE 8: SALARIES

8.1 Salary Schedules.

A. Employees covered by this Agreement shall be paid in accordance with the salary schedules shown in Appendix A to this Agreement:

1. Effective July 1, 2010, which reflects an across-the-board adjustment of two percent (2%) above the June 30, 2010, salary schedule;

2. Effective July 1, 2011, which reflects an across-the-board adjustment of two percent (2%) above the June 30, 2011, salary schedule;

3. Effective July 1, 2012, which reflects an across-the-board adjustment of two percent (2%) above the June 30, 2012, salary schedule;

8.2 Non-Sworn Longevity. Employees covered by this Agreement, except Sergeants, Senior Police Officers and Police Officers, shall receive longevity pay for continuous service with the City according to the following schedule.

5 years continuous service	1 percent
10 years continuous service	2 percent
15 years continuous service	3 percent
20 years continuous service	4 percent
25 years continuous service	5 percent

Continuous service shall be determined by resignation, dismissal, or retirement. If a terminated employee is subsequently rehired, continuous service shall begin on the date of rehire. However, where a discharged employee is subsequently reinstated, no seniority, including that which would have been accrued but for the discharge, shall be lost. Longevity pay shall be paid in addition to regular compensation. An employee who is on any unpaid leave of absence for thirty (30) consecutive calendar days shall not receive a longevity pay for the pay period.

8.3 Working Out of Class Pay.

A. Officers Working as Shift Supervisors. An Officer shall be assigned to be in charge of a shift when a Sergeant or Senior Police Officer is absent from a shift. The Officer assigned to be in charge of the shift will be paid seven and one-half percent (7.5%) above the Officer's regular rate of pay when assigned.

B. Other Employees. Except as specified in Article above, employees who are assigned to work in a higher classification shall be paid seven and one-half percent (7.5%) above their regular rate of pay when assigned.

8.4 On Call/Pager Differential. All sworn personnel assigned to the Detective Division will be required to be on call on week-ends and shall receive an additional five percent (5%) per month compensation.

8.5 Motorcycle Premium. Motorcycle officers shall be paid a five percent (5%) premium pay in recognition of the officer's responsibility to maintain a motorcycle.

8.6 Certification Premium. Sergeants, Senior Police Officers and Police Officers shall receive additional compensation for professional certification received through the State of Oregon Department on Public Safety Standards and Training. This compensation shall be five percent (5%) of base salary for an intermediate certificate and ten percent (10%) of base salary for an advanced certificate.

8.7 Notification of Disapproval of Time. An employee shall be promptly notified in writing of any change in the time report or time sheet which constitutes a denial or reduction of compensation.

8.8 Section 125 Plan. The City shall maintain a Section 125, IRS pre-tax program.

8.9 FTO Premium. Officers shall be paid a premium of five percent (5%) when assigned as an FTO and working with an officer in training.

8.10 Records Shift Differential Pay. Non-sworn employees will bid for shifts in accordance with the provisions of Article 7. If a non-sworn employee works a regularly scheduled shift which extends beyond 1830 hours (6:30 p.m.), the City will pay a shift differential for all hours worked on the shift equal to one and one-half percent (1.5%) of the nonsworn employee's regular rate of pay.

8.11 Bilingual Premium. Employees fluent in Spanish shall be paid an additional three percent (3%) per month. The City shall establish a process for testing and standard in fluency; arranging for testing to determine qualification for this incentive and arranging demonstration fluency is the employee's responsibility.

8.12 Canine Premium. Dogmasters/Dog Handlers. Dogmaster and Dog Handler canine training activities shall be conducted on-duty. Dogmasters and Dog Handlers accept and may resign from the position voluntarily. Acceptance of the assignment is based upon willingness to care for the animal off-duty as a family pet. Employees who serve as Dogmasters or Dog Handlers shall receive a pay differential of five percent (5%) of their base salary while serving in that capacity, and shall not receive overtime wages for off-duty care of the animal as a family pet. The parties intend to compensate for the off-duty care, feeding and grooming at the overtime rate computed based upon the FLSA or Oregon minimum wage (whichever is greater). The five percent (5%) differential compensates for approximately 45 minutes per day. The parties agree that not more than 45 minutes per day is required for off-duty care of the animal. This agreement is based in part upon the Letter Ruling of September 25, 1985, of the Deputy Administrator, Wage and Hour Division, United States Department of Labor. The parties agree that commuting to work with the dog does not constitute "hours of work" solely because the dog is in the vehicle.

Dogmasters and Dog Handlers shall not be entitled to a call back premium when duty concerns emergency care of their animal. Such time shall be treated as overtime.

8.13 SRO Premium. SROs shall conduct follow-up and closure investigative work involving school and student related cases, and may be assigned DHS cases, crimes against children and other youth related matters. SRO's shall be paid a premium of five percent (5%) of their base pay per month.

ARTICLE 9: HOURS AND OVERTIME

9.1 Workweek. The normal work week for employees covered by this Agreement shall consist of:

1. forty (40) hours worked on the basis of five (5) consecutive eight (8)-hour days followed by two (2) consecutive days off; or

2. four (4) consecutive ten (10)-hour days followed by three (3) consecutive days off for a unit, team or special assignment where the affected employees consent and the Association is given written notice; or

3. a 9-hour shift for patrol officers who shall work a 5 on-2 off/4 on-3 off schedule under the FLSA 7(k)-28 day period and for patrol sergeants a regular shift of 4-10, and twelve (12)-hour relief shifts of 4 off-3 on/3 off-4 on under the FLSA 7(k)-28 day period.

4. Effective with the first day of the payroll period on or after October 1, 2007, records employees shall work a modified 5/9 4/9 work week schedule with the fifth (5^{th}) consecutive work day being eight (8) hours in length. To comply with the FLSA, records employees work week shall commence in the middle of their fifth (5^{th}) consecutive work day. In the event that operational needs of the Department cannot accommodate the 5/9 4/9 records work week schedule, the Chief may make a written decision justifying the return of the records employees to a 5-8 work week schedule prior to concluding ORS 243.698 bargaining. Such written decision by the Chief will be provided to the Association at least ten (10) calendar days before the Chief implements the return to a 5-8 work week schedule for records employees.

5. Effective with the first pay period after ratification of this Agreement by the City and the Association, court employees shall work the same work schedule as the records employees as set forth in Article 9.1(4) above.

The workday is a consecutive eight (8)-hour day, consecutive nine (9)-hour day or a consecutive ten (10)-hour day, or a consecutive twelve (12)-hour day, with interruptions for rest and lunch periods.

The City and the Association may agree to any other shift schedule.

Unless working a relief shift, and except for sergeants, each consecutive workday shall have the same start/stop time as every other day in the workweek. The Chief of Police may approve a schedule exception based on unforeseen operational needs.

The workweek shall consist of a seven (7) day work schedule beginning at 12:01 a.m. Sunday and continuing until midnight the following Saturday.

9.2 Rest and Meal Periods. Except in case of emergency, each employee shall have a thirty (30) 1-minute lunch break and two fifteen (15)-minute paid rest periods within each eight (8)-hour work day. Lunch breaks for sworn officers assigned to the patrol and detective divisions shall be paid. Lunch breaks for all other employees shall be unpaid.

9.3 Overtime Opportunities.

A. Any work performed in excess of the regularly scheduled shift in one (1) day or forty (40) hours in one (1) week or the scheduled workweek whichever is greater, constitutes overtime and will be paid at one and one-half (1-1/2) the employee's regular rate of pay.

The parties agree to elect the FLSA 7(k) exemption for federal overtime purposes.

B. The City shall have the right to assign overtime work as required in a manner deemed to be the most advantageous and consistent with the most efficient operation of the Department. The City shall assign work on a voluntary basis prior to resorting to mandatory overtime and the following principles will be followed when assigning overtime work:

1. Where two (2) or more on-duty employees are known to be willing to work overtime, overtime work of the same nature arising on that shift will be assigned on a seniority basis.

2. Where the City needs to call persons in early who are scheduled to work the next shift, the City will seek to evenly distribute the overtime.

3. The City will provide an overtime assignment form which will reflect the names of employees who have worked overtime past their regular shift or have been called in early to work overtime, whether the overtime was voluntary or mandatory. This form will be used to assist in determining fairness in overtime assignments.

4. Overtime details that are known to the City seven (7) calendar days or more prior to the overtime detail will be offered to available off-duty employees on a seniority basis. However, an employee may not use their seniority to sign up for more than two (2) overtime shifts per each type of overtime detail. Overtime details not filled by seniority may be filled voluntarily or assigned if not voluntarily filled seventy-two (72) hours prior to the overtime detail in order to distribute overtime as evenly and equitably as possible.

5. The voluntary overtime sign-up sheet will contain instructions on how employees will sign up for the voluntary overtime.

6. Unfilled voluntary overtime may be assigned to on-duty employees using the City overtime form (Section 3). Except in cases of emergency, the employee will not be required to work more than fourteen (14) hours in a twenty-four (24)-hour period. Upon mutual agreement of the City and the employee, the employee may be allowed to work in excess of fourteen (14) hours, however, employees will be allowed at least eight (8) hours between work assignments.

7. Except in the case of an emergency, employees who are off on vacation, sick leave, holidays or compensatory time, or on regular days off in conjunction with vacation, holiday and compensatory time will not be called back to work overtime.

8. The provisions and limitations of sections 6 and 7 will not apply to employees working in their official capacity in circumstances beyond the control of the City, including mandated testimony in judicial or administrative proceedings.

9. In the police department "future overtime log" only police officers may sign up for overtime opportunities to fill in for officers; only sergeants may sign up for overtime opportunities to fill in for sergeants; provided however that any police officer or sergeant may volunteer to work any overtime opportunity within the seventy-two (72) hours immediately preceding a vacancy on a first come-first-served/assigned basis. Only officers qualified to act as SPO or Sergeant may fill a Sergeant vacancy.

9.4 Overtime Compounding. In no case shall the employee be paid more than twice at the overtime rate (three times regular rate) for the same hours worked. For the purpose of computing overtime compensation, paid vacations, paid sick leave, compensatory time off, holiday days off, and paid leave of absence shall be considered hours worked.

9.5 Compensatory Time. The Chief of Police may authorize compensatory time in lieu of overtime pay. Compensatory time shall be earned at one and one-half (1-1/2) times the overtime hours worked, but shall not exceed the maximum of sixty (60) hours. Accrued compensatory time in excess of sixty (60) hours shall be paid at one and one-half (1-1/2) times the employee's regular rate of pay. An employee terminating their service with the City shall be paid for all accrued compensatory time shown due to the employee on the records of the City. Payment for accrued compensatory time upon termination of employment shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher. Overtime shall be calculated in increments of fifteen (15) minutes. If the Chief of Police elects not to grant a compensatory time off request due to operational needs or to avoid overtime expense, the employee may elect to receive payment for the compensatory time requested within ten (10) days.

9.6 Callback. Employees who are called to return to work after leaving their duty station for the day shall be guaranteed a minimum of two (2) hours at the overtime rate of pay. Employees who are called to return to work on their regularly scheduled day off, previously scheduled vacation day, holiday day off or compensatory day off shall be guaranteed a minimum of four (4) hours of overtime pay. This Section shall not apply to early call-in of less than two (2) hours preceding the start of a regular shift when the call-in is for training or for an assignment which is undertaken on a voluntary basis (i.e., Safety Committee, Reserve Coordinator).

9.7 Schedule Changes. Work schedules showing employees' work days and hours shall be posted on the Department bulletin board. Except for emergency situations and for the duration of the emergency, any changes in work schedules shall be posted a minimum of seven (7) days prior to the effective date of the change. However, the Chief or his designee may, nevertheless, between regular shift rotations, for good cause and based upon good faith analysis of operational and personnel needs of the Department or for training, re-assign employees to a

different shift temporarily for the duration of such need. Such good faith assignments shall not be grievable, but employees shall receive at least seven (7) days' notice prior to such reassignments, unless precluded by an emergency. Schedule changes approved for the convenience of the employee, by mutual agreement, or for abnormal operational needs, shall not be subject to the notification requirements set forth above. An assignment in violation of this Article's notice requirement will be paid at the overtime rate for the duration of the notice period, but in no event will overtime be deemed the regular rate of pay for FLSA or contract overtime computation purposes. Exceptions to this Article may occur by mutual agreement.

ARTICLE 10: VACATION

10.1 Years of Employment Defined. Years of employment shall be years of continuous, unbroken service from last date of hire.

10.2 Accrual. Regular full-time employees shall accrue vacation leave at the rates shown below.

Years of Employment	Per Month	Approximate Days/Year
0-3 years	8.15 hours	12.23
4-6 years	10.05 hours	15.08
7-9 years	11.44 hours	17.16
10-14 years	13.35 hours	20.03
15-19 years	14.73 hours	22.10
20-24 years	16.81 hours	25.22
25- years	20.11 hours	30.17

10.3 Ineligibility for Vacation. Employees shall not be eligible for vacation leave during their first month of employment, although vacation leave shall accrue from the date of employment.

10.4 Accrual Cap/Balance Statement. Vacation time shall be accumulated to a maximum of two hundred forty (240) hours. The City shall provide each employee with a monthly statement showing the vacation leave balance.

10.5 Concurrent Leaves. If an employee takes a qualified state or federal family leave, the employee has the option to use holiday leave, vacation leave, compensatory time, leaves of absence without pay or sick leave. Any of the above leaves chosen by the employee for qualified state or federal family leave may be counted against the employee's family leave entitlement. If the employee's leave is due to the employee's serious health condition, the employee upon City request and at City expense shall provide health care provider

certifications, including second or third opinions, and fitness for duty certifications, as provided for in the state and federal family leave laws.

ARTICLE 11: HOLIDAYS

11.1 Holiday Accrual. Employees shall receive ninety-six (96) hours of holiday leave in lieu of all holidays listed below (accrued at the rate of eight (8) hours for each holiday listed below, (12 holidays @ 8 hours each)). These holiday leave hours shall not accrue until the date of the holiday listed below and cannot be taken until on or after the holiday normally falls in the calendar year. Holiday hours shall not accrue in excess of one hundred twenty (120) hours.

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Floating Holiday in lieu of	Lincoln's Birthday
Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Floating Holiday in Lieu of	the Friday after Thanksgiving
Floating Holiday in lieu of	Christmas Eve December 24
Christmas Day	December 25

Holiday hours are floating holidays and may be taken as such; provided, however, that the City may require sworn and non-sworn office personnel who are not assigned to patrol to take holiday time off on the date the holiday is observed.

11.2 Payment for Holiday Balance at Termination. Employees shall be compensated for accrued but unused floating holidays at termination of employment at the employee's final hourly rate.

11.3 Day Observed. When one of the above holidays falls on a Saturday, the previous Friday shall be observed as the holiday; when one of the above holidays falls on a Sunday, the following Monday shall be observed as the holiday.

11.4 Holiday Premium. Sworn employees assigned to patrol shall receive time and one-half (1-1 /2) overtime compensation for regular hours worked when their regularly scheduled shift occurs on July 4, Thanksgiving Day or Christmas Day. All other employees (Detectives, Police Secretaries and Officers on non-patrol assignments, etc.) shall receive time and one-half (1-1 /2) overtime compensation if required to work on any holiday. Holiday premium shall not be paid on Lincoln's Birthday, the day after Thanksgiving or Christmas Eve, which are either taken off as a Floating Holiday or are considered a normal operational work day for all employees.

11.5 Four-Ten. For an employee working a 4/10 plan, a paid day off shall constitute a ten (10) hour day. Therefore, to account for an entire paid day off, ten (10) hours of the employee leave time shall be utilized by the employee.

11.6 Accrual Reports. The City shall maintain a system to provide each employee with a monthly statement showing all employee leave balances (including Holiday leave).

ARTICLE 12: SICK LEAVE

12.1 Sick Leave Accrual. Full-time employees covered by this Agreement shall accrue sick leave at the rate of twelve (12) hours per month. There is no maximum on the number of sick leave hours that may be accrued. Newly hired employees shall accrue sick leave from the beginning date of employment but shall not be eligible to use sick leave during the first month of employment.

12.2 Use of Sick Leave. An employee who is unable to perform his duties by reason of personal illness or injury, pregnancy, necessity for medical or dental care, or exposure to contagious disease, may utilize the employee's accumulated sick leave in accordance with this Article, vacation leave, compensatory time leave, or holiday leave in any order. No sick leave with pay shall be granted for any injury or illness resulting from outside employment. If an emergency in the employee's immediate family requires attendance of the employee on a given working day, the employee may utilize any leave described in this section, subject to approval of the Chief of Police. In no case shall sick leave be used to extend a vacation period. Intentional abuse of sick leave is cause for discipline, which may include termination.

The City may direct the use of sick leave where the City has a reasonable basis to conclude, based on medical opinion/certification, that an employee is unable to work due to an illness or a health condition which is not as a result of an employee's employment with the City. The City may direct a medical evaluation at City expense and thereafter act based on the medical opinion of the City's physician.

12.3 Reporting Absence. Any employee who is ill and unable to report to work shall make a reasonable effort to notify the employee's immediate supervisor at least two (2) hours prior to the employee's reporting time. In case of a continuing illness, the employee shall keep the employee's immediate supervisor advised of the employee's inability to report to work.

12.4 Substantiation. The City may require certification of a health care provider to substantiate that an illness or injury prevents the employee from working. Sick leave time exceeding one (1) work week may require evidence that the employee was under a health care provider's care unless the City has reason to believe that the absence qualifies for family leave under state or federal law, in which case the City may ask for certification of a health care provider for any length of absence. When sick leave is used for family leave purposes, the leave will be counted against the employee's family leave entitlement. The employee may be required to have the employee's health care provider complete a medical certification form to support the use of sick leave running concurrently with family leave and to obtain second and/or third opinion as provided by law. Should the employee be required to provide a certification, or to obtain a second or third certification for family leave purposes, the employer shall bear the cost of the required certifications. An employee may be required to provide a fitness for duty certification before returning from family leave.

An employee who is absent for more than three (3) days in a family leave calculation year for the purpose of caring for a child who requires home care may be required to obtain certification to support any subsequent absence for this purpose. The cost of certification of a health care provider incurred by the employee, if any, shall be paid by the City. Rights and responsibilities under this Agreement shall be construed in a manner which is consistent with the federal and Oregon family leave laws.

12.5 Sick Leave Fold-In on Retirement. Accrued sick leave shall be applied to retirement or disability benefits through the Public Employees Retirement System as outlined in ORS Chapter 237 and the administrative rules and regulations of the Public Employees Retirement System for the purpose of increasing retirement benefits for the employee.

12.6 Limitations Related to Outside Employment and Worker's Compensation. No sick leave with pay shall be granted for any injury or sickness resulting from outside employment or self-employment. Sick leave shall cease to accrue after an employee has been on leave without pay or Worker's Compensation for more than thirty (30) days.

12.7 "Immediate Family" Defined. The words "immediate family" as used in this Article is defined to include the employee's spouse, children, stepchildren, and any relative residing in the employee's immediate household.

12.8 "Emergency" Defined. The word "emergency" as used in this Article is defined as including major surgery wherein the surgery is conducted in a hospital under a general anesthesia and as excluding minor surgery performed as an out-patient service or in a physician's office with or without a local anesthesia.

ARTICLE 13: LEAVES OF ABSENCE

13.1 Leaves of Absence Without Pay. An employee may be granted a leave of absence without pay not to exceed one hundred eighty (180) calendar days if the City finds there is reasonable justification to grant such leave and that the work of the Department will not be seriously handicapped by the temporary absence of the employee. The City may interrupt or terminate such leave by thirty (30) days written notice certified mail to the address given by the

employee on his or her written application for such leave. Upon receipt of notification that the City desires the employee to return to work, the employee shall return to work within (10) days or be subject to discipline.

Such leave shall not be approved for the purpose of accepting employment outside the service of the City.

In the event that the employee accepts permanent employment outside the service of the City, enters into a full-time business or occupation, or has not complied with the terms of the employee's application for such leave, the employee will be subject to discipline, including discharge.

Employees on leave of absence without pay shall not accrue vacation or sick leave during the absence and may be required to reimburse the City for insurance premiums. If the City does not require an employee to reimburse the City for insurance premiums, such action will not be deemed a binding precedent on the City, nor will the Association maintain that such action establishes a past practice. The leave shall not prejudice the employee's seniority.

13.2 Military Leave. Military leave shall be granted in accordance with Oregon and federal law. The fifteen (15) days referred to in ORS 408.290 shall be applied to the first fifteen (15) days of absence from work occasioned by a service member's military duty and training in each calendar year.

Employees may donate vacations, holiday and compensatory time to an employee who is ordered to active duty in the armed forces of the United States by order of the President. Balances donated will become available for transfer when the recipient has exhausted all paid leave. The vacation, holiday and compensatory time will be valued at the donating employee's current rate of pay (at the time of the donation) and then converted to the appropriate amount based on the Donee's current rate of pay. (For example, if an employee earning $10 per hour donates two hours to an employee earning $20 an hour, the Donee will be credited with one hour.) Donors will submit a request to the City:

> "I request the City of Oregon City assist in the gift of ___ hours of vacation, ___ hours of holiday, and/or ___ hours of compensatory time from my balances. I give these amounts to _____, who is on active military duty and whose leaves are exhausted. I hereby assign to Donee the right to receive the value of this time off at Donee's current rate of pay."

The City thereafter shall make periodic disbursements to employee to keep Donee in fully paid status until funds in his earned leave account are exhausted.

13.3 Non-Duty Witness or Jury Duty. If an employee is called for jury duty or is subpoenaed as a witness, the employee shall be granted leave with pay. Compensation received (except travel reimbursement) shall be remitted to the City. Upon being excused from such duty for a portion of any day, the employee shall immediately contact the employee's supervisor, who at the supervisor's discretion, may assign the employee for the remainder of the employee's regular workday.

13.4 Voting. Employees who are registered voters shall be granted up to one hour off with pay to vote on election days if they would otherwise not be able to vote because of their work schedule.

13.5 Medical and Dental Appointments. Paid time off for routine and pre-scheduled medical and dental appointments shall be granted to employees without deductions from their accrued leave. It is the responsibility of the employee to make every effort to schedule appointments during off-duty hours. When an employee's work schedule is such that they cannot schedule such appointments after work, they are to schedule such appointments so as to minimize interference with their work schedule. Time off with pay will not be granted to an employee to transport family members to medical and dental appointments. Leave without pay or compensatory time may be used to transport family members to medical or dental appointments.

13.6 Funeral Leave. In the event of death in the immediate family (husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, grandchildren, foster children, or other relatives not listed but residing in the employee's household) an employee may be granted a leave of absence up to three (3) calendar days with pay. Additional paid leave of absence may be granted on an individual need basis. Such leave of absence must be approved by the Police Chief and, if extended, by the City Manager.

13.7 Parental and Family Leave. Family leave may be taken pursuant to applicable state and federal law. Generally these laws provide leave for the employee's own serious health condition, for the serious health condition of specified family members, for parental leave purposes, and to care for a child who needs home care but does not have a serious health condition. While out on such leave, an employee may utilize accumulated sick leave, vacation time, compensatory time and holiday time in any order, and may also utilize sick leave in accordance with Article 12 before or after taking other paid time and otherwise with the City's approval which may be granted on a case by case, nonprecedent setting basis. After using all paid time, the employee may take leave without pay unless state or federal law requires otherwise and the employee requests otherwise in writing. Except as provided by law, family leave shall not exceed twelve (12) weeks without prior approval from the City. An additional twelve (12) weeks leave shall be available for a female employee who needs pregnancy disability leave, and, if the employee (male or female) utilizes family leave for parental leave purposes, additional leave may be available to care for a sick child who requires home care, but does not have a serious health condition.

Except where otherwise required by law, all leaves including sick leave, vacation leave, state and federal family leave, will run concurrently and be counted against the employee's annual family leave entitlement when the leave is for a family leave purpose. If the leave is for a family leave purpose, the employee may be required, at City expense, to provide certifications of health care providers, including second and third opinions and fitness for duty certifications. It is up to the City to notify the employee that a leave is being counted against the employee's family leave entitlement.

ARTICLE 14: EMPLOYEE INSURANCE BENEFITS

14.1 Health Insurance. The City shall, throughout the life of this Agreement, provide medical, hospitalization, dental, and optical insurance for employees covered by this Agreement and their eligible dependents. Effective July 1, 2001, the following insurance programs will be available: ODS Service Plan with vision (no prescription maximum), and Kaiser. Pacific Source Dental and Kaiser Dental Insurance shall be fully paid. After July 1, 1991, in the event either the Kaiser medical or the ODS Service Plan with vision (no prescription maximum) cost exceeds $330 per month for any employee covered by this Agreement that employee shall pay one-half of the amount in excess of $330 or five percent (5%) of the monthly premium cost, whichever is less.

A. For the term of this Agreement, the parties agree to retain the existing insurance language contained in Article 14.

14.2 Retiree Medical. The City shall provide the option to each retired employee and his family the same medical coverage provided to the employees of the City until the age of 65. The City will pay one-half (1/2) of the insurance premium for the retiree only. After age 65, the City will pay one-half (1/2) of the insurance premium for the employee only for Medicare supplemental health care coverage. Those retirees choosing additional coverage will be required to pay all additional costs.

14.3 Life Insurance. The City shall, throughout the life of this Agreement, provide a $25,000 double indemnity term life group insurance policy for all employees covered by this Agreement and a $1,000 term life group insurance policy for each dependent of an employee, covered by this Agreement. Premiums for this coverage shall be paid by the City. The City's plan shall allow employees to purchase additional life insurance at their own expense.

14.4 Liability Insurance. The City shall, throughout the life of this Agreement, provide a $1,000,000 liability and false arrest insurance policy or provide similar protection through a program of self insurance for all employees within the bargaining unit. Premiums for this coverage shall be paid by the City.

14.5 Disability. The City shall, throughout the life of this Agreement, provide a disability (salary continuation) insurance policy for employees covered by this Agreement. This policy shall provide an income equal to two-thirds (2/3) of the employee's basic monthly salary starting ninety (90) days after the date that disability was incurred and continuing as long as the employee is disabled as determined by the insurance carrier. Long term disability insurance payments shall be integrated with, but not paid in addition to sick leave or other disability payments such as Social Security, Worker's Compensation, or PERS. Premiums for this coverage shall be paid by the City.

14.6 Workers' Compensation. The City shall, throughout the life of this Agreement, provide all employees covered under this Agreement with industrial accident insurance coverage for job-related injuries that might be incurred by the employee. Benefits under this coverage shall include medical treatment and care, as well as disability compensation during periods of time lost from the job. Premiums for this coverage shall be paid by the City.

A. When an employee is absent from work because of an on-the-job injury, the time off will not be charged to sick leave, except as provided below. The employee may select one of the following options:

1. The employee will only receive his/her Workers' Compensation payments.

2. An employee may voluntarily turn in his/her first and all subsequent Workers' Compensation payments and in turn will receive regular monthly paychecks to include draws (which will be computed based on a computation of monthly salary (hourly rate x 2080 / 12) or prorate thereof. Under option two (2), the following will occur:

a. No sick leave will be deducted from the employee's sick leave accruals for one hundred eighty (180) days from the date immediately following a compensable injury. This 180-day period begins on the original date of injury, as determined by the City's workers' compensation program's third-party administrator (TPA). Days where the employee works a minimum of four (4) hours will not count in the calculation of the 180-day period.

b. After one hundred eighty (180) consecutive calendar days immediately following a compensable injury, employees shall use available sick leave for integration with their Worker's Compensation payments in order to receive their gross monthly wages. In this situation, a full paycheck will only be received if the employee has available sick leave accrued. Days where the employee works a minimum of four (4) hours will not count in the calculation of the 180-day period.

c. In the event that an employee withholds any of his/her Worker's Compensation payments, compensation will fall into the integration of sick leave formula described in above from the first day of injury. In the event this occurs, the City can automatically deduct any overpayment in full from the employee's next paycheck or subsequent checks if there is not a sufficient amount in the next paycheck.

14.7 Obligation to Pay Premiums is Exclusive. It is understood that the City's only obligation is to pay for premiums on any of the insurance policies. No claim shall be made against the City as a result of denial of benefits by the insurance company.

14.8 Changes in Provider or Benefits. In the event that the City should desire to change to different insurance plans or insurance carriers for any of the provided insurance programs, the City and the Association shall jointly meet and review the coverage proposed by the new carrier(s) to insure that the proposed coverage is equal to or better than what is currently being provided. Outside consultants may be utilized to aid in analyzing new proposals for insurance coverage.

In the event that the City is notified by any of its insurance carriers of a change in benefits, the City shall promptly notify the Association.

14.9 HRA-VEBA. Effective July 1, 2006, and each month thereafter, the City will contribute an additional one percent (1%) of an employee's monthly salary into a tax-free VEBA account, and once a year on January 15, the City will put the cash equivalent of all hours over forty (40) hours of compensatory time into the employee's VEBA account.

ARTICLE 15: RETIREMENT

Section 1. Public Employee Retirement System ("PERS") Members.

A. For purposes of this Article 17.1(A), "employee" means an employee who is employed by the City on August 28, 2003 and who is eligible to receive benefits under ORS Chapter 238 for service with the City pursuant to Section 2 of Chapter 733, Oregon Laws 2003.

B. Retirement Contributions. On behalf of employees, the City will continue to "pick up" the six percent (6%) employee contribution to the Public Employees Retirement Fund through December 31, 2003. Thereafter, the City will continue to "pick up" a six percent (6%) employee contribution, payable as the law requires. The parties acknowledge that various challenges have been filed which contest the lawfulness, including the constitutionality, of various aspects of PERS reform legislation enacted by the 2003 Legislative Assembly, including Chapters 67 (HB 2003) and 68 (HB 2004) of Oregon Laws ("PERS Litigation"). Nothing in this agreement shall constitute a waiver of the parties' rights, claims, or defenses with respect to the PERS Litigation and PERS related claims.

Section 2. Oregon Public Service Retirement Plan Pension Program ("OPSRPPP") Members.

A. For purposes of this Article 17.1(B), "employee" means an employee who is employed by the City on or after August 29, 2003 and who is not eligible to receive benefits under ORS Chapter 238 for service with the City for service with the City pursuant to Section 2 of Chapter 733, Oregon Laws 733.

B. Contributions to Individual Account Programs. As of the date that an employee becomes a member of the Individual Account Program established by Section 29 of Chapter 733, Oregon Laws 2003, the City will pay an amount equal to six percent (6%) of the employee's monthly salary, not to be deducted from the salary, as the employee's contribution to the employee's account in the program. The employee's contributions paid by the City under this Article 10.1(B) shall not be considered to be "salary" under Section 1(16)(c) of Chapter 733, Oregon Laws 2003, for the purposes of computing a OPSRPPP member's "final average salary" under Section 10 of Chapter 733, Oregon Laws 2003, or "salary" for the purposes of determining the amount of employee contributions required to be contributed pursuant to Section 32 of Chapter 733, Oregon Laws 2003.

Section 3. Effect of Changes in Law Other than PERS Litigation.

In the event the City's payment of a six percent (6%) employee contribution under Article 17.1(A) or (B) , as applicable, must be discontinued due to a change in law, valid ballot measure, constitutional amendment, or a final, non-appealable judgment from a court of competent jurisdiction (other than the PERS Litigation), the City shall increase by six percent (6%) the base salary rates for each classification in the salary schedules applicable to the

members of the bargaining unit in lieu of the six percent (6%) pick-up. This transition shall be done in a manner to assure continuous payment of either the six percent (6%) contribution or a six percent (6%) salary increase.

For reasons indicated above or by mutual agreement, if the City ceases paying the applicable six percent (6%) pick-up and instead provides a salary increase for eligible bargaining unit employees during the term of this agreement, and bargaining unit employees are able, under existing law, to make their own six percent (6%) contribution to their PERS account or to the Individual Account Program account, as applicable, such employees' contributions shall be treated as "pre-tax" contributions pursuant to Internal Revenue Code Section 414(h)(2).

ARTICLE 16: EDUCATION ASSISTANCE

16.1 Reimbursement for Tuition. The City shall reimburse an employee for tuition for courses related to the employee's work, provided that:

A. The course is approved in advance by the Chief of Police and City Manager, and;

B. The employee received a grade of "C" or better or a "Pass" grade if the class is graded on a "Pass-Fail" basis, and;

C. The employee is not receiving reimbursement for tuition from other sources, and;

D. Funds have been budgeted.

16.2 Reimbursement for Books. The cost of text books and/or technical publications required for such courses will be reimbursed by the City provided that the material can be studied by other employees and the material is not already available to the employee. All materials purchased by the City will be placed in a library located in the Department for use by other employees.

16.3 Courses During Working Hours. Courses which are offered only during regular working hours may be approved by the Chief of Police and Personnel Director provided time off can be conveniently arranged and arrangements can be made to make up time off during the same week as used.

16.4 Reimbursement for Travel Expenses. The City shall reimburse travel expenses to and from the location of a course only if the course is on an assignment basis and approved by the Chief o f Police or Personnel Director. The City recognizes that it must, through the normal budgeting process, insure that a reasonable amount of money is included in the budget for the Police Department for the purpose of Police Officer training and education.

ARTICLE 17: RESERVE OFFICERS

17.1 Reserve officers and/or volunteers will not be utilized by the City to replace regular employees of the police department in the event of layoffs.

17.2. Exclusively for the purpose of representation of reserve officers in regard to civil and criminal issues that arise in the context of critical incidents, reserve officers shall be special members of the Association. The City shall remit periodically to the Association funds necessary for PORAC Legal Defense Fund participation provided for in Article 31 of this Agreement.

ARTICLE 18: LAYOFFS

18.1 Notice of Layoff. If the City determines the need exists for a reduction in the workforce, written notice of not less than two weeks shall be provided to the employees to be laid off. All seniority credit is lost after a break in service of twenty-four (24) months. Employees shall not accrue seniority or any other benefits while on layoff.

18.2 Seniority. While the City reserves the right to determine positions to be eliminated, layoffs within each affected job classification shall be determined by the City on the basis of employee's seniority within the job classification. Senior Police Officers shall be allowed to "bump" into a Police Officer position, additionally, any bargaining unit member given notice of layoff who has previously held a position in a different classification within the bargaining unit within the previous five (5) years may bump any incumbent in that classification who has lesser seniority in the bargaining unit than the employee being laid off. The employee's seniority in the different classification shall be determined by the date of their original appointment to that classification. The employee shall be called back from layoff according to seniority in the classification from which the employee was laid off.

18.3 Recall. The names of employees laid off shall be placed on layoff lists by job classification and employees shall be recalled in order of their placement on the layoff list. An employee's position on the layoff list shall be based upon seniority by job classification. An employee's layoff status shall be changed to terminated status if they have not been recalled within twenty-four (24) months of their layoff date. Laid off employees shall have ten (10) calendar days from receipt of written notice in which to accept assignment and must report to work within twenty-one (21) calendar days from receipt of written notice. Notification of recall shall be by certified letter sent to the last address provided to the City by the employee. It is the responsibility of the employee on layoff status to keep the City informed as to changes of address. Return of the notice as undeliverable because the employee has moved without notifying the City may constitute rejection of assignment.

18.4 Administration. No regular full time employee shall be laid off while temporary employees are retained in the same job classification. No new employees shall be hired into job classifications from which employees have been laid off until the recall list has been exhausted. Employees outside the bargaining unit will not be permitted to "bump" into job classifications covered by this Agreement.

ARTICLE 19: UNIFORMS

19.1 **Uniforms**. The City shall provide uniforms for all employees required to wear uniforms and shall provide fitted ear pieces for all sworn employees. Uniform items shall be replaced by the City as needed due to normal wear and tear or damage incurred in the line of duty.

19.2 **Boots and Shoes**. The City will contribute up to two hundred seventy five dollars ($275.00) to fully reimburse or partially reimburse sworn officers and community service officers for footwear purchased for work purposes. Sworn officers and CSOs are eligible for the footwear reimbursement once every two (2) years in the month of July. The City will contribute up to seventy-five dollars ($75.00) annually, in the month of July, to fully reimburse or partially reimburse non-sworn personnel other than CSOs for footwear purchased for work purposes. Footwear shall be selected by the individual employee but shall conform to standards set by the Chief of Police.

19.3 **Clothing Allowance**. Officers assigned to the Detective Division shall be reimbursed up to a maximum of six hundred fifty dollars ($650.00) annually for outer clothing including dress slacks, sport jackets, ties, and/or dress shirts. Clothing may be selected by the employee but must conform to standard set by the Chief of Police. Reimbursement will be made to the employee by check within thirty (30) days of turning in the receipt if approved by the Chief of Police.

19.4 **Cleaning**. The City will provide for the cleaning of City supplied uniforms not to exceed more than four (4) cleanings per month per employee. The cleaning costs will be paid by the City. Additional uniform cleanings may be granted on an approved need basis.

19.5 **Body Armor**. Soft body armor shall be provided by the City and replaced as recommended by the manufacturer.

ARTICLE 20: HEALTH AND FITNESS CLUB DUES ALLOWANCE

The City will continue to pay directly to Nelson's Nautilus Fitness Club $15 per month. The employee shall contribute $1.00.

The City will monitor workout activity. An employee who fails to workout regularly (at least two times per week) shall lose contribution credit by the City and must pay full membership by payroll deduction until a two-month record of regular workouts is established. Failure to utilize the gym for good reason such as medical condition or vacation shall not result in loss of contribution credit.

ARTICLE 21: PSYCHOLOGICAL EXAMINATION

21.1 The employer agrees to comply with the following procedures when a supervisor has a belief, based on objective and articulable facts sufficient to consider utilizing a psychological evaluation to assess an employee's fitness for duty:

1. The employer will make its best effort to use only qualified psychologists and psychiatrists (hereinafter "examiner").

2. The employer's examiner shall be asked to review the employer's reasons for requesting an examination and notify the City before proceeding if the examiner believes the request is not reasonable or appropriate.

3. Neither the employer nor the examiner shall request the employee to sign, nor present to an employee a waiver of liability of the doctor's negligence, in conducting/reporting on the testing, and relative rights and duties shall be as dictated in the Oregon Tort Claims Act. The employee must sign a release allowing the doctor to report the doctor's conclusions to the employer in a manner consistent with the specifications in paragraph 4.

4. The examiner will submit a report which addresses specific inquiries submitted by the City. If the employee requires modified working conditions, the examiner may indicate which modification(s) are necessary and the projected duration of such modification(s). The examiner will be asked to summarize facts upon which the conclusions are based, and to explain if the employee is to be on full or modified duty, any information about the employee's condition in relation to how the employee, in the course of duty, could present a threat to him/herself or others. The examiner may provide that information to the employer with a copy to the employee's treating examiner or to the employee's representative, if requested; all aspects of the examiner's report shall be treated as a confidential medical record and shall not be disclosed by the City except on a strict need-to know basis or upon written release of the employee.

5. The City and an employee have the right to obtain an independent examination at their own expense. The Association, the employee and the City shall cooperate to insure that the examiner is provided access to all information which was utilized by the employer's examiner.

6. If the Association or the employee disagrees with the employer's determination as to the employee's duty status, whether it be an issue of the employee's fitness for duty on a permanent basis or the length of time an employee is or is not to be on a modified duty status, the employer and the Association will meet and discuss the issue and exchange all relevant information in their possession in an attempt to resolve the issue.

7. The City shall arrange for the City's examiner to conduct a follow-up examination after the employee's initial examination by the City's examiner and the examiner will again submit a report consistent with the specifications in paragraph 4. At this follow-up examination, the examiner shall be asked to recommend dates by which follow-up assessments should be useful under the circumstances, and to offer a prognosis and recommendation with respect to fitness for duty, retention, accommodation and return to work.

8. If the employer decides to terminate employment of the employee because it believes the employee is unfit to return to duty, all information upon which the employer is relying, including chart notes in possession of the examining doctors, will be released to the Association if the employee so requests.

9. Should the Association have medical evidence that contradicts the employer's conclusion, the Association will immediately inform the employer if it has or expects to have such information and the employer will consider such information promptly once it is provided.

10. At arbitration, the Arbitrator will determine, by a preponderance of the evidence, whether the employee is or is not fit for duty. The Arbitrator will fully consider the information supplied by each party before making this determination on the merits of the issue of the employee's fitness to return or not to return to work. It the employer is refusing to let an employee return to work or is terminating employment, then the employer will have the burden of proof by a preponderance of the evidence by showing that the employee is medically unfit to return to work. Should the employee be requesting to be returned to work and the employer is refusing to do so, then the employee, through the Association, shall have the burden of proof to demonstrate by clear and convincing evidence, that the accommodation desired upon return to work does not create an undue hardship, or that the City abused its discretion in its interpretation and application of laws relating to disability. The Arbitrator will decide which party is the losing party and may, at the Arbitrator's discretion, order the losing party not only to pay the Arbitrator's expenses, but the expenses of all expert witnesses utilized in the matter.

21.2 No employee shall be required to sign a waiver allowing the EAP providers to disclose any information to the City, including that the employee went to the program, except as otherwise provided for in the drug and alcohol policy or a substance abuse related last change agreement.

ARTICLE 22: TRAVEL EXPENSES

Employees shall be reimbursed for expenses incurred when traveling on City business or when required to use their personal vehicle for travel on City business. Regulations regarding approval and reimbursement of travel expenses are outlined in the City's Administrative policies.

ARTICLE 23: PERSONNEL RECORDS

23.1 **The Personnel Record**. Personnel Records shall be maintained on each full--time employee of the City. A "Personnel Action" form shall be used as the document to record changes in the employee's job classification, employment, and/or salary status. A copy of the form shall be placed in the employee's personnel file. The personnel file is maintained in the City Personnel Department. The City also maintains supervisory and investigatory files.

23.2 **Employee Response**. A copy of any written item placed in an employee's personnel bile shall be furnished to the employee within three (3) days. The employee may respond in writing within seven (7) days to any information with which he disagrees and such response shall be placed in his personnel file.

23.3 Inspection and Copies. Employees or the Association representative with written permission of the employee, shall have the right to inspect their personnel file. The employee or Association representative may request a copy and shall pay the cost of making copies from these files at the City's standard charge. Neither the file nor items in the file may be removed from the Personnel Department. An employee may arrange with a supervisor to inspect the supervisor's file. Investigatory files may be inspected when the investigation is concluded at a time arranged for with the Chief of Police.

23.4 Removal. With the exception of Personnel Action forms and Employee Evaluations, letters of warning and reprimand and any response written by the employee shall be removed from the employee's personnel file after three (3) years and upon request of the employee provided there is no subsequent warning letter(s) or disciplinary action over the same issue taken during the intervening period of time. Documents removed may be retained in a separate system of records not used as the basis of future personnel or disciplinary decisions, except to demonstrate training and forewarning but not as progressive discipline.

23.5 Transmittal. No portion of any employee's personnel file, supervisor's files, or investigative files shall be transmitted for other than a business purpose without the employee's written consent, court order, or order by the Clackamas County District Attorney.

ARTICLE 24: FUNDING

The parties of this Agreement recognize that revenue needed to fund this Agreement must be approved annually by established budget procedures and in certain circumstances by a vote of the citizens of the City of Oregon City. In the event that the City does not receive the required voter approval needed to fund the annual budget the parties agree to meet and confer to seek the best possible alternatives to layoff and/or cutback of services.

ARTICLE 25: ASSOCIATION MEETINGS

The City and the Association recognize that most employees covered by this Agreement are employed in Departments which utilize twenty-four (24) hour per day schedules and that these work schedules would not allow all of the Association members to be present at a meeting to discuss Association business. The City and the Association agree to the following:

A. Attendance of on-duty Association employees at Association meetings is subject to operational needs as determined by the City up to one (1) hour per month.

B. There shall always be one (1) patrol officer on duty at all times who is not in attendance at any called Association meeting; all other on-duty employees shall be subject to call back to duty for any reason pertaining to City business.

C. The Police Records office shall not be left unstaffed because of provisions in this Article.

D. Association meetings may be scheduled in advance and held in the City Commission Chambers subject to the regular scheduling procedures used by the City for that room.

E. PAC or political campaign related activity shall not be conducted at or in conjunction with any meeting held on City premises or attended by on-duty personnel.

ARTICLE 26: DISCIPLINE AND/OR DISCHARGE

26.1 Disciplinary Measures. Disciplinary action shall be for just cause. Discipline includes the following steps and shall normally be progressive as outlined below but the disciplinary process may be entered at any step depending upon the severity of the incident causing the disciplinary action:

A. Oral reprimand
B. Written reprimand
C. Reduction in pay
D. Suspension without pay
E. Demotion
F. Discharge

The City shall not impose a reduction in pay, suspension without pay, demotion or discharge of a non-probationary employee without appropriate pre-disciplinary due process procedures.

26.2 Due Process. Pre-disciplinary "due process" means written notice of the charges and the facts upon which the charges are based, notice of the maximum range of discipline under consideration, and an opportunity to meet with the decision maker or his/her designee. If the essential facts which support the allegations are not described in detail in the written notice, the City shall provide the Association and the affected employee with all the documents which are relied upon. The employee or the Association may submit a written rebuttal to an oral or written reprimand which shall be maintained with the record of reprimand. If a grievance is filed, documents upon which the City has relied shall be provided to the Association and the affected employee.

26.2 Due Process. Pre-disciplinary "due process" means written notice of the charges and the facts upon which the charges are based, notice of the maximum range of discipline under consideration, and an opportunity to meet with the decision maker or his/her designee. If the essential facts which support the allegations are not described in detail in the written notice, the City shall provide the Association and the affected employee with all the documents which are relied upon. The employee or the Association may submit a written rebuttal to an oral or written reprimand which shall be maintained with the record of reprimand. If a grievance is filed, documents upon which the City has relied shall be provided to the Association and the affected employee.

26.4 Association Representation in Discipline Process. The City acknowledges the right of the employee to have a representative of the Association present at stages C, D, E and/or F of the disciplinary process. The City agrees to work under the Association's posted notice concerning employee rights in the disciplinary process per Appendix B.

26.5 General Procedures.

A. Potential Discipline Situations. Any employee who will be interviewed at a disciplinary interview concerning an act which, if proven, could reasonably result in disciplinary action involving loss of pay or dismissal, untruthfulness, unlawful use of force, and/or a violation of civil rights will be afforded the following safeguards:

1. The employee and the Association will be informed that a formal investigation is commencing, unless the employee is under investigation for violation of the Controlled Substance Act, or violations which are punishable as felonies or misdemeanors under law, or if doing so would jeopardize either the criminal or administrative investigation.

2. At least seventy-two (72) hours prior to a disciplinary interview by the City of an employee, the result of which could be that the City may impose an economic sanction upon the employee as a result of the underlying incident, the employee and the Association will be informed, in writing, of the nature of the investigation and the specific allegations, policies, procedures and/or laws which form the basis for the investigation at that time; the employee will be afforded the opportunity to consult with an Association representative; and the employee and the Association will be provided all available materials the City possesses related to the investigation, unless the City elects to provide a written statement of essential facts which would support any contemplated basis of discipline.

When releasing information to the employee and the Association, the City may place conditions on disclosure of witness statements under circumstances where the conditions are warranted in order to limit risk of claims or aggravation of difficult circumstances in the work place or in the City's relationship with a victim. In such event, the City and the Association shall cooperate to meet appropriate investigative and due process needs.

The employee shall be allowed the right to have an Association representative present during the interview. The opportunity to have the Association representative present at the interview shall not delay the interview more than four (4) hours, except for minor complaints (incidents for which no more than an oral warning may result) which may be handled immediately when a representative is not readily available. However, if in the course of the interview it appears as if a more serious disciplinary problem has developed, the employee will be allowed up to four (4) hours to obtain a representative to be present at the interview.

3. All interviews shall take place at Department facilities, or elsewhere if mutually agreed, unless an emergency exists which requires the interview to be conducted elsewhere.

4. The City shall make a reasonable good faith effort to conduct these interviews during the employee's regularly scheduled shift, except for emergencies. However, where the Chief or the Chief's designee is a party to the interview, the City may schedule the interview outside the employee's regular working hours as long as the appropriate overtime or irregular hours payments are made to the employee. Where an employee is working on a graveyard shift, the City will endeavor to conduct the interview contiguously to the employee's shift, and the appropriate overtime or irregular hours payments shall be made to the employee.

5. The employee will be required to answer any questions specifically involving the non-criminal matter(s) under investigation and will be afforded all rights and privileges to which they are entitled under the laws of the State of Oregon or the United States of America.

6. The employee shall be entitled to such reasonable intermissions as may be requested for personal necessities.

7. All interviews shall be limited in scope to activities, circumstances, events, conduct or acts which pertain to the incident which is the subject of the investigation. Nothing in this section shall prohibit the City from questioning the employee about information which is developed during the course of the interview.

8. The City shall tape record the interview and a copy of the complete interview of the employee shall be furnished, upon request, to the Association. If the interviewed employee is subsequently disciplined, the recording shall be transcribed by the City, and the employee and the Association shall be provided a copy thereof.

9. Interviews and investigations shall be concluded within forty-five (45) calendar days of the interview date of the employee, as set forth in Section 26.5(A)(2) above. The City may unilaterally extend the date for conclusion of the investigation by fourteen (14) calendar days, provided that the Association and the employee receive written documentation of the City's extension decision on or before the start of the extension period. Fourteen (14) calendar day extensions may occur one (1) or more times subject to Section 26.5(A)(10).

10. The employee and the Association shall be notified in writing of the results of any investigation, and for non-criminal investigations, those results must be presented in writing to the employee and the Association within one (1) year from discovery by the City of the basis of discipline. If not, the employee will be exonerated of all charges.

B. Use of Deadly Force Situations. Employees involved in the use of deadly force shall be advised of their rights to and shall be allowed to consult with an Association representative or attorney prior to being required to give an oral or written statement about the use of force. Such right to consult with a representative or with counsel shall not unduly delay the giving of the statement.

C. Section 26.5 shall not apply to a criminal investigation conducted by another law enforcement agency. This section shall not prevent informal inquiry following an event which will be formally investigated in order to ascertain what occurred to the best of the involved officer's ability to recall, provided however, that the City shall only rely upon the involved officer's formal interview statements for all administrative purposes.

ARTICLE 27: GRIEVANCE PROCEDURE

27.1 Grievance Defined. For the purpose of the Agreement, a grievance is defined as a dispute about the meaning or interpretation of a particular clause of this Agreement or about an alleged violation of the Agreement.

27.2 Grievance Adjustment Steps. Grievances shall be processed within ten (10) days of the date on which the grievance occurred or the employee's knowledge thereof in the following manner:

Step 1: An employee or the Association shall discuss the grievance with the employee's immediate supervisor outside of the bargaining unit. The employee may meet with or without an Association representative and shall document the meeting with a memorandum signed by the employee and the supervisor. The supervisor shall respond to the grievance as quickly as possible but no later than ten (10) days after the grievance is first discussed.

Step 2: If, within ten (10) days from receipt of the immediate supervisor's reply, the grievance remains unresolved, the employee or the Association shall submit written notice to the Chief of Police with a copy to the Association if submitted by the employee, including: 1) statement of the grievance and relevant facts; 2) specific provisions of the Agreement violated; and 3) remedy sought. The Chief of Police shall meet with the grievant and the Association and attempt to resolve the grievance. The Chief of Police shall respond to the employee or the Association in writing within ten (10) days with a copy to the Association.

Step 3: If; within ten (10) days from receipt of the Chief of Police's reply, the grievance remains unadjusted, the grievance maybe submitted, to the City Manager. The City Manager may meet with the aggrieved party, the Personnel Director, the Chief of Police, the employee's immediate supervisor, and the Association representative, and shall respond within ten (10) days, with a copy to the Association.

Step 4: If the grievance still remains unsettled, the Association may, within ten (10) days after the reply of the City Manager is due, serve written notice to the City Manager of the Association's intention to arbitrate the grievance.

27.3 Arbitration. After the grievance has been so submitted, either party may request from the Oregon Employment Relations board a list of thirteen (13) arbitrators. The parties shall select an arbitrator from the list by alternatively striking a name, with the first strike being determined by lot. The final name left on the list shall be the arbitrator. The arbitrator's decision shall be final and binding, but the arbitrator shall have no power to alter, modify, add to or detract from the terms of the contract. The arbitrator's decision shall be within the scope and terms of the contract and in writing including detailed findings and conclusions, together with an explanation of the reasoning utilized in making the decision. The arbitrator shall be asked to submit his or her decision within thirty (30) days of the date of the hearing.

27.4 Grievance Administration Issues. Each party shall be responsible for paying the costs of presenting its own case in arbitration, including the payment of witness fees, if any. The cost of the arbitrator and hearing room shall be borne by the losing party. If mutually agreed prior to arbitration, the cost of a court reporter, if any, shall be paid in accordance with the bar/court reporting guidelines, with each party sharing fifty percent (50%) of the court reporter's fees and the cost of a transcript for the arbitrator, and each party bearing its own expenses for its copy of the record. Following the rendering of the arbitrator's decision, the parties shall meet and attempt to agree which is the "losing party." If the parties are unable to so agree, the question of who the "losing party" is shall be submitted to the arbitrator who rendered

the decision in question. The arbitrator's subsequent designation of the "losing party" shall be final and binding. If the arbitrator cannot designate which party is the loser, each party will pay one-half (1/2) of the cost of the arbitration. Days shall be counted as calendar days.

27.5 Time Limits. Failure of an employee to submit a grievance in accordance with the time limits listed above shall constitute abandonment of the grievance. This does not preclude the parties from extending the grievance time limits by mutual agreement.

ARTICLE 28: TRAUMATIC INCIDENTS

28.1 Debriefing. In all cases where any employee has been seriously injured, dies or is directly involved in a traumatic incident while in the performance of their duty, all employees directly involved shall have the opportunity to undergo a traumatic incident debriefing with a physician/psychologist designated jointly by the Association and the City. The term "directly involved" means those employees that had direct involvement in the initial traumatic incident. The City shall have the authority to require an involved employee to undergo debriefing. The purpose of this debriefing will be to allow the employee(s) to express feelings and to deal with the moral/ethical and/or psychological after effects of the incident. The debriefing shall be confidential and shall not be divulged to the Department in any Department investigation of the incident. The cost of the physician/psychologist's services will be borne by the City and/or the appropriate insurance carrier of those services provided.

28.2 Administrative Leave. Employees involved in a traumatic incident and/or involved in the debriefing process may be placed on Administrative Leave. The length of Administrative Leave shall be determined by the City after consultation with the physician/psychologist concerning his/her findings and recommendations with respect to the employee's fitness for duty. Administrative Leave shall be defined as: time off for or reassignment without loss of pay or benefits to the employee. The type of Administrative Leave will be determined by the City taking into account the type of incident and the recommendation of the person conducting the debriefing.

ARTICLE 29: EXISTING CONDITIONS

Conditions of employment related to wages, hours and working conditions which are mandatory subjects of bargaining, except those conditions modified through collective bargaining, shall be maintained at not less than the level in effect at the time of the signing of this Agreement. In the event the City proposes to make a change in any such existing conditions, the parties will bargain and any disagreement between the Association and the City with respect to the change in existing conditions which are mandatory subjects of bargaining or the application of this Article shall be subject to the grievance procedure.

ARTICLE 30: AMENDMENT AND CLOSURE

30.1 Renewal. Any specified Article or Articles of this Agreement may be opened for renegotiation by mutual written consent of both parties at any time during the life of the Agreement. Both parties recognize that this Agreement terminates on June 30, 2004. If either party wishes to modify, amend, add to or delete any of the provisions of this Agreement, it shall give written notice to the other party at least one hundred eighty (180) days prior to the

expiration of this Agreement. Negotiations shall commence within thirty (30) calendar days after such notice is provided. If neither party shall give notice as provided above, this Agreement shall remain in effect from year to year.

30.2 Prior Agreements Superseded. All prior agreements and memoranda of understanding are superseded by this Agreement.

ARTICLE 31: LEGAL DEFENSE FUND

The Association shall take steps periodically necessary to insure that all eligible members of the Oregon City Police Department are enrolled as participants for benefits and coverage provided by the Legal Defense Fund of the Peace Officers Research Association of California. Eligible members include all sworn regular police officers and reserve officers, including police supervisors and command level police executives who are sworn Oregon police officers, as well as non-sworn public safety employees as defined in the Summary Plan Description of the PORAC Legal Defense Fund.

During the first calendar week of December, March, June and September of each year the City and Association shall cooperate to ascertain the amount due to PORAC by reason of participants' enrollment in coverage of Plan II relating to services and representation in civil and criminal actions. The City shall pay to the Association the full amount of such costs during the first half of such months in order to enable to Association to remit full costs to PORAC on or before the due dates of December 31, March 31, June 30 and September 30.

On or before July 1, 2010, the City and the Association may elect to effectuate PORAC participation and benefits at any time following ratification of this Agreement by the parties, and shall cooperate in providing necessary funds to the Association in order to satisfy its financial obligations to PORAC on a timely basis. The parties intend that the terms of Article 31 of the labor agreement (2007-2010) which expires on June 30, 2010, shall be of no further effect as to any critical incident for which PORAC provides representation and services.

ARTICLE 32: SAVINGS CLAUSE

Should any Article, section, or portion thereof, of this Agreement be held unlawful and unenforceable by final order of any court of competent jurisdiction, or any administrative agency having jurisdiction over the subject matter, such decision shall apply only to the specific Article, section, or portion thereof directly specified in the decision. Upon the issuance of any such decision, the parties agree immediately to negotiate a substitute, if possible, for the invalidated Article, section, or portion thereof. All other portions of this Agreement, and the Agreement as a whole, shall continue without interruption for the term hereof.

This Agreement, or any part of it, may be terminated or renegotiated at any time by mutual consent of both parties.

CITY OF OREGON CITY, OREGON

Alice Norris, Mayor

Nancy Ide, Recorder

REVIEWED AS TO FORM:

Akin Blitz, Attorney for the City

OREGON CITY POLICE EMPLOYEES' ASSOCIATION

Mike Kramer, President

Bob Downing, Vice President

Mark Makler, Attorney for OCPEA

APPENDIX A-1

SALARY SCHEDULE
JULY 1, 2010 THROUGH JUNE 30, 2011

CLASSIFICATION	STARTING	1YR	2YR	3YR	4YR	5Y
Police Officer	4254	4427	4604	4776	4953	5130
Senior Police Officer	4480	4650	4831	5000	5174	5346
Police Sergeant	5484	5591	5689	5846	5950	6057
Property Control Officer	2911	3111	3312	3502	3701	3898
Community Service Officer	2911	3111	3312	3502	3701	3898
Police Records Specialist	2885	3118	3240	3426	3602	3786
Municipal Court Secretary	2885	3118	3240	3426	3602	3786
Court Services/Collections	2389	2508	2635	2766	2906	3052

Sergeants will remain at their current step as of June 30, 2010 until each sergeant's anniversary date after ratification and the effective date of this agreement, when the sergeant shall then move to the next higher step.

APPENDIX A-2

SALARY SCHEDULE
JULY 1, 2011 THROUGH JUNE 30, 2012

CLASSIFICATION	STARTING	1YR	2YR	3YR	4YR	5Y
Police Officer	4340	4515	4696	4871	5052	5232
Senior Police Officer	4569	4743	4927	5100	5278	5453
Police Sergeant	5594	5703	5803	5963	6069	6178
Property Control Officer	2969	3173	3378	3572	3775	3976
Community Service Officer	2969	3173	3378	3572	3775	3976
Police Records Specialist	2942	3181	3304	3495	3674	3862
Municipal Court Secretary	2942	3181	3304	3495	3674	3862
Court Services/Collections	2437	2558	2687	2822	2964	3113

APPENDIX A-3

SALARY SCHEDULE
JULY 1, 2012 THROUGH JUNE 30, 2013

CLASSIFICATION	STARTING	1YR	2YR	3YR	4YR	5Y
Police Officer	4426	4606	4790	4969	5153	5337
Senior Police Officer	4661	4838	5026	5202	5384	5562
Police Sergeant	5706	5817	5919	6082	6190	6302
Property Control Officer	3029	3237	3446	3643	3850	4056
Community Service Officer	3029	3237	3446	3643	3850	4056
Police Records Specialist	3001	3244	3370	3565	3747	3939
Municipal Court Secretary	3001	3244	3370	3565	3747	3939
Court Services/Collections	2486	2609	2741	2878	3023	3175

APPENDIX B

EMPLOYEE RIGHTS TO ASSOCIATION REPRESENTATION DURING INVESTIGATORY INTERVIEWS

The Oregon Employment Relations Board has held that Public Employees have a right to Association representation at Investigatory Interviews where:

1. The employee reasonably believes that disciplinary action is being contemplated or may result.

2. The employer insists on an interview (questioning).

3. The employee requests representation (the employer is not required to inform the employee of his right).

If you are ordered by a supervisor to submit to an interview without a representative, obey the order, then contact the Association to file appropriate grievances and unfair labor practice charges.

There is no right to Association representation in the following circumstances:

1. Where the meeting is simply to inform the employee of a decision concerning discipline which has previously been made. (E.g. simply to give the employee a letter of discipline).

2. Casual conversation between a management official and an employee to convey instructions, training, or needed correction of his or her work techniques.

Members of the Association are urged to exercise their right to Association representation. If you have questions or need a representative contact:

An Association Executive Board Member
or
Garrettson, Gallagher, Fenrich & Makler
5530 SW Kelly Avenue
Portland, Oregon 97201
(503) 226-3906

Agenda Item No. 7b
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Larry Patterson, City Manager
PRESENTER:	Larry Patterson, City Manager
SUBJECT:	Request from Farmer's Market for $35,000 in 2010 from Business License Fund and a future commitment of $15,000 in 2011 and $5,000 in 2012 to create a Farmer's Market in the Downtown Core
Agenda Heading: General Business	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends you provide funding for the creation of a downtown farmer's market. Staff also recommends you consider funding the first year from the Business License Fund and then commit the second and third year funding from either the OCCIT or Metro Enhancement Grant. Should the City in the next three years create a Buisness Improvement District you may wish to include whatever necessary ongoing fund is required in that program.

BACKGROUND:

Main Street has been in discussions with the Farmer's Market about bringing such a market to Downtown. The Farmer's Market is interested in creating a downtown Farmer's Market. The Market is looking to host 12 Markets Nov - April and 26 mid week markets May - Oct. for a total of 38 markets for the year. They feel it is important to get the market going and established before the bridge closes next year. They do would like to begin these markets in May 2010. This past winter two markets were held downtown with 25 vendors and approximately 800 customers per event. The regular market on the Hilltop host approximately 38 vendors and draws over 1000 customers per event. To begin this May they need to have their growers begin to plant. To move forward they need assurance of funding. They are looking for seed money for three years, with the first year at $35,000, and the second and third years with decreasing amounts. Should the Commission wish to provide this seed money you need to look to the Business License Fund at this time. You will also need to consider the second and third year request and determine where the money will come from. The second and third year could be funded through either the OCCIT or Metro Enhancement Grant programs. You could consider either the Business License Fund or General Fund as well.

Attached you have budget projections for the business license fund illustrating the fund should you assume this responsibility and fund the entire three year program from this fund. Also attached is their letter of request and their projected budget.

BUDGET IMPACT:

FY(s): $35,000 in 2010; $15,000 in 2011, and $5000 in 2012
Funding Source: Business License Fund

ATTACHMENTS:

Budget Projection --- Business License Fund
Letter of Request
Projected Budget for Market

Business Devevlopment - Business License Fund
Projections for FY 2009/10 Thru FY 2014/15
Prepared July 2009

Fiscal Year	**FY 2009/10**	**FY2010/11**	**FY2011/12**	**FY2012/13**	**FY2013/14**
Revenues					
Beginning Fund Balance	215,000	140,000	77,500	72,900	71,074
Licences & Permits	35,000	35,000	35,000	35,000	35,000
Miscellaneous Income	3,000	3,000	3,000	3,000	3,000
Total Annual Revenues	38,000	38,000	38,000	38,000	38,000
Total Resources	253,000	178,000	115,500	110,900	109,074
Expenditures					
Materials and Services	500	500	500	500	500
Main Street Program	50,000	50,000			
Eco Devo Manager		35,000	37,100	39,326	41,686
CHP Audit	27,500				
Farmer's Market	35,000	15,000	5,000		
Total Expenditures	113,000	100,500	42,600	39,826	42,186
Ending Fund Balance	140,000	77,500	72,900	71,074	66,888

OREGON CITY FARMERS MARKET
8th./MAIN

38 MARKETS
Wednesdays 3-7pm May through October
Saturdays 9-2pm November through April (twice a month)

EXPENSES	**2010**		**2011**		**2012**	
Labor	15000		17500		19500	
Conferences	0	**300**	0	**300**	0	**300**
Insurance	0	**2100**	0	**2100**	0	**2100**
Accounting	0	**800**	0	**800**	0	**800**
Music	4120		4120		4120	
Supp/Equip	1500		1000		500	
Banner/signs	3500		1000		500	
Print Ads	6990		6290		4790	
OCFM Prods	0	**500**	0	**500**	0	**500**
Web Site	0	**750**	0	**750**	0	**750**
Printing	1100		800		800	
Phone	200	**900**	200	**900**	200	**900**
Potty	1200		1200		1200	
Travel	300	**800**	100	**800**	100	**800**
Misc.	1500		1500		1500	
TOTAL	**35410**	**6150**	**33710**	**6150**	**33210**	**6150**
Proj. Revenue	**22000**		**26040**		**29610**	

OREGON CITY
FARMERS
MARKET

Proposal for 38 Market events Downtown Year Round Starting 2010

Given that the original Saturday market is now self-sustaining, OCFM board is seeking **start-up funds** of $35,000 to provide 38 year round markets in Downtown . **Please see attached budget sheet.** As illustrated in bold type on the budget sheet there are several expenses that will be carried by the summer Saturday market : accounting, conferences, insurance, web site, OCFM products and travel.

As previously discussed, the Market, having for years been urged by City leaders and businesses to have a presence on Main St, is proposing the following **38 downtown markets** starting May 2010:

Wednesday market, approx. 26 weeks, May through October , 3-7pm. Set up to start at 1pm.
Winter market, bi-weekly, 12 weeks November through April, 9-2pm Set up to start at 7am

Projected vendor revenue suggests that an additional $15,000 in 2011 would need to be sought from City grants, and in 2012 an input of $5000, again from City grants, **may** be necessary.

The OCFM board would predict from that point forward that the downtown markets would be self sustaining events , with no additional funds sought from the City.

With this proposed initial City support, these markets would build upon the success and branding of the original 6 year old Saturday market , and the 2 successful pilot winter markets in 2010 , providing **38 events throughout the year** , in downtown, potentially bringing upwards of 30,000 customers to this area the first season. Oregon City's market would become only the second in the metro area going year round, with markets every month of the year in the City's historical area.

These events would provide the City with additional leverage to attract new businesses , draw customers and tourists from out of the area, while serving our own community, providing good healthy food , entertainment, workshops , local chef's demos , support for local businesses and many opportunities for community building throughout the whole year.

P.O. Box 2931, Oregon City, OR 97045 • 503-734-0192

ENTERED INTO THE RECORD
DATE RECEIVED: 02-17-2010
SUBMITTED BY: Jackie Hammond-Williams
SUBJECT: Item 7d
3 letters

February 15, 2010

Dear City Council,

The volunteer led non-profit Main Street Oregon City works to coordinate downtown activities while serving as a catalyst to generate positive change for downtown and the City of Oregon City.

This hard work has begun to pay off.

During the past 16 months, we have cultivated a relationship with the Oregon City Farmers market exploring the reality, viability and sustainability of *reintroducing* a famers market to downtown Oregon City. (The last time downtown was host to a farmers market was about 1926.)

Working with the Oregon City Farmers Market we have tested a downtown location that works well for market vendors and downtown market visitors. Based upon a very successful Winter Market in 2009 we can say with certainty that a farmers market located downtown is also good for business, good for downtown property owners, and good for Oregon City residents.

The Saturday Farmers Market at the County Office Building has proven that within a brief period of time a farmers market program can become self-sustaining in Oregon City. This spin-off of that program – a downtown market with mid-week market days and winter weekend market days - compliments an ongoing successful program and offers a unique amenity to Oregon City neighborhoods, residents, and potentially, visitors from around the region.

With the success of the Saturday Farmers Market and the Downtown Winter Market as a foundation, it is clear Oregon City is ready for a larger farmers market presence downtown. In order to bring more farmers market programming downtown (at least 33 market days downtown in 2010) some startup funding needs to be invested into the endeavor.

Please give full consideration to the Oregon City Farmers Market request for startup funding of this very exciting opportunity.

See You Downtown – at the Market,

Lloyd Purdy
Executive Director
Main Street Oregon City

President
Don Slack

Vice President
Elizabeth Fowler

Treasurer
Janet Malloch

Secretary
Lynda Orzen

Board Members
Robb Crocker
Karin Morey
Daphne Wuest
Amber Holveck
Terri Powers
Marcia Wimmer
Mike Wonser

Executive Director
Lloyd Purdy

Andy Busch
804 Main Street
February 16, 2010

Dear: Mayor Norris and Oregon City Commission

I am a long-time business owner and property owner of our city, and I am writing to express my support for the pending decision to approve resorces toward a summer midweek farmers, and a Saturday winter market on 8th Street.

I'm excited to watch events like this grow in our downtown. With large scale retail at our boundaries, is important to realize Downtown as a community gathering place. This is an investment for citizens, families, and neighbors of Oregon City.

I urge you to move forward on the decision to appropriate start up funds for a midweek, and winter market. Likely, this would be a start to bring the farmers market to its native location full time. The ability for business and neighbors to take advantage of a community event like this is priceless. Having an established weekend market in our Historic Downtown will bring a sense of community gathering to the heart of Oregon City.

I am looking forward to your response.

Sincerely,

Andy Busch

THE VERDICT
BAR & GRILL

February 17, 2010

Dear members of the Oregon City Commission,

As downtown business owners, we feel the city's commitment and investment in downtown is vital to its success as a thriving business district. Private investment has recently been moving forward at a rapid pace with the opening on new restaurants, new businesses and the redevelopment of many buildings.

Momentum is gaining downtown - First Friday Arts Walk, Liberty Plaza Concerts, M.S.O.C. We ask that you make a small investment in the start up of the Downtown market to further the direction we together are moving.

We're making a difference in the perception of our city - one event, one investment, one volunteer at a time.

Respectfully,

Aaron Breniman
Ryan Smith
The Verdict Bar & Grill
Caufield House
Oregon City, OR 97045
503-305-8429

Agenda Item No. 7c
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Denise Kai, Assistant Parks and Recreation Director
PRESENTER:	Scott Archer, Community Services Director
SUBJECT:	Memorandum of Understanding for the Historic Management of the Ermatinger House between the City and Marge and Rolla Harding
Agenda Heading: General Business	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Authorize the City Manager to execute this Memorandum of Understanding with the Hardings as volunteers to continue to operate the historic aspects of the Ermatinger House, preserve the history of Oregon City relative to the historic aspects of the House, and work toward a permanent solution to preserve the House itself.

BACKGROUND:

Under direction from the Commission, staff has been meeting with the Hardings to negotiate their continued efforts and volunteering to manage the operations of the Ermatinger House on the corner of 6th and John Adams. Marge and Rolla Harding have passionately worked as volunteer managers of the Ermatinger House since 1995. The City and the Hardings have worked cooperatively under past Agreements and through verbal agreements. The purpose of the MOU is to establish in writing the cooperative arrangement between the parties to operate the historic aspects of the House, preserve the history of Oregon City relative to the historic aspects of the House, and work toward a permanent solution to preserve the House itself. The MOU extends through December 2010 or until ownership of the House transfers, whichever occurs first. The Harding have been given the title Curator under this MOU to provide better standing while representing the House and Oregon City at historically relative meetings. The MOU also provides reimbursement funds up to $3000 for reasonable expenses such as operational expenses, tourism meetings, organizational dues, workshops, conferences and travel expenses related to conferences or workshops.

BUDGET IMPACT:

FY(s): FY 2009-2010
Funding Source: Contingency

ATTACHMENTS:

MOU

OREGON CITY

Community Services Department

625 Center Street | Oregon City *OR* 97045
Ph (503) 657-0891

Memorandum of Understanding for the

Historic Management of the Ermatinger House

This Memorandum of Understanding ("MOU") regarding the historic management of the Ermatinger House ("House") is between the City of Oregon City "City" and Marge and Rolla Harding "Curators".

The City recognizes and appreciates the long standing cooperative efforts and working relationship with the Curators since 1995 as volunteer managers of the House. The purpose of this MOU is to establish in writing the cooperative arrangement between the parties to operate the historic aspects of the Ermatinger House, preserve the history of Oregon City relative to the historic aspects of the House, and work toward a permanent solution to preserve the House itself. The City and Curators agree to the following:

- This MOU recognizes the Curators are acting in a volunteer capacity and that the Curators are free from the direction and control of the City in how to preserve the history of Oregon City relative to the historic aspects of the House. Curators are not employees. They perform their voluntary services for no compensation and have no expectation or contemplation of compensation. They acknowledge they are not eligible for any federal social security or unemployment insurance payments. Curators are similarly not eligible for any PERS or workers' compensation benefits from compensation or reimbursement payments made to Curators under this MOU.
- The MOU will extend the cooperative arrangement through December 31, 2010, or until ownership of the House transfers, whichever occurs first.
- The MOU may be extended or renegotiated at the end of the agreed term.
- Activities and displays in the House will continue to depict the history of Oregon City and the history of the House.
- The Curators will continue with displays pertinent to the time period and to the story of Oregon City.
- The House will be open regular Summer Hours, Thursday-Saturday beginning Memorial Day Weekend through Labor Day Weekend from 12:00 pm to 4:00 pm or by scheduled appointment.
- The Curators will plan activities and events relevant to Oregon City and in association with other historic/museum entities as appropriate.
- Admission monies, $4 adults - $3 seniors & children, will be turned in to the City and deposited in the Ermatinger Trustee Fund.
- Curators will produce a yearly calendar and coordinate with other heritage organizations as necessary.
- Curators will be notified of tours and activities in the House that are not directly scheduled with them as far in advance as practicable
- Curators may seek reimbursement of funds expended in an amount up to $3000 for reasonable expenses such as

operational expenses, tourism meetings, organizational dues, workshops, conferences and travel expenses related to conferences/workshops.

- The Curators will notify the City of new maintenance issues to be addressed.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed by their duly appointed officers on this _____ day of _____, 2010.

CURATORS	CITY OF OREGON CITY
By: .	By: _____
By: .	Title: City Manager
DATED: , 2010.	DATED: _____, 2010.

Agenda Item No 7d
Meeting Date: 09 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Larry Patterson, City Manager
PRESENTER:	Larry Patterson, City Manager
SUBJECT:	End of the Oregon Trail Request for Proposal Award.
Agenda Heading: General Business	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Accept recommendation by review committee, consisting of Commissioners Doug Neeley and Rocky Smith, Jr., and Downtown Manager, Lloyd Purdy, to hire selected consultant.

BACKGROUND:

The Commission approved the hire of a consultant to drive a public process that would form a task force to establish a visioning and long-term operations plan for the End of the Oregon Trail Interpretive Center site.

A Request for Proposal ad was run in the Daily Journal of Commerce from December 28, 2009-January 8, 2010 (10 business days). A total of 17 proposals were received. The committee has reviewed the proposals, interviewed the top three candidates and now makes the recommendation to award the bid. The project is scheduled to begin February 15, 2010, pending hired candidate's availability.

BUDGET IMPACT:

FY(s): 2009-2010
Funding Source: Up to $101,000 per City Commission

ATTACHMENTS:

ENTERED INTO THE RECORD
DATE RECEIVED: 02-17-10
SUBMITTED BY: Lloyd Purdy
SUBJECT: L 7d

February 6th 2010
To: Oregon City Council (Work Session)
Fm: Lloyd Purdy (EOTIC Consultant Selection Committee)
Re: EOTIC Consultant

At the request of Council President Doug Neeley, I've been asked to update the City Council on our progress toward selecting a consultant to help Oregon City develop a Vision and Operation Plan for the End of the Oregon Trail Interpretive Center.

After a weekend spent individually reviewing 17 responses to the City's RFP, Commissioner Neeley, Commissioner Smith, and I met on Monday, February 1st to share our thoughts on the proposals. At this meeting we each shared our top 6 preferences and discussed the merits of each consultant.

We realized that of the 17 responses from across the county, at least15 of them were well qualified to facilitate a public process culminating in a vision for the EOTIC. Given a range in price from $28,000 to $140,000 we began to ask ourselves what value should we be expecting from consultant, and *what expertise* would most help Oregon City develop not a vision for the EOTIC and an operational plan.

By the end of our February 1st meeting we winnowed our individual preference list down to a consolidated short list of three consultants that we all felt offered more than just experience in a visioning processes -- at a reasonable price.

On Friday, February 5th we met again, along with Terri Bankhead, to conduct phone interviews with our top three consulting firms. During this discussion we explored the process that each consulting firm uses to gather input from the community as well as how each firm might be expected to add value beyond that of just facilitating a public visioning process.

Based upon our research we recommend that the City of Oregon City engage the services of **AMS Planning and Research (Arthur Greenberg, Director)** as a consultant for this project.

AMS appears to bring deep experience using history and heritage as a point of departure to determine how best to use a site like EOTIC. AMS has access to experts in market research and psychographics (linking lifestyle to values and preference choices) that many other consultants did not. They have experience surveying comparable programs, and they understood the need to work beyond the role of meeting facilitator.

With the strengths and weaknesses of AMS in mind, we do recommend that a small group (including City Staff) further refine the scope of work for this project in order to further stress the deliverables of this project, beyond that of meeting facilitator, with a focus on a viable and sustainable operations plan for the site.

###

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

September 3, 2009

1. **Convene Work Session of September 3, 2009, and Roll Call**

Roll Call: Alice Norris, Mayor; Doug Neeley, City Commissioner; Daphne Wuest, City Commissioner; James Nicita, City Commissioner; and Rocky Smith Jr., City Commissioner.

Staff Present: Larry Patterson, City Manager; Bill Kabeiseman, City Attorney; and Nancy Kraushaar, City Engineer & Public Works Director.

Mayor Norris called the meeting to order at 6:25 p.m. City Attorney, Bill Kabeiseman left at 6:42 p.m. Commissioner Neeley left at 7:01 p.m.

2. **Future Agenda Items**

No future agenda items were suggested.

3. **Discussion Items**

a. **Oregon City Water Utility Rates -Clarification of Ballot Initiative 3-65 Implications**

Nancy Kraushaar, City Engineer and Public Works Director, said in 1996 Oregon City raised its water rates 60%. The citizens of Oregon City put an initiative on the ballot that rates be rolled back to the rate before the increase and only allowed to increase 3% a year without a vote of the people. The City had taken out bonds for the Holcomb Overlook Park Place Water System and because of the restriction on what they could pay, the bond counsel sued the City and said they could not limit the water rates because they had an obligation to pay the bonds. The final decision was until the bonds were paid off, the City had to keep water rates high enough to pay the bonds. The question was when the bonds are paid off in 2014, what should be done with the water rates?

Bill Kabeiseman, City Attorney, read the conclusion of the court ruling in 1996. He explained the options of what they could do, such as go to the Court and ask for a declaratory judgment or put a measure on the ballot to ratify the interpretation.

Ms. Kraushaar explained what the water rate was currently and asked if they had the 3% increase without the 60% increase. The City needed to clarify their legal situation and know the steps before coming up with a water rate.

Commissioner Neeley suggested looking at a conservation program and tiered sanitary rates.

Mayor Norris thought they should get a declaratory judgment. The Commission agreed.

4. **City Manager's Report**

Mayor Norris discussed Clackamas Heritage Partners (CHP) and the closing of the End of the Oregon Trail Interpretive Center. CHP agreed to close its doors as late as possible, which happened to be mid October. The moth-balling costs were estimated to be $3,000 a month, and CHP asked that the lower office be used by the person still finishing up the affairs. The Commission needed to address the Visitors Center, which was under contract to stay open until the end of 2009 by the TDC. The issues are: Was it worth keeping the Visitors Center open and what would be the closure length for the End of the Oregon Trail Interpretive Center, what to do with the contents which were not City owned, the need to hire an operations manager to develop a process for the re-tooling of the facility, and how to protect and monitor the site.

Commissioner Neeley was concerned about items that would need to be removed that did not belong to CHP or the City.

There was discussion about what to do with the items owned by CHP that were left in the building.

Commissioner Smith said people would still visit the Visitors Center even if the Interpretive Center was closed and he was concerned about the hoops disappearing because it was an icon for the City.

There was discussion about ideas for the Center as a people place and activity center with multiple users.

Commissioner Nicita said the County was the crucial partnership and he thought they should discuss this issue with the Board of County Commissioners.

Larry Patterson, City Manager, gave possibilities for funding sources and ways to generate revenue for the facility. The Commission also needed to discuss the long term vision of the building.

Mayor Norris asked if the Commission wanted to use the OCCIT money for this facility. The Commission was open to using those funds.

Mayor Norris would have a meeting with the County and TDC to find out how much money the City needed and discuss the Visitors Center contract. Staff would look at Urban Renewal and other funding options. A letter would be requested from CHP with the definitive closing date and what they would be taking from the building.

Commissioner Smith clarified that none of this funding would go to CHP since it would now be a City building.

Commissioner Nicita suggested selling the houses on Tumwater to get funding.

5. **Adjournment**

Mayor Norris adjourned the meeting at 7:18 p.m.

Respectfully submitted,

_____

Nancy Ide, City Recorder

DRAFT

CITY OF OREGON CITY
CITY COMMISSION
MEETING MINUTES

February 3, 2010

1. **Convene Regular Meeting of February 3, 2010, and Roll Call**

Roll Call: Mayor Alice Norris; Commissioner Doug Neeley; Commissioner James Nicita; and Commissioner Daphne Wuest.

Staff Present: Larry Patterson, City Manager; Bill Kabeiseman, City Attorney; Nancy Kraushaar, City Engineer and Public Works Director; Scott Archer, Community Services Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources Director; Mike Conrad, Police Chief and Public Safety Director; Maureen Cole, Library Director; Tony Konkol, Community Development Director; Kelly Burgoyne, Office Specialist II-City Recorders Office; Teri Bankhead, Assistant to the City Manager; and Dan Drentlaw, Economic Development Manager.

Mayor Norris called the meeting to order at 7 p.m.

2. **Flag Salute**

3. **Ceremonies, Proclamations, Presentations**

4. **Citizen Comments**

Stephen VanHaverbeke of Oregon City wanted to know why the Holcomb Boulevard sidewalk improvements were not as designed or expected and why the project took six months to complete. Larry Patterson, City Manager, would have a response at the next meeting.

Tonia Hunt, Executive Director of the Children's Center in Oregon City, thanked Tony Konkol, Laura Butler, Providence Health and Services, and William Gifford for their efforts in helping with the expansion of the Center.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, said he attended a trial where Oregon City was a plaintiff regarding sewage in a house in Canemah. He said the City knew there was a sewage blockage in advance and steps were not taken to honestly settle this issue. He thought it was a statement against citizens.

Bill Kabeiseman, City Attorney, said the sewer line in question did work for many decades without issues. Oregon City was an old city and part of the budgeting issues was maintaining infrastructure.

5. **Adoption of the Agenda**

The agenda was adopted as presented with item 6a public hearing cancelled and item 6b continued to February 17, 2010.

6. **Public Hearings**

DRAFT

a. **Appeal of the Clackamas County Children's Center land use application. The appellants have withdrawn the appeal (File: AP 10-01) and the public hearing is canceled.**

Mayor Norris said because the appellants had withdrawn the appeal, the public hearing was canceled.

b. **AN 09-02. Annexation of approximately 53 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and within the boundaries of the Park Place Concept Plan (Continuation to February 17th, 2010).**

Mayor Norris asked if there was any public comment. There was none.

Motion by Commissioner Doug Neeley, second by Commissioner James Nicita to continue item 6b to the February 17, 2010 regular City Commission meeting.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

7. **General Business**

a. **Library Facility Proposal**

Mayor Norris said staff was still working on finding a site for the library and a proposal was not yet ready for the Commission to consider.

Karin Morey of unincorporated Clackamas County thought buying an existing building and rehabilitating it into a library was a great idea. She said the citizen input she received was a uniform desire to locate the library in a larger facility that was a community asset.

b. **Resolution No. 10-01, Accepting Jurisdictional Transfer of Holcomb Boulevard from Clackamas County**

Nancy Kraushaar, City Engineer and Public Works Director, said as they approached the completion of the Holcomb Boulevard Sidewalk Improvements Phase I, they were now in a position to comply with the Intergovernmental Agreement with Clackamas County to transfer jurisdiction to the City. This was the formal acceptance of the jurisdiction of Holcomb Boulevard and acknowledgment that the County split the cost of the improvements with the City and that was their contribution towards the jurisdictional transfer.

Motion by Commissioner Doug Neeley, second by Commissioner Daphne Wuest to approve Resolution No. 10-01, accepting jurisdictional transfer of Holcomb Boulevard from Clackamas County.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

Commissioner Wuest asked why the street was being transferred. Ms. Kraushaar said the County had been interested in transferring Holcomb, but they lacked cash to pay for the conditions in the

DRAFT

Urban Growth Management Agreement. She listed the other County roads that were located in the City.

c. **Establish Standards, Criteria and Policy Directives for Hiring the City Manager**

Jim Loeffler, Human Resources Director, said in order for the Commission to review and discuss applicants for the City Manager position in Executive Session it was required under Oregon Statute that the Commission allow for public comment and vote for approval of the standards, criteria, and policy directives.

Mayor Norris asked for public comment.

William Gifford, secretary of the CIC, said the CIC would like the opportunity to have a separate presentation by the three City Manager finalists.

Motion by Commissioner Daphne Wuest, second by Commissioner James Nicita to establish standards, criteria, and policy directives for hiring the City Manager.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

Commissioner Wuest asked about the process for citizen and staff input. Mr. Loeffler said interviews would be scheduled in March and the Commission needed to discuss the specifics for the citizen involvement.

Mr. Gifford said the CIC would like to meet with the final candidates separate from the traditional meet and greet opportunities.

Commissioner Nicita asked if the Commission could go into Executive Session on this topic that night. Mr. Kabeiseman said that would be acceptable.

Mayor Norris described the process of past City Manager recruitments.

Commissioner Nicita wanted to open up the process as much as possible to the public.

8. **Consent Agenda**

Commissioner Neeley requested discussion of item 8b.

a. **Minutes of the January 12, 2010 Work Session**

c. **Easements for Dawn Meadows Subdivision**

Motion by Commissioner Daphne Wuest, second by Commissioner James Nicita to approve the Consent Agenda items 8a and 8c.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

b. **Minutes of the January 20, 2010 Regular Meeting**

Commissioner Neeley clarified that on page 2 of the January 20, 2010 minutes, his comments were based on the reading of the Transportation Advisory Committee minutes regarding anytime there was a change from a more conservative traffic control device to a less conservative one the appropriate neighborhood associations needed to be invited to make comments.

Motion by Commissioner Doug Neeley, second by Commissioner James Nicita to approve the minutes of the January 20, 2010 regular meeting once staff reviewed the video and made corrections if necessary.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner James Nicita, and Commissioner Daphne Wuest voting aye. [4:0:0]

9. **Communications**

a. **City Manager**

Ms. Kraushaar gave a report on the bicycle lanes on Warner Milne. To allow for the bike lanes, they would need to eliminate the center turn lane. The Traffic Engineer said that bike lanes would work and it would be ok to remove the center turn lane. She recommended taking the report to the Transportation Advisory Committee and have discussions with the stakeholders who had properties along the road.

b. **Mayor**

1. **Mayoral Appointment of Steve Johnson to the Clackamas Cable Access Board for the term January 1, 2010 to December 31, 2012.**

Mayor Norris appointed Steve Johnson to the Clackamas Cable Access Board for the term January 1, 2010 to December 31, 2012.

Mayor Norris said there had been two MPAC meetings to make a recommendation on urban and rural reserves. They recommended a 40 year horizon to look at land uses rather than 50 and revisit it in 20 years. They went through each unresolved parcel of land and the area on Forsythe Road would be undesignated. There was still an unresolved area in Cornelius.

She explained the planting of an apple tree with other citizens in the Wedge on 9th and Division. This was associated with Food Harvest 2010. The Oregon City Art Committee met and Mayor Norris explained the guidelines for the rotating art selection that would be used in City Hall.

c. **Commissioners**

Commissioner Neeley said he and Commissioner Smith had been working on the task force for the End of the Oregon Trail Interpretive Center. They would hold interviews on Friday and were making sure the focus was a broader vision for the facility.

Commissioner Neeley also discussed the need for a graffiti ordinance. There was discussion about the City's policy to remove graffiti within 24 hours after it was reported. Commissioner Neeley

DRAFT

wanted to know about private property owners' responsibility to get the graffiti removed. Mr. Kabeiseman said they did not have Code specific to that. Commissioner Neeley requested looking at developing a graffiti ordinance for private property and look at what other jurisdictions were doing. The Commission agreed.

Commissioner Nicita reported on the CIC meeting where the committee discussed the role of the CIC. He thanked the Chamber of Commerce for the annual dinner last weekend. He also discussed an event on the Sternwheeler *Willamette Queen* that enhanced his interest in bringing the Sternwheeler *Rose* to Oregon City and how it would enhance a sense of place on the river.

10. **Adjournment**

Mayor Norris adjourned the meeting at 8:06 p.m.

Respectfully submitted,

_____

Nancy Ide, City Recorder

DRAFT

Agenda Item No. 8c
Meeting Date: 17 Feb 2010

COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Nancy Ide, City Recorder
PRESENTER:	Nancy Ide, City Recorder
SUBJECT:	Resolution No. 10-03, Extension of Comcast Franchise to August 31, 2010
Agenda Heading: Consent Agenda	
Approved by: Larry Patterson, City Manager	

RECOMMENDED ACTION (Motion):

Staff recommends aproval of Resolution No. 10-03 for a third extension of the Comcast franchise agreement to August 31, 2010.

BACKGROUND:

The current franchise agreement between the City of Oregon City and AT &T Comcast Corporation (Comcast) expired on May 6, 2009. Good faith efforts have been made to negotiate a renewal of the agreement, and an extension of the current agreement to October 31, 2009 was approved by the Commission on August 5, 2009, and a second extension was approved by Resolution No. 09-29 to January 15, 2010. Negotiations are still underway and a third extension is being sought to August 31, 2010. Comcast does not object to the extension.

Comcast has continued to pay franchise fees and otherwise appears to have complied with the terms of the franchise during this lapse. The resolution will ensure that Comcast continues to have authority from the City to provide cable services.

The City will bring the proposed renewal to the City Commission by ordinance once the parties have reached agreement.

BUDGET IMPACT:

FY(s):
Funding Source:

ATTACHMENTS:

Resolution No. 10-03

RESOLUTION NO. 10-03

A RESOLUTION APPROVING A THIRD EXTENSION OF THE CABLE FRANCHISE AGREEMENT WITH AT&T COMCAST CORPORATION

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of Oregon City, a municipal corporation of the State of Oregon ("City"), and AT&T Comcast Corporation ("Comcast") are parties to a Cable Franchise Agreement passed and approved by the City on May 7, 1997, (the "Franchise"), pursuant to which the City granted a cable television franchise to Comcast to construct, maintain and operate a cable television system throughout the City;

WHEREAS, the Franchise expired on May 6, 2009;

WHEREAS, Comcast and the City have begun informal renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended, and the parties continue to reserve all rights under Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto;

WHEREAS, because the City and Comcast have not yet reached agreement on the renewal, the City deemed it necessary to extend the Franchise by Resolution No. 09-24 on August 5, 2009 to October 31, 2009, and a second extension to January 15, 2010 by Resolution No. 09-29;

WHEREAS, the City requested that Comcast enter into an extension agreement reflecting the extension described above, but Comcast would not enter into a written extension agreement. Comcast does not object to extending the franchise to October 31, 2009, or until a renewed franchise is agreed upon, whichever occurs first; and

WHEREAS, it is in the public interest to extend the Franchise for an additional period of time so that cable service to the public will not be interrupted.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Franchise shall be extended through August 31, 2010, or until a renewed franchise is agreed upon, whichever occurs first.

Section 2. This Resolution shall be effective from and after adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of February 2010.

_____
ALICE NORRIS, Mayor

ATTESTED to this 17th of February 2010.

_____
Nancy Ide, City Recorder