

**ORDINANCE NO. 16-1003**

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**AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING THE COMPREHENSIVE PLAN MAP AND TITLE 17: ZONING, CHAPTER 17.06.020, THE OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING THE DESIGNATIONS OF THE FOLLOWING PROPERTIES:**

- **CLACKAMAS COUNTY MAP 3-2E-04C, TAX LOTS 700, 702, 900, 1201, 1400 FROM THE “MR” MEDIUM-DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION TO “MUC” MIXED USE CORRIDOR COMPREHENSIVE PLAN DESIGNATION AND FROM THE R-3.5 DWELLING DISTRICT ZONING DESIGNATION TO THE “MUC-2” MIXED USE CORRIDOR DISTRICT ZONING DESIGNATION;**
- **CLACKAMAS COUNTY MAP 3-2E-04C, TAX LOT 1300 AND 3-2E-04CD, TAX LOT 6000 FROM THE “LR” LOW-DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION TO THE “MUC” MIXED USE CORRIDOR COMPREHENSIVE PLAN DESIGNATION AND FROM THE “R-6” SINGLE-FAMILY DWELLING DISTRICT ZONING DESIGNATION TO THE “MUC-2” MIXED USE CORRIDOR DISTRICT ZONING DESIGNATION; AND**
- **CLACKAMAS COUNTY MAP 3-2E-04C, TAX LOT 1500, 1600 AND 3-2E-04CD, TAX LOT 3300, 5900, 6000 FROM THE “LR” LOW-DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION TO THE “MUC” MIXED USE CORRIDOR COMPREHENSIVE PLAN DESIGNATION AND FROM THE “R-10” SINGLE-FAMILY DWELLING DISTRICT ZONING DESIGNATION TO “MUC-2” MIXED USE CORRIDOR DISTRICT ZONING DESIGNATION.**

**WHEREAS**, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

**WHEREAS**, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

**WHEREAS**, the City of Oregon City Zoning Map and Comprehensive Plan Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

**WHEREAS**, the owners of the subject site located at 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Court, 14375 Maplelane Road, 3391 Beaver Creek Road and known as Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000 have requested the approval of a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor and an amendment to the Comprehensive Plan Map from “LR” Low Density Residential and “MR” Medium Density Residential to “MUC” Mixed Use Corridor, known as file numbers ZC 15-03 and PZ 15-01 ; and

**WHEREAS**, the Comprehensive Plan designation of the site as MUC Mixed Use Corridor is implemented by the “MUC-2” Mixed Use Corridor District zoning designation; and

**WHEREAS**, notice of the hearings was timely mailed to property owners within 300 feet of the subject site, signs advertising the hearing were posted on the property, notice of the hearings was published in a local newspaper and the City held public hearings where the plan amendment and zone change applications were presented and discussed; and

**WHEREAS**, on January 25, 2016, after considering all the public testimony and reviewing all the evidence in the record, the Planning Commission voted 6-0-0 to recommend approval of the requested Comprehensive Plan Amendment and Zone Change with conditions and to forward it to the City Commission; and

**WHEREAS**, the proposal with conditions, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

**WHEREAS**, the proposed Comprehensive Plan Amendment and Zone Change with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

**WHEREAS**, approving the Comprehensive Plan Amendment and Zone Change with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable city requirements.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Zone Change and Amendment to the Comprehensive Plan Map request is hereby approved as proposed by the applicant with the conditions of approval for the properties located at 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Court, 14375 Maplelane Road, 3391 Beaver Creek Road and known as Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000.

**Section 2.** The Commission adopts the "Findings of Fact and Conclusions of Law in Support of Adopting a Comprehensive Plan Map Amendment and Zone Change, Subject to Conditions" that are attached to the Ordinance as Attachment A, the City Staff Report to the City Commission dated February 11, 2016, which is entitled "Type IV Application Staff Report and Recommendation," attached to the Ordinance as Attachment B, and the 12-page Supplemental Findings of Fact and Conclusions of Law in Support of the Application for ZC 15-03 and PZ 15-01 submitted by Applicant in December, 2015, attached to the Ordinance as Attachment C, and incorporated herein to support the City's approval to amend the Zoning and Comprehensive Plan map and approve the Zone Change and Comprehensive Plan Amendment applications. Read for the first time at a regular meeting of the City Commission held on the 16th day of March 2016, and the City Commission finally enacted the foregoing Ordinance this \_\_\_\_ day of \_\_\_\_\_ 2016.

  
\_\_\_\_\_  
DAN HOLLADAY, Mayor



Attested to this 6 day of April 2016:

Kattie Riggs  
Kattie Riggs, City Recorder

Approved as to legal sufficiency:

[Signature]  
City Attorney

Attachments:

- A. Findings of Fact and Conclusions of Law in Support of Adopting a Comprehensive Plan Map Amendment and Zone Change, Subject to Conditions
- B. City Staff Report to the City Commission dated February 11, 2016
- C. Supplemental Findings of Fact and Conclusions of Law in Support of the Application for ZC 15-03 and PZ 15-01 submitted by Applicant in December, 2015

**BEFORE THE CITY COMMISSION  
FOR THE CITY OF OREGON CITY, OREGON**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ADOPTING A  
COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE, SUBJECT TO  
CONDITIONS**

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**In the matter of a request by Historic Properties, LLC for a Comprehensive Plan Map Amendment from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor and a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 for real property located at 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Court, 14375 Maplelane Road, and 3391 Beaver creek Road.**

**CITY FILE NOS.  
PZ 15-01  
ZC 15-03**

**I. INTRODUCTION**

In this matter, the City Commission of the City of Oregon City (“City Commission”) approved: (1) a Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor; and a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 (together, “Amendments”) for real property located at 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Court, 14375 Maplelane Road, and 3391 Beaver creek Road (“Property”). In support of this approval, the City Commission adopts the following findings of fact and conclusions of law.

## **II. PROCEDURAL FINDINGS**

### **A. Initiation of Amendments**

The City Commission finds that the Amendments were properly initiated. A private Applicant may initiate amendments to the Comprehensive Plan or Zoning Map by filing an application with the Planning Division on forms and accompanied by information prescribed by the Planning Commission. Oregon City Municipal Code (“OCMC”) 17.68.010.C. In this case, Historic Properties, LLC (“Applicant”) submitted an application for the Amendments on the required form and with the required information. On the basis of these facts, the City Commission finds that the Amendments have been properly initiated.

### **B. Notices**

The City Commission finds that the City gave proper notice of the public hearings for the Amendments as follows:

- The City provided notice to DLCD on the required form on November 16, 2015. Although this notification occurred after the Planning Commission opened the initial evidentiary hearing on November 9, 2015, the City Commission finds that no procedural error occurred because, at the November 9, 2015 hearing, the Planning Commission did not take testimony and instead continued the matter to January 11, 2016. The Planning Commission then conducted a full hearing on that date. Therefore, the City Commission finds that the City provided notice to DLCD at least 35 days in advance of the initial public hearing in this matter, as required by OAR 660-018-0020.
- On two occasions (September 10, 2015 and November 18, 2015), the City mailed notice to owners of property within 300 feet of the subject site and to the affected neighborhood association at least 20 days in advance of the Planning Commission public hearing in this matter, as required by OCMC 17.50.090 (and in excess of the notice radius required by ORS 197.763(2)(a)(A)).
- The City published notice of the hearing in this matter in the Clackamas Review and the Oregon City News on September 23, 2015 and November 25, 2015, which was at least 20 days in advance of the Planning Commission public hearing in this matter, as required by OCMC 17.50.090.



- Applicant posted signs on the subject property advising of the pending hearing in accordance with the requirements of OCMC 17.50.100.
- Applicant met with the Caufield Neighborhood Association before submitting the applications and after they were deemed complete.
- The City also provided notice to the Citizens Involvement Committee and posted the application materials on the City website.
- The City mailed notice of this matter to Metro on November 16, 2015.

The City Commission finds that the notices provided by the City listed both the Planning Commission and City Commission hearing dates.

Additionally, although Jim Nicita contended that the City's notice did not comply with ORS 197.763(2) and (3) because it did not identify the Statewide Planning Goals as applicable approval criteria, the City Commission denies this contention for two reasons. First, Mr. Nicita is mistaken: ORS 197.763(3)(b) only requires that the notice list the applicable local plan and land use regulations that apply; it does not require that the notice list Statewide Planning Goals. *ODOT v. Clackamas County*, 23 Or LUBA 370 (1992). Second, as a courtesy and not a requirement, the City sent a corrected notice of the January 11, 2016 public hearing, which listed the applicable Statewide Planning Goals as approval criteria.

On the basis of these facts, the City Commission finds that the City gave proper notice of the Amendments.

### **C. Planning Commission Proceedings**

The City Commission finds that the Planning Commission hearing procedures in this matter complied with applicable law. On November 9, 2015, the Planning Commission opened the hearing in this matter and accepted testimony and continued it to November 30, 2015, at 7:00pm. On November 30, 2015 the Planning Commission continued the matter to January 11, 2016, at 7:00pm without any testimony. On January 11, 2016, the Planning Commission reconvened and conducted a continued public hearing in this matter. A quorum of the Planning Commission was present at the meeting. At the commencement of the hearing, Chair Charles Kidwell introduced the item and made the announcements required by ORS 197.763. Chair Kidwell inquired whether any members needed to disclose any *ex parte* communications, site visits, conflicts of interest, or bias. No members of the Planning Commission made any

disclosures. No one challenged the jurisdiction of the Planning Commission or any of its members to participate in this matter. After these disclosures, the Planning Commission accepted oral and written testimony from staff, Applicant and its representatives, a representative from the Oregon Department Transportation, and members of the public. Then, the Planning Commission accepted oral rebuttal from Applicant and its representatives. No person asked that the hearing be continued or the record held open. At the conclusion of the testimony, the Planning Commission closed the public hearing and approved a motion, 6-0, to: (1) allow Applicant to submit final written argument by January 18, 2016, at 5:00pm; and (2) reconvene on January 25, 2016 for deliberation only.

On January 25, 2016, the Planning Commission reconvened to deliberate on the Amendments. Chair Kidwell introduced the item and inquired whether any members needed to disclose any *ex parte* communications, site visits, conflicts of interest, or bias. No members of the Planning Commission made any disclosures. No one challenged the jurisdiction of the Planning Commission or any of its members to participate in this matter. Next, Planning Commissioner Damon Mabee stated that he was absent from the January 11, 2016 public hearing but had reviewed the record in the meantime and was prepared to participate in the deliberations.

City Attorney Carrie Richter then advised the Planning Commission that, although the record was closed, Mr. Nicita had submitted correspondence intended for the Planning Commission that day contending that the City's hearing notice was deficient because it failed to identify various provisions of the Metro Code that Mr. Nicita contended applied to the Amendments. Mr. Nicita requested that the Planning Commission reopen the record to take testimony pertaining to these Metro Code provisions. Elizabeth Graser-Lindsey made a similar request. Applicant's counsel submitted correspondence in opposition to the requests to reopen the record. The Planning Commission then deliberated on the requests and voted, 5-1, to deny the requests and to reject from the record the correspondence from all parties on this issue.

The City Commission finds that the Planning Commission correctly denied the requests because they were not made in a timely manner. The record was closed. Parties had the opportunity to request either a continuance or an open record at the January 11, 2016 hearing. Although Mr. Nicita contended that he requested that the Planning Commission leave the record open after the January 11, 2016 hearing, the City Commission finds that he did so only if the "matter was set over," which it was not. As such, Mr. Nicita's request was contingent in nature, which is not recognized under ORS 197.763, and in any event, the contingency was not met. Additionally, later in the January 11, 2016, hearing, Planning Commissioner McGriff directly asked Mr. Nicita if he

was requesting that the record remain open, and he said “no.” The City Commission also finds that the requests to reopen the record were disingenuous because Mr. Nicita had several weeks earlier, objected to the substance of the City notice for the Amendments, which was evidence that he was tracking the content of the City’s notices and could have raised the issue in a timely manner. The City Commission further notes that neither Mr. Nicita nor Ms. Graser-Lindsey made an oral objection at the January 25, 2016 Planning Commission meeting when the Planning Commission discussed the requests to reopen the record. Finally, the City Commission finds that, because the Planning Commission denied the requests to reopen the record, the various correspondence from the parties dated January 25, 2016 is correctly stricken from the record.

After denying the requests to reopen the record and to accept the additional correspondence, the Planning Commission deliberated on the Amendments. At the conclusion of its deliberations, the Planning Commission voted, 6-0, to recommend that the City Commission approve the Amendments, subject to the conditions identified by City staff, as modified by the Planning Commission.

On the basis of these facts, the City Commission finds that the Planning Commission conducted lawful proceedings in this matter consistent with established quasi-judicial principles and applicable local and state requirements.

#### **D. City Commission Proceedings**

The City Commission finds that the City Commission hearing procedures in this matter complied with applicable law. On December 16, 2015, the City Commission opened the public hearing for an on the record review of the Planning Commission recommendation. The City Commission continued the matter to February 17, 2016 at 7:00pm. On February 17, 2016 a quorum of the City Commission was present, consisting of Mayor Dan Holladay and Commissioners Rocky Smith and Carol Pauli. City Attorney Carrie Richter advised the City Commission that the City had received a request to continue the matter from the Applicant. The reason for the request was that Mr. Nicita had contended in an email to City staff that the City had prejudiced his substantial rights to a full and fair hearing by failing to make the staff report available at least seven days prior to the hearing, as required by ORS 197.763. Ms. Richter inquired whether any City Commission members needed to disclose any *ex parte* communications, site visits, conflicts of interest, or bias. Commissioner Smith stated that he works for the Oregon City School District, which formerly owned a portion of the Property. No one challenged the jurisdiction of the City Commission or any of its members to participate in this matter. After these disclosures, the City Commission



deliberated on the motion for a continuance. At the conclusion of the deliberations, Commissioner Pauli moved to continue the City Commission's consideration of the item to the regular meeting of March 2, 2016. Commissioner Smith seconded the motion. The motion carried, 3-0. The City Commission finds that, although it granted the continuance, it did so in an abundance of caution. The City Commission further finds that it was not required to grant the continuance for two reasons. First, the subsection of ORS 197.763 cited by Mr. Nicita does not support his contention because it concerns the contents of the City notice, not to provision of the staff report. Second, the City Commission finds that Oregon law provides that late provision of the staff report does not prejudice a party's substantial rights.

On March 2, 2016, the City Commission reconvened with a quorum consisting of all members present. Mayor Holladay opened the public hearing for the item. Ms. Richter read the announcements required by ORS 197.763 and stated that the City Commission's action was on the record, and any new issues or evidence raised during the hearing would be rejected and not considered. Mayor Holladay inquired whether any members of the City Commission needed to disclose any *ex parte* communications, site visits, conflicts of interest, or bias. No members of the City Commission made any disclosures. Mr. Nicita then alleged that four members of the City Commission were biased and should not participate in this matter. Mr. Nicita submitted oral and written testimony in support of his contentions. As explained below, the City Commission allowed this oral testimony and most of the written testimony into the record for the limited purpose of this bias challenge.

After discussions with Ms. Richter, each of the challenged members of the City Commission determined that they were not biased as follows:

- Mr. Nicita challenged Commissioner Smith's participation on the grounds that he agreed to sell a piece of the Property to Applicant and because he works for the Oregon City School District, which formerly utilized the Property. Commissioner Smith stated that he did not own any interest in the Property and that the sale of the Property was by the City and he voted on it as a member of the City Commission and not in a personal capacity. He said he did not stand to gain financially from the outcome of the matter. He also stated that he believed that he could evaluate the testimony and evidence in the record and make a decision based upon whether that testimony and evidence demonstrates compliance with applicable criteria.
- Mr. Nicita challenged Commissioner Pauli's participation on the grounds that she agreed to sell a piece of the Property to Applicant and because she was endorsed

by the Oregon City Business Alliance (“OCBA”), of which Mr. Fowler, principal of Applicant, was a member. Commissioner Pauli stated that she did not have any interest in the Property and did not stand to gain financially from the outcome of the matter. She reiterated that the sale of the Property was by the City and she voted on it as a member of the City Commission and not in a personal capacity. She stated that the OCBA had no connection to the Amendments. She also stated that she believed that she could evaluate the testimony and evidence in the record and make a decision based upon whether that testimony and evidence demonstrates compliance with applicable criteria.

- Mr. Nicita contended that Commissioner Shaw was biased because he is a long-time friend of Mr. Fowler and because Commissioner Shaw supported Mr. Fowler’s 1990 campaign to be Mayor of the City. Ms. Richter clarified that friendships and campaign participation unrelated to the matter did not establish actual bias. Commissioner Shaw stated that he believed that he could make a decision based upon the evidence and argument presented on the record and uphold City ordinances.
- Mr. Nicita contended that Mayor Holladay was biased because he was endorsed by Mr. Fowler when he ran for Mayor and because Mayor Holladay made comments that could have been construed as personal animus against Mr. Nicita during the February 17, 2016 hearing for this item. Mayor Holladay stated that his personal feelings toward parties to the case would not prevent him from evaluating the evidence as presented and making a decision based upon local and state law.

The City Commission finds that Mr. Nicita did not present any evidence of prejudgment by any member of the City Commission. He also did not introduce any explicit statements, pledges or commitments that the members had prejudged this specific matter (the Amendments). Further, the City Commission finds that each of the challenged members affirmatively stated that he/she could make a decision based upon the record and applicable criteria. For these reasons, and for the reasons summarized in the bulleted list above, the City Commission finds that none of the members of the City Commission were actually biased in this matter, and they did not commit any procedural error by participating in this matter.

Next, the City Commission considered whether the following pieces of written testimony, all received after the close of the Planning Commission record, should be accepted into the record:

- February 22, 2016 letter from K. Browning
- February 25, 2016 letter from P. Edgar
- February 29, 2016 letter from P. Edgar
- March 2, 2016 letter from P. Edgar
- March 2, 2016 letter from C. Kosinski

The City Commission concluded that each of these items included new evidence and issues not raised before the Planning Commission. As support for this conclusion, the City Commission relied upon the staff memorandum entitled “Material Submitted to the Planning Division Since the February 17<sup>th</sup> City Commission Hearing,” which summarized the new evidence presented by K. Browning and P. Edgar, and upon oral testimony from Ms. Terway and Mr. Robinson explaining how Ms. Kosinski’s letter included both new testimony and was not submitted in accordance with the open record in this matter, which lasted from October to February. As a result, the City Commission approved a motion, 5-0, to reject these five items and not include them in the record for this matter. No one objected to the City Commission’s actions.

Next, City staff presented the staff report. After that, Applicant and its representatives presented their case. No one objected to this testimony on the grounds that it included any extra-record information. Following Applicant’s testimony, the City Commission accepted oral testimony from agency representatives and the following members of the public: Mr. Edgar, Mr. Nicita, and Ms. Graser-Lindsey. The City Commission finds that Mr. Edgar’s testimony pertaining to Title 12 of Metro’s Urban Growth Management Functional Plan was not timely raised before the Planning Commission and therefore constitutes a new issue that cannot be considered by the City Commission. Therefore, the City Commission rejects this testimony and does not consider it further. The City Commission then accepted oral rebuttal from Applicant and its representatives.

Following oral testimony, the City Commission settled the record as follows:

- The City Commission accepted Mr. Nicita’s affidavit and two notebooks of written testimony submitted at the March 2, 2016 meeting for the limited purpose of the bias challenges discussed above, with the exception of three pages near the end that constituted an online discussion about possible transportation improvements at the intersection of Highway 213 and Beavercreek Road. These pages do not concern the bias issue and were not placed before the Planning Commission prior to the close of the record. Therefore, the City Commission rejects these three pages and will not consider them further.



- The City Commission accepted Ms. Graser-Lindsey's letter submitted at the March 2, 2016 hearing on the grounds that the issues raised in this letter were previously raised in a timely manner before the Planning Commission, with the exception of a page containing intersection crash data. This crash data was not placed before the Planning Commission prior to the close of the record. Therefore, the City Commission rejects this page and will not consider it further.
- The City Commission further finds that testimony from Tom O'Brien during the public comment portion of the March 2, 2016, meeting concerned matters outside the record and was not made during the public hearing portion of the meeting. He acknowledged as much. Accordingly, the City Commission rejects this testimony and will not consider it further.

At the conclusion of the testimony, the City Commission closed the public hearing and approved a motion, 5-0, to make a tentative decision to accept the Planning Commission's recommendation and adopt the Amendments, subject to adoption of a final written decision with findings of fact and conclusions of law.

On the basis of these facts and conclusions, the City Commission finds that it conducted lawful proceedings in this matter consistent with established quasi-judicial principles and applicable local and state requirements.

### **III. SUBSTANTIVE FINDINGS**

#### **A. Incorporation.**

As findings in support of approval of the Amendments, the City Commission adopts and incorporates by reference the following: (1) the City staff report to the City Commission dated February 11, 2016, which is entitled "Type IV Application Staff Report and Recommendation;" and (2) the 12-page Supplemental Findings of Fact and Conclusions of Law in Support of the Application for ZC 15-03 and PZ 15-01 submitted by Applicant to the City in December 2015. These documents are included in the record for this matter. The City Commission finds that these documents are properly incorporated as findings because they are written in the nature of findings and specifically address whether the Amendments comply with approval criteria and respond to other issues raised during these proceedings. In the event of a conflict between these incorporated findings and the findings in this document, this document shall control.

#### **B. Additional Issues**

**1. The City has correctly reviewed the Plan amendment application for compliance with the Goals.**

The City Commission denies Mr. Nicita's contention that the City erred by failing to apply the Goals to the comprehensive plan amendment application. In fact, in the Staff Report, City staff did apply the Goals to all of the Applications and determined that the Applications were consistent with the Goals. Therefore, there is no basis to sustain Mr. Nicita's contention on this issue.

**2. Applicant's shadow plat is a reliable base to calculate the worst-case scenario trip generation from the Property because it illustrates a potential development of the Property that complies with applicable City standards.**

Applicant submitted a shadow plat illustrating a development scenario under the proposed zoning. The shadow plat served two purposes. First, it established a worst-case trip generation scenario for purposes of completing the Transportation Planning Rule ("TPR") analysis. Second, it illustrated a reasonable development plan for the Property to allow the Planning Commission and members of the public a more detailed preview of potential development of the Property. Although opponents contend that the shadow plat was erroneous because it overstated the development potential for the Property, the City Commission denies this contention based upon the testimony of Applicant's civil engineer, Tom Sisul, to the Planning Commission. At the January 11, 2016, public hearing, Mr. Sisul explained that the shadow plat met all City standards applicable to subdivision development, including protecting resource buffers, lot sizes, dimensional requirements, and street and block dimensions. He explained that, although some of the lots extend into the buffer area, this is allowed by the OCMC so long as the homes themselves do not encroach into the buffer. Mr. Sisul also explained that the homes would not encroach into the buffer. Mr. Sisul also confirmed that the shadow plat did not include any impermissible flag lots. The City Commission finds that the shadow plat is an accurate illustration of conceptual development that meets the City's current standards and can be relied upon for purposes of calculating the worst-case scenario trip generation and related trip cap.

**3. The contention that future homeowners on the Property cannot obtain landslide insurance is not relevant, and in any event, has been refuted.**

The City does not require a showing that future homeowners can obtain landslide insurance on a property in order to approve map amendments on that property. Therefore, this issue is irrelevant to this proceeding and cannot be a basis to approve, deny, or condition the Amendments. *Buel-McIntire v. City of Yachats*, 63 Or LUBA 452 (2011) (error to deny application based upon factor that was not applicable approval

criterion). Notwithstanding, Dan Fowler testified at the January 11, 2016 Planning Commission hearing that he had confirmed that landslide insurance coverage was available for homes that would be built on the Property. For either of these reasons, the City Commission finds that opponents' concern about this issue is unwarranted.

**4. Compliance with ORS 105.465 is not relevant to this proceeding.**

ORS 105.465 requires a residential seller to provide a property disclosure statement to a buyer of the seller's property. This statute does not apply to the City's review of the Amendments in any way. Therefore, opponents' contentions that the City's approval of the Amendments will be inconsistent with this statute are misplaced.

**5. The Applicant's geotechnical study demonstrates that the Property is not located in a high hazard area, and, subject to implementation of recommended mitigation measures, the risk for landslides is low to moderate.**

Applicant submitted a geotechnical analysis of the Property prepared by Oregon registered professional engineer Tim Blackwood, PE of Hart Crowser. Based upon his analysis, Mr. Blackwood reached three primary conclusions. First, he concluded that the potential for development to affect the deep-seated landslide is low, and no mitigation is necessary. Second, he concluded that the potential for shallow sliding near the crest of the slope to be low to moderate and can be mitigated with 55-foot setbacks from the headscarp, use of detention rather than infiltration, and not placing fill near the slope crest. Third, he concluded that, if Applicant followed these recommendations, there was a low probability that landsliding would occur and a low probability that the development would be adversely affected by landslides. A complete copy of this report is included in the record. See Hart Crowser assessment of "Hilltop Development" dated June 23, 2015. Mr. Blackwood summarized the findings of his report in his testimony to the Planning Commission during the public hearing on January 11, 2016. During his testimony, Mr. Blackwood also distinguished the Property from the apartment sites that have recently been condemned. Mr. Blackwood also submitted an exhibit into the record at the January 11, 2016 public hearing illustrating how the proposed development is located above the area of the ancient landslide.

Although opponents express concerns about the report, their concerns do not undermine the reliability of the report and its conclusions. For example, although opponents contend that the report fails to accurately evaluate the potential for catastrophic events, this contention is mistaken. The report accurately assesses the risk of a significant seismic event or very high groundwater conditions and concludes that these events pose only a moderate risk if mitigation measures are followed. Opponents do not present any evidence to the contrary. Further, although opponents contend that



Applicant is acting inconsistent with recommendations of a Portland State University professor by locating detention ponds on landslides, opponents misconstrue the facts. Applicant is proposing to utilize stormwater detention ponds, but they will be lined to prevent infiltration and thus will not drain into areas of landslide risk.

For these reasons, the City Commission finds that Applicant has correctly evaluated and proposed mitigation for geotechnical conditions on the Property.

**6. Delaying or prohibiting approval of the Amendments until the City adopts a landslide ordinance is unnecessary and constitutes an improper moratorium.**

It is unnecessary to delay or prohibit approval of the Amendments until the City adopts a landslide ordinance because, as explained immediately above, Applicant can develop the Property consistent with applicable standards without creating or exacerbating a geotechnical hazard. Further, if the City were to delay or prohibit approval of the Amendments on these grounds, it would be a *de facto* moratorium adopted in violation of ORS 197.520. Therefore, the City Commission denies the opponent's contention on this issue.

#### **IV. CONCLUSION**

Based upon the evidence and argument identified above, the City Commission finds that the Amendments satisfy all applicable approval criteria and should be approved, subject to the conditions recommended by the Planning Commission.



**TYPE IV APPLICATION  
STAFF REPORT AND RECOMMENDATION**  
*February 11, 2016*

**FILE NUMBER:** PZ 15-01: Comprehensive Plan Amendment  
ZC 15-03: Zone Change

**APPLICANT/  
OWNER:** Historic Properties  
1300 John Adams Street, Oregon City, Oregon 97045

**REPRESENTATIVE:** Sisul Engineering, c/o Tom Sisul  
375 Portland Avenue, Gladstone, Oregon 97027

**REQUEST:** The applicant is seeking approval of an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor and a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2.

**LOCATION:** 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Mapelane Ct, 14375 Mapelane Rd, 3391 Beaver Creek Rd  
Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000

**REVIEWERS:** Laura Terway, AICP, Planner  
Wendy Marshall, P.E., Development Projects Manager

**RECOMMENDATION:** Approval with Conditions

**PROCESS:** Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Files ZC 15-03 and PZ 15-01**

*(P) = Verify that condition of approval has been met with the Planning Division.*

Prior to Issuance of a Permit associated with the Proposed Development:

1. In addition to the prohibited uses identified in OCMC 17.29.040 the following uses are prohibited on the subject site:
  - a. Museums, libraries and cultural activities
  - b. Postal Services
  - c. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
  - d. Restaurants, eating and drinking establishments without a drive through.
  - e. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
  - f. Ancillary drive-in or drive through facilities and
  - g. Gas stations (P)
2. Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value. All applicants seeking to develop new or alter existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either: (1) as part of the land use review required for the development, in cases where no business license is required; (2) as part of reviewing an application for a business license, in cases where no land use review is required; or (3) both, where a land use approval and a business license are required. (P)
3. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beaver Creek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beaver Creek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. (P)
4. Prior to approval of any future development of the site where a traffic impact study or a traffic analysis letter is required, the applicant shall provide for the improvements identified in the Transportation System Plan (TSP) to offset the impacts resulting from development. (P)

**I. BACKGROUND:**

**1. Existing Conditions**

The subject site is located within Oregon City, largely bounded by Beaver Creek Road to the south, Maplelane Road to the east, and Maplelane Court to the west, although here is a small area of the site that lies just west of Maplelane Court. The site is moderately sloped towards Beaver Creek Road with trees generally following existing property lines. The upper portion of Newell Creek crosses the site parallel to Beaver Creek Road.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

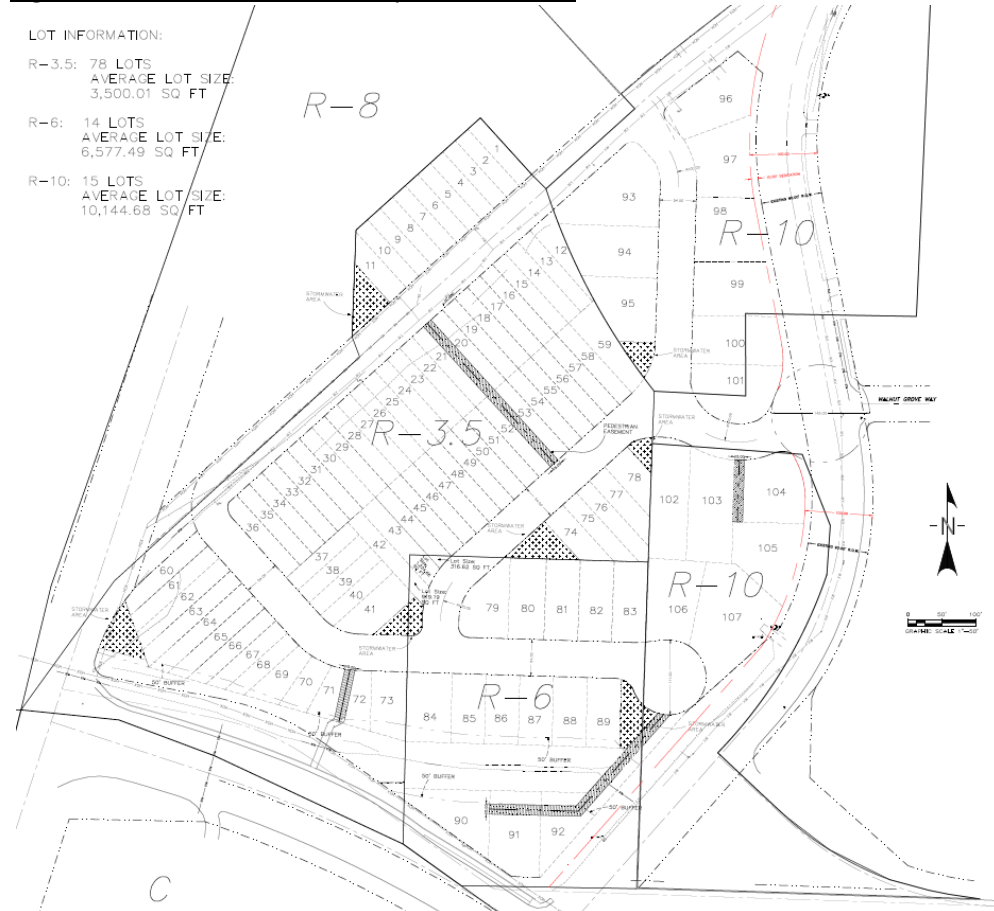


## 2. Project Description

The applicant is seeking approval of an amendment to the Oregon City Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor and a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 (Exhibit 2). No development is proposed with this application. Future development and construction of the subject site will require additional public review for compliance with the Oregon City Municipal Code.

The applicant proposed a trip cap to limit the transportation impact of the proposed Comprehensive Plan Amendment and Zone Change. The transportation impact of future development onsite will not exceed the transportation impact that is allowed if the site were developed under the existing residential zoning designations, known as a trip cap. In order to determine a reasonable traffic impact of the site under the current zoning designations the applicant submitted a subdivision layout which is likely to comply with the Oregon City Municipal Code and calculated the transportation impacts of the subdivision. The proposal does not include implementation of the subdivision. In conjunction with the trip cap, the applicant proposed to eliminate several of the permitted and conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site.

**Figure 3: Possible Subdivision Layout of the Site**



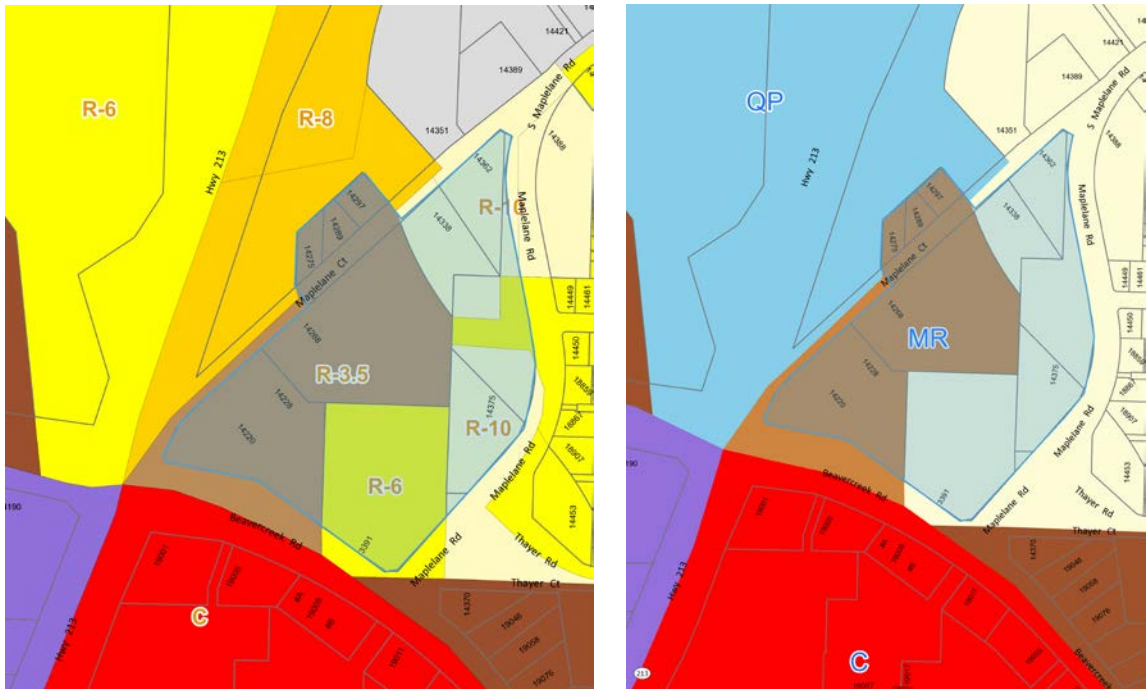
3. **Existing Zoning/Permitted Uses:** The subject site is currently utilized with a variety of uses including six (6) residences, a church and the School District bus facility. There are single-family residences on the opposing (east) side of Maplelane Road, a large commercial development on the opposing (southwest) side of Beaver Creek Road and land owned by Metro and a few large lots occupied by a single residences is northwest of the site.

Adjacent properties are zoned R-2 (southeast across Maplelane Road and south of Thayer), R-8 (northwest), and R-6 and R-10 (east). Land to the south across Beaver Creek Road is zoned General Commercial.

**Figure 4: Current Zoning Map**

**Figure 5: Current Comprehensive Plan Map**





**4. Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- 12.04 – Streets, Sidewalks and Public Spaces
- 13.12 – Stormwater Conveyance, Quantity and Quality
- 16.08 – Subdivision processes and Standards
- 16.12 – Minimum Improvements and Design Standards for Land Divisions
- 17.08 – “R-10” Single Family Dwelling District
- 17.12 – “R-6” Single Family Dwelling District
- 17.16 – “R-3.5” Dwelling District
- 17.29 – “MUC” Mixed Use Corridor District
- 17.44 – Geologic Hazards Overlay District
- 17.49 – Natural Resource Overlay District
- 17.50 – Administration and Procedures
- 17.68 – Zoning Changes and Amendments

The City Code Book is available on-line at [www.oregocity.org](http://www.oregocity.org). Note that some of the chapters were utilized to analyze if the subdivision layout is likely to comply with the Oregon City Municipal Code, but are not approval criteria for the Comprehensive Plan Amendment or Zone Change.

**II. ANALYSIS AND FINDINGS:**

**CHAPTER 17.29 - “MUC-2” MIXED USE CORRIDOR DISTRICT**

**17.29.020 Permitted Uses--MUC-1 and MUC-2.**

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmiry services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*

J. Postal services;  
 K. Parks, playgrounds, play fields and community or neighborhood centers;  
 L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;  
 N. Residential units, multi-family;  
 O. Restaurants, eating and drinking establishments without a drive through;  
 P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;  
 Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;  
 R. Seasonal sales, subject to OCMC Chapter 17.54.060  
 S. Assisted living facilities; nursing homes and group homes for over 15 patients  
 T. Studios and galleries, including dance, art, photography, music and other arts;  
 U. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.  
 V. Veterinary clinics or pet hospitals, pet day care.  
 W. Home occupations  
 X. Research and development activities  
 Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;  
 Z. Residential care facility  
 AA. Transportation facilities

**Finding: Complies with Condition.** The applicant proposed to change the zoning designation of the site from residential to “MUC-2” Mixed Use Corridor District. The MUC-2 District allows a variety of permitted uses in OCMC 17.29.020. In conjunction with the trip cap, the applicant proposed to eliminate several permitted uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. The applicant has proposed to exclude the following uses:

- Museums, libraries and cultural activities
- Postal Services
- Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
- Restaurants, eating and drinking establishments without a drive through.
- Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.

The applicant has not proposed a use at this time. Review of a future use will occur once proposed.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **17.29.030 Conditional Uses--MUC-1 and MUC-2 Zones.**

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

- A. Ancillary drive-in or drive-through facilities
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas Stations;
- D. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hotels and motels, commercial lodging
- J. Hospitals

*K. Parking structures and lots not in conjunction with a primary use*

*L. Passenger terminals (water, auto, bus, train)*

**Finding: Complies with Condition.** The applicant proposed to change the zoning designation of the site from residential to “MUC-2” Mixed Use Corridor District. The MUC-2 District allows a variety of conditional uses in OCMC 17.29.030. In conjunction with the trip cap, the applicant proposed to eliminate several conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. The applicant proposed to exclude ancillary drive-in or drive through facilities and gas stations as conditional uses which may be pursued onsite. The applicant has not proposed a use at this time. Review of a future use will occur once proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**17.29.040 Prohibited Uses in the MUC-1 and MUC-2 Zones.**

*The following uses are prohibited in the MUC District:*

*A. Distributing, wholesaling and warehousing;*

*B. Outdoor sales or storage*

*C. Correctional Facilities.*

*D. Heavy equipment service, repair, sales, storage or rental<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment)*

*E. Kennels*

*E. Motor vehicle and recreational vehicle sales and incidental service*

*F. Motor vehicle and recreational vehicle repair / service*

*G. Outdoor sales or storage,*

*H. Self-service storage facilities*

**Finding: Not Applicable.** The applicant has not proposed a prohibited use with this application.

**17.29.060 Dimensional Standards--MUC-2**

*A. Minimum lot area: None.*

*B. Minimum floor area ratio: 0.25.*

*C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.*

*D. Maximum building height: Sixty feet.*

*E. Minimum required setbacks if not abutting a residential zone: None.*

*F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.*

*G. Maximum Allowed Setbacks.*

*1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).*

*2. Interior side yard: None.*

*3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*

*4. Rear yard: None.*

*H. Maximum site coverage of building and parking lot: Ninety percent.*

*I. Minimum landscaping requirement (including parking lot): Ten percent.*

**Finding: Not Applicable.** The applicant has not proposed to alter the size of the properties associated with this application.

**CHAPTER 17.68 ZONE CHANGES AND AMENDMENTS**

**17.68.010 Initiation of the Amendment.**

*A text amendment to this title or the Comprehensive Plan, or an amendment to the zoning map or the Comprehensive Plan map, may be initiated by:*

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- A. A resolution request by the City Commission;
- B. An official proposal by the Planning Commission;
- C. An application to the Planning Division presented on forms and accompanied by information prescribed by the planning commission.
- D. A Legislative request by the Planning Division

All requests for amendment or change in this title shall be referred to the Planning Commission.

**Finding: Complies as Proposed.** The applicant submitted this application to initiate a Zone Change and amendment to the Comprehensive Plan for the subject site in accordance with OCMC 17.68.010.c.

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

**Finding:** Please refer to the analysis below.

#### **Goal 1: Citizen Involvement**

*Goal 1.1 Citizen Involvement Program Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decisionmaking process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

*Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, PWF Medical Center Master Plan Modification and Comprehensive Plan/Zone Change Application 20 Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

*Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

*Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.*

*Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

*Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

*Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.*

**Finding: Complies as Proposed.** Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in this application. The applicant met with the Caufield Neighborhood Association prior to submitting this application and after the application was deemed complete. Twice, the City noticed the application to property owners within 300 feet of the subject site, neighborhood association, Citizen Involvement Committee, a general circulation newspaper, and posted the application on the City's website. In addition, the applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This goal is met.

A public comment was received which contended that the City failed to comply with Plan Goals 1.3 and 1.4 by not making the Goal 5 inventory available to the public. This contention is denied for three reasons. First, the commentor likely located the necessary information, as the Goal 5 inventory was submitted in their testimony to the Planning Commission. Additionally, a public records request was never submitted to the City for the information. As a result, the commenter was not prejudiced by his difficulties in locating the Goal 5 inventory. Third, nothing in the plain language of these Plan Goals indicates that they are mandatory approval criteria applicable to site-specific quasi-judicial land use applications such as the applications. Lastly, the City has implemented Plan Goals 1.3 and 1.4 by adopting the citizen participation program in OCMC Chapter 17.50, and as explained above, the City has processed the applications consistent with that program in this case. For these reasons the commenter's contention is denied.

#### **Goal 2: Land Use**

**Goal 2.1:** *Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies with Condition.** The applicant requested an amendment to the Comprehensive Plan map and a Zone Change from various residential zoning designations to the “MUC-2” Mixed Use Corridor 2 District. The proposal would allow uses appropriate for placement at the intersection of a state Highway (OR 213) and an arterial (Beavercreek Road). The uses allowed within the MUC-2 District are more intensive than that of the current zoning designations and thus the land will be utilized more efficiently. However, the applicant proposed to limit the transportation impacts of the proposal by limiting the transportation impacts to the equivalent to the transportation impact of the buildout of the current zoning designations and eliminate several of the permitted and conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 2.3:** *Corridors: Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

**Finding: Complies as Proposed.** The subject site abuts a state Highway (OR 213), an arterial (Beavercreek Road), and is located near a transit stop. The proposed zoning designation is designed to be transit-oriented and focused near transportation corridors such as Beavercreek Road as identified in OCMC 17.29.010. This goal is met.

**Goal 2.4 Neighborhood Livability -** *Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

*Policy 2.4.2 Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

*Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.*

*Policy 2.4.5 - Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*

**Finding: Complies with Condition.** This goal seeks to protect neighborhoods while implementing the goals and policies of the Comprehensive Plan. The subject site is surrounded by major roadways and geographically buffered from existing neighborhoods by Maple Lane Road, a minor arterial.

The applicant proposed to limit the impacts of the proposal by excluding uses within the MUC-2 zoning designation and limiting the transportation impacts to be equivalent to the transportation impact of the buildout of the current zoning designations. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 2.7:** *Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies with Condition.** The subject site is currently within the “LR” Low Density Residential Development Comprehensive Plan designation as well as the “MR” Medium Density Residential Comprehensive Plan designation. As demonstrated within the findings in this report, the development proposal would amend the Comprehensive Plan designation to “MUC” Mixed-Use Corridor in compliance with the goals and policies within the Comprehensive Plan. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 3: Agricultural Land:** *requires local governments “to preserve and maintain agricultural lands.”*

**Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as agricultural. This goal is not applicable.

**Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources**

**Finding: Not Applicable.** The Oregon City Municipal Code implements the principals of protecting fish and wildlife habitat as well as scenic vistas through the Natural Resource Overlay District as well as the Geologic Hazards Overlay District, which includes protection of sensitive lands. Portions of the subject site are within each overlay district which will be addressed upon submittal of a future application for development of the site. The development proposal does not include construction onsite. Future development will include a public review process to verify compliance with all applicable standards within the Oregon City Municipal Code. There are no historic structures or resources located on or adjacent to the subject site. This goal is not applicable.

**Goal 6: Quality of Air, Water and Land Resources**

*Goal 6.1: “Promote the conservation, protection and improvement of the quality of the air in Oregon City.”*

**Finding: Not Applicable.** This Plan Goal is not applicable for two reasons. First, nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Second, the City has implemented this Plan Goal by adopting OCMC 17.620.50.A.13, which requires continuing compliance with applicable air quality standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 will ensure compliance with this Plan Goal.

**Policy 6.1.1:** *Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Finding: Complies as Proposed.** This policy promotes land use patterns that reduce travel by single occupancy vehicles and promote travel by walking, bicycling, and transit to destinations including employment, shopping and education. The subject site is located across the street from a commercial center, near a transit stop, and within a half-mile of a college. The proposed zoning designation allows a variety of uses including residential and employment opportunities for nearby residences. The potential mix of uses within the site as well as the proximity of the subject site to existing residences, will increase access to amenities by bicycle or by foot thus reducing the dependence on single occupancy vehicles. The applications are consistent with this policy.

**Policy 6.1.2:** *Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Finding: Not Applicable.** Preservation of air quality is implemented in Chapter 17.62.050.A.13 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

**Policy 6.1.4:** *Encourage the maintenance and improvement of the city’s tree canopy to improve air quality.*

**Finding: Not Applicable.** This policy is not applicable for two reasons. First, preservation and mitigation for removed trees is addressed in Chapter 17.41, 17.44 and 17.49 of the Oregon City Municipal Code. Tree removal is not proposed with this application. Impacts to trees will be reviewed for compliance with these OCMC provisions upon submittal of a development application. Compliance with these OCMC provisions will ensure compliance with this Plan Goal. Second, this plan policy is aspirational, not mandatory.

**Goal 6.2:** *Control erosion and sedimentation associated with construction and development activities to protect water quality.*

**Policy 6.2.1:** *Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*

**Policy 6.2.2:** *Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.*

**Finding: Not Applicable.** These provisions are not applicable for two reasons. First, the applications do not propose any development that will cause erosion or sedimentation or the need to control same. Second, any future development must comply with OCMC Chapter 17.47 (“Erosion and Sediment Control”), which implements these Plan provisions. Compliance with these OCMC provisions will ensure compliance with these Plan provisions.

**Goal 6.3:** *Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*

**Finding: Not Applicable.** This Goal is not applicable to the applications for two reasons. First, the applications do not propose any development that will cause nightlighting. Second, any future development must comply with OCMC 17.62.065 (“Outdoor Lighting”), which implements this Plan Goal and requires private landowners to submit and obtain approval of outdoor lighting plans to ensure that proposed lighting does not adversely affect adjacent properties or the community. Compliance with OCMC 17.62.065 will ensure compliance with this Plan Goal.

**Plan Policy 6.3.1:** *Minimize light pollution and reduce glare from reaching the night sky and trespassing onto adjacent properties.*

**Finding: Not Applicable.** This policy is not applicable for the same two reasons that Plan Goal 6.3 is not applicable to the applications.

**Plan Policy 6.3.2:** *Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.*

**Finding: Not Applicable.** This policy is not applicable because it is aspirational, not mandatory.

**Plan Policy 6.3.3:** *Employ practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.*

**Finding: Not Applicable.** By its plain language, this policy is a directive to the City, not private landowners, to follow. As a result, it is not applicable to the applications.

**Goal 6.4:** *Noise: Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*

**Finding: Not Applicable.** This Plan Goal is not applicable for two reasons. First, the Applications do not propose any development, so there is no basis to apply the Plan Goal. Second, any future development must comply with OCMC 17.620.50.A.13 and the City’s nuisance control standards, which require continuing compliance with applicable noise standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 and the City’s nuisance control standards will ensure compliance with this Plan Goal.

**Plan Policy 6.4.1:** *Provide for noise abatement features such as noise walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses.*

**Finding: Not Applicable.** This policy is not applicable for the same two reasons Plan Goal 6.4 is not applicable to the applications.

**Plan Policy 6.4.2:** *Encourage land-use patterns along high-traffic corridors that minimize noise impacts from motorized traffic through building location, design, size and scale.*

**Finding: Not Applicable.** This policy is not applicable because it is aspirational, not mandatory.

For these reasons, the applications are consistent with the applicable goals and policies of Section 6 of the plan.

**Goal 7 – Natural Hazards - Policy 7.1.8**

*Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.*

**Finding: Not Applicable.** Portions of the subject site are within the Geologic Hazards Overlay District as well as the Natural Resources Overlay District, which will subject development to subsequent review to minimize landslide risk as well as to protect the natural resources onsite such as decreased density and vegetated corridors.

The applicant submitted the following:

*The City can find that the relevant provision of this Goal is satisfied. Goal 7, Guideline B, Implementation 4, provides: “When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports, or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risks to the site, as well as the risk the proposed development may pose to other properties.”*

*The Planning Commission can find that most of Goal 7 applies to the acknowledgment of a local government’s Comprehensive Plan and not to a post-acknowledgment amendment. This Application represents a post-acknowledgment amendment to the City’s acknowledged Plan. However, Guideline B, Implementation 4 is relevant. The Planning Commission can find that the Application satisfies this standard for the following reasons.*

*Opponents to the Application argue that the landslide risk is severe and uncontrollable on this site. Nevertheless, their assertions are not based on substantial evidence and are not accompanied by a geotechnical analysis prepared by a registered professional. Therefore, when weighing the competing evidence, the Planning Commission can conclude that the Application is supported by substantial evidence and supports a finding that Goal 7, to the extent it is applicable, is satisfied.*

*The record for this Application contains a memorandum from the firm of Hart Crowser dated July 13, 2015 authored by Mr. Tim Blackwood, PE, GE, GEC. The Hart Crowser memorandum analyzed the geotechnical condition of the development site. The 3-page memorandum concluded at page 2, under the heading “Geologic Hazard Evaluation”, that: “Our evaluation of the potential of an entire deep-seated landslide to move is low, so no special development measures are recommended to address it.”*

*The Hart Crowser memorandum found:*

*“Our evaluation of localized land sliding found potential for land sliding even in the headscarp to be moderate. We found that the headscarp slope could experience local failures that could potentially adversely affect the site under two cases: very high groundwater conditions or a designed seismic event. We consider this hazard to be moderate as it is only likely under extreme cases of these conditions. Groundwater would have to be very high to prolong an extreme precipitation and/or excessive on-site infiltration. Likewise, seismic shaking would have to be from a substantial magnitude event, a designed seismic event. Both of these conditions would occur very infrequently. Our analyses determine that the hazard to the site from such landsliding can be mitigated with setbacks from the headscarp slope and controls for on-site water infiltration. Such final measures will be determined with additional geotechnical work as development plans are finalized and permitted.*

*Similar to the moderate hazard the headscarp slope poses to the proposed development, the development potentially poses a moderate hazard of causing localized landsliding within the headscarp slope if not properly designed. This hazard would occur if development increases groundwater levels within proximity of the slope. Increased groundwater levels could occur from stormwater and other sources of water infiltration that are altered by development. To mitigate for this hazardous, potential sources of water infiltration will be controlled, largely by relying on stormwater detention, whether than infiltration. Provided these are adequately controlled, no other special measures to mitigate for adverse effects to the headscarp slope will be necessary. Specific design of the stormwater system will be complete as development plans are finalized and permitted.”*

*(Hart Crowser memorandum at pages 2 and 3.)*

*Based on the Hart Crowser memorandum, the Planning Commission can first find that this Application is not in a high hazard area. Notwithstanding this finding, the Applicant has provided a site-specific report that is appropriate for the level and type of hazard; in this case, a geotechnical report prepared by a licensed professional. Mr. Blackwood is an Oregon-registered professional engineer. The Hart Crowser memorandum evaluated the risk to the site based on the deep-seated landslide and the potential for landsliding within the headscarp. The Hart Crowser memorandum concluded that with respect to the deep-seated landslide potential, the entire deep-seated landslide to move is “low,” but did not recommend mitigation measures.*

*With respect to the potential for landslides within the headscarp, the Hart Crowser memorandum found the potential to be moderate and, therefore, recommended mitigation with setbacks from the headscarp slope and controls for on-site water infiltration. Finally, with respect to impact to nearby properties, the Hart Crowser memorandum analyzed the moderate hazard posed by the headscarp slope. The Hart Crowser memorandum notes that mitigation in the form of control of stormwater through stormwater detention rather than infiltration is an appropriate means of mitigation.*

*The Planning Commission can find that these mitigation measures are feasible to be achieved during the subsequent land division and development of the property with appropriate conditions of approval.*

*Additionally, the site is already developed and current land use regulations allow further development. This Application cannot violate Goal 7 under this circumstance. See Jaqua v. City of Springfield, 46 Or LUBA 134 (2004).*

This goal is directed at local government obligations to adopt regulations to protect development from landslide and other natural areas. The development proposal does not include any construction onsite. An analysis of compliance with the overlay districts is performed upon submittal of a development application. Therefore, Goal 7 is not applicable. Finally, the various Plan passages quoted by a commenter regarding Newell Creek are descriptive in nature and do not establish any binding requirements.

**Goal 8 – Parks and Recreation**

**Finding: Complies as Proposed.** This goal is designed to provide recreation for all residents of Oregon City. The proposed amendment would not have a significant effect on this goal. All future development of the site is subject to pay system development charges (SDC's) for parks. If the site is developed to include multi-family, the site is subject to open space requirements and if the site is developed with non-residential uses, the impact on parks is not expected to be significant. This goal is met.

**Goal 9 – Economic Development**

**Finding: Complies as Proposed.** The potential uses within the MUC-2 District will result in the increased opportunity to provide employment (for uses other than residential). Once development occurs, taxes will be levied for support of services and facilities. This goal is met.

**Goal 10: Housing**

**Goal 10.1,** Provide for the planning, development and preservation of a variety of housing types and lot sizes.

**Finding: Complies as Proposed.** Policy 10.1.3 seeks to “designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development”. The City’s Comprehensive Plan identifies the need for 6,075 units through 2017. According to the Housing Resource Document for the City of Oregon City Comprehensive Plan in Exhibit 10 (referred to as the “Housing Technical Report (2002)”) full buildout of the available buildable lands in 2002 would have only resulted in 4,593 additional dwelling units. The Housing Technical Report (2002) called for land use policies that would move the mix of housing from 80% single-family dwellings and 20% multi-family dwellings to a 75% and 25% mix, respectively.

Since 2002, both land use decisions to increase density and policies have encouraged additional housing development. For example, an additional 953 units more than estimated in the Housing Technical Report (2002) have been created through approval of zone changes that allowed greater density.<sup>1</sup> With the adoption of the Comprehensive Plan in 2004, the City amended the Municipal Code to allow construction of one accessory dwelling unit in every place in which a single-family home is allowed and adopted cottage housing with density bonuses. These two unit types provided an opportunity for more diverse, and often affordable, housing opportunities within existing neighborhoods.

Moreover, the City has planned for at least 5,762 dwelling units as follows:

- The City created and approved concept plans for three areas (South End, Beavercreek, Park Place) recently brought into the UGB. The Park Place Concept Plan provides

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<sup>1</sup> The adoption of the 2004 Comprehensive Plan and Zoning maps (Planning file L 03-01) responded to the need for additional housing types by upzoning areas throughout the City by adding capacity for 628 units. The city reviewed infill opportunities again in 2008 and provided additional capacity for 150 units through a Comprehensive Plan and Zoning Map amendment (Planning file L 08-01). In addition, property owner-initiated zone changes have increased capacity by approximately 195 units between 2002 and today.

capacity for 1,091 dwelling units, the South End Concept Plan provides capacity for 1,210 dwelling units and the Beavercreek Road Concept Plan provides capacity for 1,023 dwelling units for a total of 3,324 units within the urban growth boundary.

- Since October 1, 2002, the City has granted permits for 2,438 dwelling units.<sup>2</sup>

In addition, the City adopted new mixed use zones, including the MUC-1, MUC-2, MUD, HC, NC and C that allows for the development of housing which is limited by building height, parking standards, lot coverage, etc (though there are some restrictions in NC). While not counted as contributing to needed housing goals in the City's Housing Technical Report (2002), the capacity from the new mixed use zones, including MUC-2, is estimated at a potential 8,000 dwelling units within the City limits. Thus, expanding the areas of the City zoned MUC-2 moves the City towards meeting its needed housing goals, and its target of 25% multi-family housing mix. Approximately 68% of the City is currently within the R-10, R-8, R-6, R-3.5 and R-2 zoning designations while only 1% of the City is zoned "MUC-2" Mixed Use Corridor. Therefore, the approval of this Comprehensive Plan amendment and zone change will expand the housing types and options available within the City.

Although this application does not include a development proposal, the MUC-2 District permits housing opportunities for Senior Living facilities for independent living, assisted living, memory care, and multi-family uses. The applicant has represented that they intend to apply for an assisted living facility. Assisted living facilities are described in the Housing Technical Report (2002) as group quarters as follows:

"Group quarters are not considered standard housing units because the units do not have individual kitchens, but this is still an important source of housing for certain populations. The population in group quarters is broken into institutionalized (prisons, nursing homes, hospitals, etc.) and non-institutionalized (college dormitories, halfway homes, etc.) populations. In Oregon City, about 91 percent of the population in group quarters is institutionalized, either in correctional institutions (61 percent), nursing homes, or assisted living facilities (39 percent). Table 4 shows the total number of people (institutionalized and non-institutionalized) living in group quarters. Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years." Housing Technical Report (2002) at p. 4.

Based on representations by the applicant, approval of this zone change will increase housing by virtue of the MUC-2 District zone designation, as well as address the housing demand for group quarters, such as assisted living facilities. Staff finds this application meets Goal 10.1.

**Goal 10.2** *Provide and maintain an adequate supply of affordable housing.*

**Finding: Complies as Proposed.** The proposal would change the Comprehensive Plan designation and zoning designation to "MUC-2" Mixed Use Corridor for the subject site which includes a variety of uses including multi-family and/or assisted living facilities. Though the applicant is not obligated to implement either option, the availability of land for such multi-family uses increases the potential for more affordable housing options.

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<sup>2</sup> 2,136 new single-family dwelling units; 253 new townhouses; 23 accessory dwelling units; and 26 multi-family units.



As demonstrated in the analysis in Goal 10.1, the City has provided opportunities to allow an increase in the number of dwelling units within Oregon City as well as adopted standards which allow for smaller dwelling units which will likely be lower in cost.

In comparison to neighboring jurisdictions, the price of real estate in Oregon City is less than surrounding jurisdictions. The median sales prices for houses in Oregon City obtained from Zillow.com is nearly half of that in Lake Oswego and more than \$120,000 less than West Linn which is directly across the river (Figure 6). The American Community Survey findings mimic similar results demonstrating that between 2010 and 2015 the median housing cost in Oregon City was less than that in Clackamas County and many nearby jurisdictions (Figure 7).

Figure 6: Median Sale Prices from Zillow.com

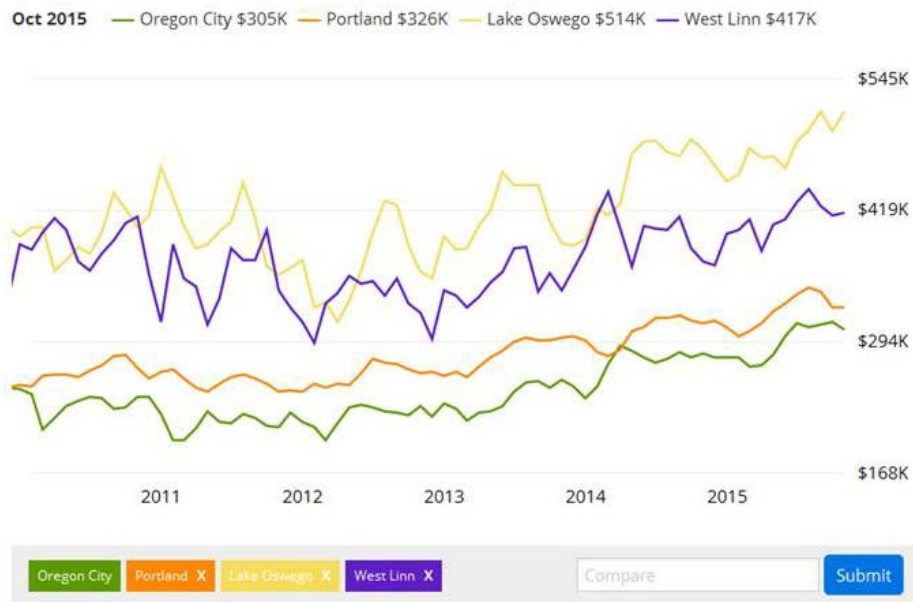
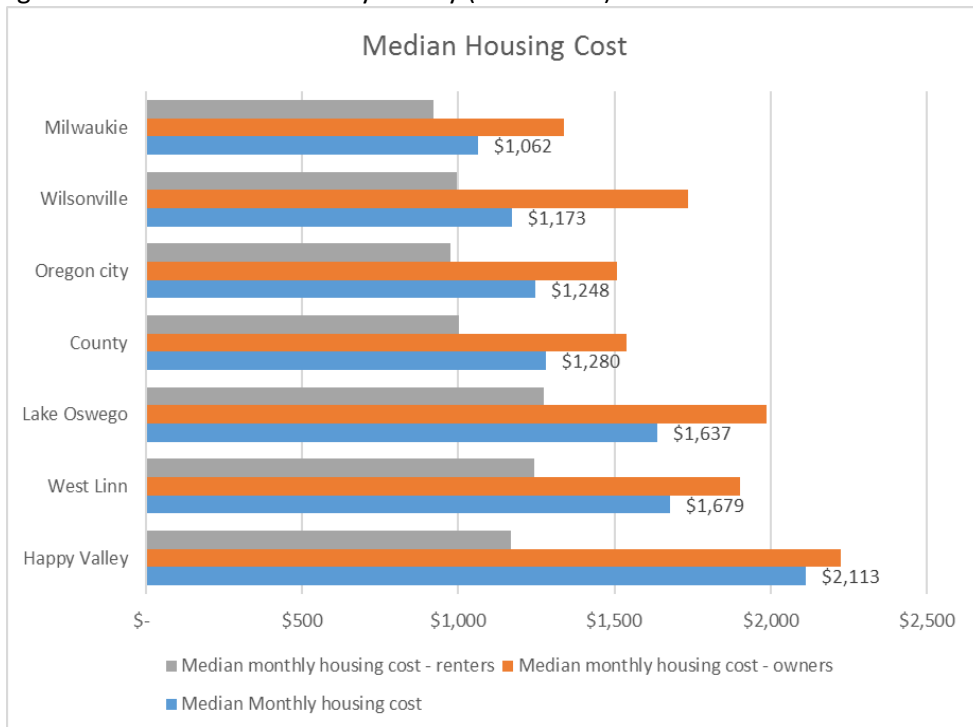


Figure 7: American Community Survey (2010-2015)



Since the MUC-2 zoning designation allows for increased diversity of housing type, the potential for market-rate affordable housing is increased, as well as the potential development of regulated affordable housing, should such housing be the subject of a future application. Staff finds this application satisfies Goal 10.2.

**Goal 11: Public Facilities**

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

**Finding: Not Applicable.** This goal is a planning directive to the City Commission; nothing in the plain text of this provision indicates that it applies to site-specific quasi-judicial land use applications such as the applications.

**Policy 11.1.2:** *Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**Finding: Complies with Condition.** Although the applications do not propose any development, the City has evaluated the availability of public facilities and services with relevant agencies.

**Based upon that evaluation, it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**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 public will be centrally located and accessible, preferably by multiple modes of transportation.*

**Finding: Not Applicable.** This policy is not applicable for two reasons. First, the applications do not propose any urban public facilities and services outside the City limits. Second, this policy is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the applications.

**Policy 11.1.4:** *Support development on underdeveloped or vacant buildable land within the city where public 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.*

**Finding: Complies as Proposed.** The applications are consistent with this policy because they will facilitate development of infill lots in the City where public facilities and services are already available.

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

**Finding: Not Applicable.** This Plan Policy is not applicable because it is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the applications.

**Policy 11.1.6:** *Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

**Finding: Not Applicable, or Alternatively, Complies as Proposed.** This policy is not applicable because it is a planning directive to the City, which the City has implemented through adoption of OCMC provisions. Alternatively, it is applicable and satisfied because the applications propose to develop infill lots with a variety of housing types, including Accessory Dwelling Units.

**Goal 11.2:** *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.*

**Finding: Not Applicable.** Goal 11.2 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.3:** *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.*

**Finding: Not Applicable.** Goal 11.3 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.4:** *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.*

**Finding: Not Applicable.** Goal 11.4 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.5:** *Seek to ensure that the most cost-effective, integrated solid waste plan is developed and implemented.*

**Finding: Not Applicable.** Goal 11.5 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.6:** *Optimize the City's investment in transportation infrastructure.*

**Finding: Not Applicable.** Goal 11.6 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.7:** *Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.*

**Finding: Not Applicable.** Goal 11.7 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.8:** *Work with healthcare and education providers to optimize the siting and use of provider facilities.*

**Finding: Not Applicable.** Goal 11.8 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.9:** *Maintain a high level of fire protection and emergency medical services.*

**Finding: Not Applicable.** Goal 11.9 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.10:** *Preserve the peace and provide for the safety and welfare of the community.*

**Finding: Not Applicable.** Goal 11.10 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.11:** *Strategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents.*

**Finding: Not Applicable.** Goal 11.11 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Goal 11.12:** *Ensure that the library has an adequate facility and resources to maintain its vital role in the community and accommodate growth of services, programs and the population of the entire service area.*

**Finding: Not Applicable.** Goal 11.12 is a directive to the City for planning and maintaining the City's facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the applications.

**Alternative Finding for Goals 11.2 – 11.12: Complies with Condition.** In the alternative, these Goals are applicable to the applications and are satisfied. The testimony from affected agencies that adequate public facilities and services are available to serve the proposed development supports this conclusion. These Goals are also satisfied for reasons set forth in response to OCMC 17.68.020.B in this report, which reasons are incorporated herein by reference. The amendment is accompanied by a trip cap that will directly affect the potential impact on the transportation system. It can be reasonably assumed that the cap placed on trip generation will have a similar limiting effect on all other elements of the public infrastructure. With the transportation trip cap and elimination of some of the permitted and conditional uses that would otherwise be permitted or considered, the Goals and their associated Policies will all be fully satisfied and fulfilled without any undue or significant impact on these facilities and services as a result of the proposed comprehensive plan amendment and zone change. For these reasons, the applications are consistent with Goal 11 and the applicable Plan provisions that implement Goal 11. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

### **Goal 12: Transportation**

#### *Goal 12.1 Land Use-Transportation Connection*

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

**Finding: Not Applicable.** This Plan Goal is not applicable to the applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications.

#### *Policy 12.1.1*

*Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications.

#### *Policy 12.1.2*

*Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications.

#### *Policy 12.1.3*

*Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.*

**Finding: Complies as Proposed.** This Plan Policy is satisfied because the applications propose to remap the Property as a mixed-use site to allow for higher residential densities.

*Policy 12.1.4*

*Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

**Finding: Complies as Proposed.** The applications do not propose specific development; however, the shadow plat in the record demonstrates that applicant can develop the Property in a manner that provides for walkable neighborhoods connected to surrounding areas. This Plan Policy can be met.

*Goal 12.5 Safety*

*Develop and maintain a transportation system that is safe.*

**Finding: Complies with Condition.** The applications do not propose specific development; however, the shadow plat demonstrates that applicant can develop the site in a manner that maintains a safe transportation system. Further, as explained in the testimony from Lancaster Engineering, subject to the trip cap, the proposed development of the Property will not increase trips on surrounding streets from the permitted uses of the site and thus will not create any safety concerns due to increased congestion. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Policy 12.5.1*

*Identify improvements that are needed to increase the safety of the transportation system for all users.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications.

*Policy 12.5.2*

*Identify and implement ways to minimize conflict points between different modes of travel.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications. Second, the applications do not propose any development. Therefore, they do not generate different modes of travel or conflict points.

*Policy 12.5.3*

*Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications. Second, the applications do not propose any development or have any implications for crossings.

*Goal 12.6 Capacity*

*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

**Finding: Complies with Condition.** The applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. The testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property, supports this conclusion. The City's transportation consultant concurred with this testimony as

explained in this report. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Policy 12.6.1*

*Provide a transportation system that serves existing and projected travel demand.*

**Finding: Complies with Condition.** The applications are consistent with this Plan Goal, subject to the conditions limiting uses of the site and imposing the AM and PM peak hour trip caps. The testimony of Lancaster Engineering, which determined that subject to the trip cap, the applications would not result in increased traffic volumes in the vicinity of the Property from the existing permitted uses, supports this conclusion. The City's transportation consultant concurred with this testimony as explained in this report. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Policy 12.6.2*

*Identify transportation system improvements that mitigate existing and projected areas of congestion.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications for two reasons. First, this provision is a planning directive to the City; the plain language of this Plan Policy does not indicate any intent that it function as a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the applications. Second, the applications will not generate a need for any new transportation mitigation measures. The testimony of Lancaster Engineering, which determined that subject to the trip cap, the applications would not result in increased traffic volumes in the vicinity of the Property from the permitted uses, supports this conclusion. The City's transportation consultant concurred with this testimony as explained in this report. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Policy 12.6.3*

*Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

**Finding: Complies with Condition.** The applications are consistent with this Plan Goal, subject to the conditions limiting uses of the site and imposing the AM and PM peak hour trip caps. The testimony of Lancaster Engineering, which determined that subject to the trip cap, the applications would not result in increased traffic volumes in the vicinity of the Property from the permitted uses, supports this conclusion. The City's transportation consultant concurred with this testimony as explained in this report. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Policy 12.6.4*

*Identify and prioritize improved connectivity throughout the city street system.*

**Finding: Not Applicable.** This Policy is not applicable to the applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the applications.

**Alternative Findings in Response to Goal 12 and its Policies: Complies with Condition.** The applicant submitted a Transportation Planning Rule Analysis Letter (AL) prepared by Michael T. Ard, PE of Lancaster Engineering and dated August 28, 2015. The analysis utilizes the 107 lot subdivision layout to identify the transportation impacts of the site if it were developed as a permitted use. The analysis assumes single-family homes and accessory dwelling units (ADU) will be constructed on each lot, uses permitted within each applicable zoning designation. The analysis projects the traffic impacts of each lot with the Institute of Transportation Engineers' (ITE) Trip Generation Manual, using ITE land use code 210. The ADUs, utilized a rate of one-half of that of a single-family home because the city's transportation system development charge for ADUs is half that for a single-family home. The study concluded that the total trip generation

potential of the 107 single-family homes and 107 ADUs would be 128 AM peak hour trips and 168 PM peak hour trips.

The applicant proposed to limit all future transportation impacts of the site to that identified above, so that the proposed application would not increase the number of automobile trips the site would be allowed to produce beyond those currently permitted.

The analysis letter was reviewed by John Replinger PE, a City Consultant from Replinger and Associates who concluded “I think that the AL accurately presents the potential development allowable under current zoning. The assumption that an ADU will be built on each lot is not something that has happened on a large scale in Oregon City, but it appears that it would be permitted. As such, the applicant has provided a realistic basis for the proposed trip cap. I think, also, that the applicant has demonstrated that with a trip cap, there would be no net effect beyond the development of the area as assumed in for the Regional Transportation Plan and Oregon City’s Transportation System Plan.” (Exhibit 3).

Mr. Replinger recommended the following:

- The trip cap should be measured for both the AM peak and PM peak periods.
- Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value.
- Each subsequent land use action will need to address the applicable transportation planning requirements.
- Because the applicant is proposing a trip cap and because the MUC zoning allows a variety of uses that generate high traffic volumes, it is likely that a portion of the land will remain vacant or underutilized while the trip cap is in place. Also, because the parcels involved in this rezoning are likely to be developed in a piecemeal manner, the extent of the transportation system needs associated with full development under the proposed zoning will need to be verified. In connection with the first development application for a specific development, the applicant should be conditioned to provide a transportation impact analysis showing the effect of full development. A Transportation Impact Analysis for full development of the site should address all geographic areas prescribed the Guidelines for Transportation Impact Analyses. The site frontage will be an area requiring special attention. The applicant will need to provide an analysis showing the roadway and intersection configuration for Beaver Creek Road from Highway 213 to Maple Lane Road, inclusive, and along Maple Lane Road from Beaver Creek Road to the applicant’s north property boundary. Providing this analysis and a mitigation concept will help identify the needed right of way for these facilities.
- For each land use application submitted on the subject site, the applicant shall provide an accounting of trips generated by previously approved land use actions for the entire subject site associated with this proposal and demonstrate both the proposal complies with both the maximum AM and PM peak hour trip caps.

Staff concurs with the above conclusions as well as the analysis of the subdivision layout and the modification to the mobility standards within this report. OCMC 12.04.205(D) allows development permitted outright to proceed so long as the improvements identified in the TSP which improve intersection mobility are provided to mitigate the transportation impact of proposed construction. The Oregon City Municipal Code requires implementation of the improvements with development of the site. Any traffic generation exceeding that anticipated by permitted development is prohibited until a solution such as a corridor study or alternative

mobility standards are adopted. Therefore, the development proposal complies with Goal 12 because the application does not have any increased impact on the transportation system.

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis. The applicant revised the original transportation analysis based upon the comments by Clackamas County. Mr. Replinger's comments above are based on the revised analysis. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 13 – Energy Conservation**

**Finding: Complies with Condition.** The proposed amendment will result in efficient land use pattern by providing a variety of potential uses (such as non-residential and multi-family) within such close proximity to existing residential, employment and other existing amenities such as Clackamas Community College and nearby shopping and restaurants.

The applicant proposed to limit the impacts of the proposal by excluding uses within the MUC-2 zoning designation and limiting the transportation impacts to be equivalent to the transportation impact of the buildout of the current zoning designations. Development of the subject site is limited by the applicant's proposal. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Plan Goal 13.1:** *Conserve energy in all forms through efficient land use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.*

**Finding: Not Applicable.** This Plan Goal is a directive to the City to implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Therefore, this Plan Goal is not applicable to the applications.

**Plan Policy 13.1.2:** *Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.*

**Finding: Not Applicable.** This Plan Policy is not applicable because it is aspirational, not mandatory.

**Plan Policy 13.1.3:** *Enable development to use alternative energy sources such as solar through appropriate design standards and incentives.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications for two reasons. First, it is a directive to the City to implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications. Second, this Plan Policy is directed at "development," but the applications do not propose any "development."

**Plan Policy 13.1.4:** *Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.*

**Finding: Not Applicable.** This Plan Policy is not applicable because it is concerned with design and development of public facilities, not private development.

**Plan Goal 13.2:** *Plan public and private development to conserve energy.*

**Finding: Not Applicable or Alternatively, Complies as Proposed.** This Plan Policy is not applicable to the applications because nothing in the plain language of this provision indicates an intent that it be applied to site-specific quasi-judicial land use applications such as the applications. Alternatively, this Plan Policy is applicable but satisfied for the reasons explained above in response to Goal 13.



**Plan Policy 13.2.5:** *Construct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.*

**Finding: Not Applicable.** This Plan Policy is not applicable to the applications for two reasons. First, it is a directive to the City to develop public facilities; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications that do not actually propose any development. Second, the ultimate development of the Property will be subject to compliance with OCMC provisions regarding sidewalks and connectivity, which implement and ensure compliance with this Plan Policy.

For these reasons, the applications are consistent with Goal 13 and the applicable Plan provisions that implement Goal 13.

**Goal 14 – Urbanization**

**Finding: Complies as Proposed.** This proposed Comprehensive Plan amendment and Zone Change will increase the re-development potential within the City limits. Future development of the site will result in an increased street network with improvements to public utilities. This goal is met.

**Goal 15 – Willamette River Greenway**

**Finding: Not Applicable.** The subject site is not within the Willamette River Greenway Overlay District. This goal is not applicable.

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

**Finding: Complies with Conditions.** This standard requires that public facilities and services are presently capable of supporting uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. The applicant has not proposed any development at this time. As demonstrated below, the range of uses within the “MUC-2” Mixed Use Corridor 2 District may be served by public facilities and services.

Water: Water infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Sewer: Sanitary sewer infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Storm Drainage: Storm drainage infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Transportation: Please reference to the analysis in Goal 12 above.

Schools: This proposal was transmitted to the Oregon City School District for comment. Wes Rogers, Director of Operations submitted comments indicated that the school district has no issues with this proposal (Exhibit 4).

Police: This proposal was transmitted to the Oregon City Police Department for comment whom

did not identify any concerns regarding this application.

Fire Protection: This proposal was transmitted to Clackamas Fire District for comment whom did not identify any concerns regarding this application.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Finding: Complies with Condition.** Please refer to the analysis in 17.68.020.B. Public comments were submitted identifying concerns for compliance with this Goal in OCMC 17.50.090. These concerns do not undermine the evidence supporting a finding of compliance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

**Statewide Planning Goal 1: Citizen Involvement.** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Finding: Complies as Proposed.** The City processed the applications consistent with Goal 1 for the reasons set forth in response to Comprehensive Plan Goal 1, which reasons are incorporated herein by reference. Additionally, Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program.

The City has adopted and followed its acknowledged citizen involvement program in OCMC Chapter 17.50 in this case. Applicant met with the applicable neighborhood association on two occasions. Additionally, applicant and the City provided notice four different ways (posting on the City's website, publication in a newspaper of general circulation, signage on the subject property, and mailed notice on two occasions to owners of land within 300 feet of the subject site, the neighborhood association, and the Citizens Involvement Committee). Finally, the City is accepting testimony both in writing and at the public hearings before the Planning Commission and City Commission.

A public comment was received which contended that the City violated Goal 1 by not making the City's adopted Goal 5 inventory available to the public in this matter, this contention is denied. The submitter of the comments likely located the necessary information as the Goal 5 inventory was addressed within their testimony submitted that into the record. The testimony included various overlay maps and arguments relating to the merits of Goal 5. Additionally, this report discusses Goal 5 resources on the subject property. Thus, the commenter has not been prejudiced by difficulties in finding the Goal 5 inventory. The City's consideration of the applications is consistent with Goal 1.

**Statewide Planning Goal 2: Land Use Planning.** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated

with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

**Finding: Complies as Proposed.** The Comprehensive Plan Amendment and Zone Change requests are being reviewed for consistency with all applicable City Code sections, the City Comprehensive Plan, and Statewide Planning Goals within this report. City staff has coordinated with affected agencies by providing written notice of the application and identification of the public hearing dates. Additionally, there is ample evidence in the record to constitute an adequate factual base to support approval of the applications. This evidence is set forth in the application submittal and supplemental reports from applicant's transportation engineer and geotechnical consultant. Although opponents contend that there is an inadequate factual base to approve the applications, opponents do not take issue with any specific evidence in their contention. Therefore, there is no basis to sustain their contention.

**Statewide Planning Goal 3: Agricultural Lands.** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

**Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as agricultural. This goal is not applicable.

**Statewide Planning Goal 4: Forest Lands.** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as forest lands. This goal is not applicable.

**Statewide Planning Goal 5: Open Spaces, Scenic and Historic Area, and Natural Resources.**

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

**Finding: Not Applicable.** Goal 5 is not applicable to the applications for the reasons set forth in response to Comprehensive Plan Goal 5, which reasons are incorporated herein by reference. For two additional reasons, Goal 5 is not applicable to the applications. First, the City has implemented its Goal 5 program through the OCMC and related overlay zoning districts (including the Natural Resource Overlay and the Geologic Hazards Overlay, both of which apply to portions of the Property), the restrictions in these measures only apply at the time of development, and the applications do not propose any development. Second, there are no historic or cultural resources located on the Property.

A public comment was received which contended that Goal 5 applies to the applications because the Natural Resource Overlay zone that applies to a small portion of the subject property, he does not explain why the existence of the overlay zone triggers Goal 5. In fact, the applications do not propose to remove or modify the overlay zone; it will continue to apply as it has, and as explained above, will apply directly to any application that proposes development on the subject property. Further, the passages quoted by the commenter from the Comprehensive Plan about the characteristics of Newell Creek (which is located in the Natural Resource Overlay zone) are taken from general text, not Goals or Policies, and do not establish any binding requirements that apply to the applications.

Additionally, although public comments contend that the applications are inconsistent with the Goal 5 implementing rules in OAR Chapter 660 Division 023, these rules are not applicable to the applications for the reasons explained below:

- OAR 660-023-0030 establishes the procedure to inventory Goal 5 resources. The City has already completed this process on a City-wide basis, and the applications do not seek to modify that inventory. This rule is not applicable.
- OAR 660-023-0040 establishes the procedure to analyze the economic, social, environmental, and energy (ESEE) consequences resulting from a decision to allow, limit, or prohibit a use that conflicts with an inventoried significant Goal 5 resource. The applications do not propose a use that conflicts with an inventoried significant Goal 5 resource. This rule is not applicable.
- OAR 660-023-0070 establishes the procedure to respond if implementation of measures to protect significant Goal 5 resources affects the inventory of buildable lands. The applications do not include any implementation measures to protect significant Goal 5 resources that affect the inventory of buildable lands. This rule is not applicable.
- OAR 660-023-0090 establishes the procedure to inventory riparian corridors. The City has already completed this process on a City-wide basis, and the applications do not seek to modify this inventory. This rule is not applicable.
- OAR 660-023-0100 establishes the procedure to inventory wetlands. The City has already completed this process on a City-wide basis, and the applications do not seek to modify this inventory. This rule is not applicable.
- OAR 660-023-0110 establishes alternative procedures to inventory significant wildlife habitat. The City has already completed this process on a City-wide basis, and the applications do not seek to modify this inventory. The rule is not applicable.
- OAR 660-023-0140 establishes the procedure to inventory significant groundwater resources. The City has already completed this process on a City-wide basis, and the applications do not seek to modify this inventory. The rule is not applicable.

For these reasons, the public comment contentions pertaining to Goal 5 lack merit.

***Statewide Planning Goal 6: Air, Water and Land Resources Quality.*** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Finding: Not Applicable.** The development application does not include construction onsite. The proposed zone change and comprehensive plan amendment do not alter existing city protections provided by overlays for natural resources, stormwater rules, or other environmental protections which have been previously deemed consistent with Statewide Planning Goal 6. Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations. As a result, the public comments unsubstantiated contention to the contrary misconstrues applicable law. There is a reasonable expectation that the proposed uses will be able to comply with applicable state and federal standards pertaining to stormwater. The City has implemented extensive measures in the OCMC pertaining to stormwater management and erosion control, which will apply at the time of development of the subject property and ensure compliance with these state and federal standards.

**Statewide Planning Goal 7: Areas Subject to Natural Hazards.** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

**Finding: Not Applicable.** Goal 7 is not applicable for the reasons set forth in response to Comprehensive Plan Goal 7, which reasons are incorporated herein by reference.

**Statewide Planning Goal 8: Recreational Needs.** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

**Finding: Complies as Proposed.** Goal 8 is satisfied for the reasons set forth in response to Comprehensive Plan Goal 8, which reasons are incorporated herein by reference.

**Statewide Planning Goal 9: Economic Development.** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Finding: Complies as Proposed.** Goal 9 is satisfied for the reasons set forth in response to Comprehensive Plan Goal 9, which reasons are incorporated herein by reference.

**Statewide Planning Goal 10: Housing.** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Finding: Complies as Proposed.** Goal 10 is satisfied for the reasons set forth in response to Comprehensive Plan Goal 10, which reasons are incorporated herein by reference. Additionally, although public comments contends that applicant must determine the amount of "buildable land" on the site in order to complete the buildable lands assessment required by Goal 10, the City is not completing, and is not required to complete, its buildable lands assessment in conjunction with the applications. Therefore, the public comment is not relevant to this proceeding. The applications are consistent with Goal 10.

**Statewide Planning Goal 11: Public Facilities and Services.** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Finding: Complies as Proposed.** This Goal requires that urban development be guided and supported by types of urban public facilities and services appropriate for the development. Guideline A, Planning 3, requires that: "Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses." The site is currently served by public facilities and services provided by the City. Impacts on public facilities remain unchanged by the proposal. The applicant has submitted evidence demonstrating that there is no limitation on the provisions of police and fire services to the site. Further, adequate domestic water and sanitary sewer services are available to the site. Additionally, development of the site can be provided with adequate storm sewer services. Private utilities, such as electric service, natural gas service, cable television, and telephone service, are available to the site. As demonstrated within this report the extension and upgrading of public facilities can reasonably be accomplished through the review of subsequent development applications.

**Statewide Goal 12: Transportation.** The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

**Finding: Complies as Proposed.** Goal 12 is satisfied for the reasons set forth in response to Comprehensive Plan Goal 12 and the TPR, which reasons are incorporated herein by reference.

**Statewide Planning Goal 13: Energy Conservation.** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Finding: Complies as Proposed.** In general, Goal 13 is a planning goal "directed toward the development of local government land management implementation measures which maximize energy conservation." It does not prohibit adoption of a plan amendment that would result in a net increase in energy usage. The applications are consistent with Goal 13 because the proposed amendments will provide for efficient use of land and energy by locating a variety of potential uses within close proximity to existing uses, including shopping, restaurants, and Clackamas County Community College. Further, the applications propose to limit certain uses on the Property and impose a trip cap to minimize transportation impacts and energy usage. Although public comments contends that the City should impose additional conditions of approval on the Applications such as requiring solar roofs on any development on the Property, there is no basis to impose this condition when no actual development is proposed. For these reasons, the applications are consistent with Goal 13.

**Statewide Planning Goal 14: Urbanization.** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Finding: Not Applicable.** The site is located within the urban growth boundary and no expansion of the boundary is requested. Goal 14 does not apply.

**Statewide Planning Goal 15: Willamette River Greenway.** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Finding: Not Applicable.** The site is not located with the Willamette River Greenway. Goal 15 does not apply.

**Statewide Planning Goal 16: Estuarine Resources**

**Statewide Planning Goal 17: Coastal Shorelands**

**Statewide Planning Goal 18: Beaches and Dunes**

**Statewide Planning Goal 19: Ocean Resources**

**Finding: Not Applicable.** The site is not located within any of these coastal resource areas. None of these remaining Statewide Planning Goals apply.

#### **OAR 660-012-0060(1)-(3) Transportation Planning Rule (TPR)**

The purpose of the TPR is "to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided." A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.

**Finding: Complies with Condition.** The TPR implements Goal 12 and requires the City to determine whether or not approval of the applications will significantly affect any existing or planned transportation facilities, and if so, impose measures to mitigate that significant effect. OAR 661-012-0060. To make this determination, the City must ascertain whether the amendment will permit uses that will generate more trips than were generated by uses under the previous map designations:

"Where the amendment changes the plan or zoning designation, an initial question in addressing OAR 660-012-0060(1)(c) is whether the amendment allows uses with greater traffic-generation capacity compared to the previous plan or zone designations. If not, there may be no need for further inquiry under the TPR. If there is an increase in traffic-

generation capacity, then further analysis is required. *Barnes v. City of Hillsboro*, 61 Or LUBA 375, 399, *aff'd* 239 Or App 73, 243 P3d 139 (2010); *Mason v. City of Corvallis*, 49 Or LUBA 199, 222 (2005)."

In this case, the amendments will not allow uses with greater traffic-generation capacity compared to the previous zoning. This conclusion is substantiated by the August 28, 2015 and January 11, 2016 memoranda from Lancaster Engineering ("Lancaster"), which determined that the worst-case scenario development of the site under existing map designations would generate 128 AM peak hour trips and 168 PM peak hour trips. Although Lancaster concluded that the worst-case scenario development under the proposed map designations, without conditions, would generate more trips than the existing map designations, Lancaster found that limiting uses under the proposed map designations to those that would generate no more than 128 AM peak hour and 168 PM peak hour trips would ensure that approval of the amendments would not result in increased traffic volumes in the vicinity of the site. Accordingly, Lancaster recommended that the City impose a trip cap of 128 AM peak hour trips and 168 PM peak hour trips on the site to ensure that the map amendments will not significantly affect any transportation facilities. It is permissible for the City to both assume a trip cap during its "worst case" scenario analysis and to impose a "trip cap" condition of approval on a map amendment. The City's transportation consultant concurred with Lancaster's testimony as explained earlier in this report. Lancaster based its analysis upon a proposed 107-lot shadow plat in the record, which assumed development of a single-family residence and accessory dwelling unit on each lot. The shadow plat is a reliable base case for development of the site for the reasons explained by the Applicant's engineer in his oral testimony to the Planning Commission at the January 11, 2016 public hearing.

Further, the traffic impacts of existing map designations are consistent with City standards through the planning period. See staff report for the 2013 Transportation System Plan in the record. Therefore, future development that does not exceed the trip impacts of the existing map designations will also be consistent with City standards throughout the planning period. Finally, because there is no increase in traffic generation capacity, no further analysis is required under the TPR. **It is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **OAR Chapter 660, Division 7, "Metropolitan Housing Rule"**

**Finding: Complies as Proposed.** The applicant wrote:

*The Planning Commission can find that the Metropolitan Housing Rule will continue to be satisfied by the City. This Application does not adversely affect the City's compliance with OAR 660-007-0035(2) (overall density of 8 or more dwelling units per net for buildable lands) or OAR 660-007-0037, "Alternate Minimum Residential Density Allocation for New Construction".*

*Therefore, the Planning Commission can find that OAR 660-007-0060(2)(a) is satisfied.*

Additional housing findings are provided in the Goal 10 analysis of the Comprehensive Plan.

#### **Regional Transportation Plan**

*The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.*

**Finding: Complies with Condition.** The applicant proposed to limit the transportation impact of the proposed development with a trip cap equal to the transportation impact allowed for the development of the site as a permitted use, as demonstrated in the analysis in Chapter 12.04.007. The proposed development would not increase the allowable traffic on the transportation system. An analysis demonstrating that the traffic impact of the permitted use does not conflict with these standards is provided in the staff report for the 2013 Transportation System Plan in Exhibit 8. Future development of the site shall demonstrate that the trip cap is not exceeded. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

## Metro Functional Plan

### 3.07.810.C

**Finding: Complies as Proposed.** As demonstrated within this report, the proposed Comprehensive Plan Amendment is consistent with the Functional Plan.

## Metro Functional Plan

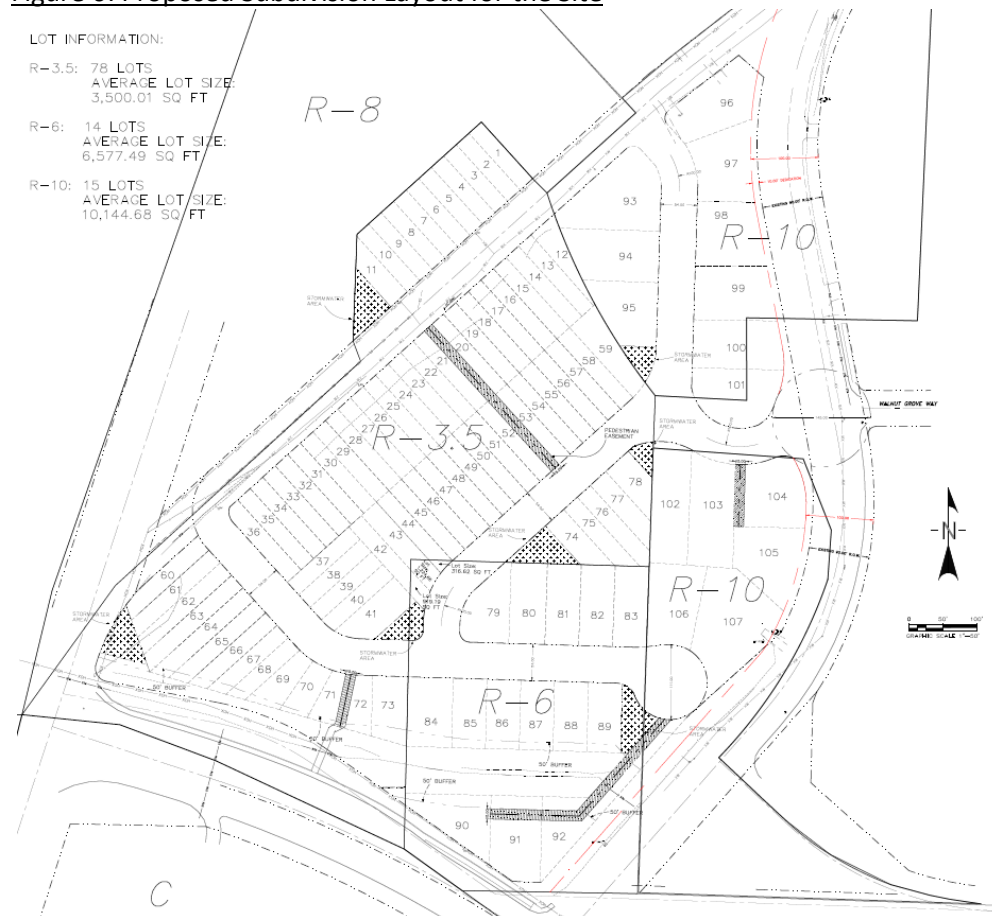
### 3.07.120, "Housing Capacity"

**Finding: Complies as Proposed.** This standard authorizes the City to reduce its minimum zoned capacity in locations other than specified locations under Functional Plan 3.07.120.C, D, or E. As demonstrated in the findings in Section 10 of the Comprehensive Plan, the application has a "negligible effect" on the City's "minimum zoned residential capacity" pursuant to Functional Plan 3.07.120.E.

## CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

*A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.*

**Figure 6: Proposed Subdivision Layout for the Site**



### 16.08.045 - Building site—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.*

**Finding: Appears to Comply.** As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.



**16.08.050 - Flag lots in subdivisions.**

*Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.*

**Finding: Appears to Comply.** No flag lots are proposed in the conceptual layout.

**CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS**

*A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.*

**16.12.020 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.*

**Finding: Appears to Comply.** The subdivision layout results in improved pedestrian, bicycle and motor vehicular circulation in this area. The applicant indicated that “The proposed lot concept plan would utilize the existing streets, Maplelane Road and Maplelane Court, and provide street and pathways between the two. The traffic circle at Maplelane Road and Walnut Grove is accounted for and designed around in this concept. No direct lot access to Maplelane Road, other than at the traffic circle, is a part of this concept plan. A street pattern meeting the maximum block lengths is proposed with a pedestrian connections being proposed in the R-3.5 zoned area for meeting the standard. The cul-de-sac noted near the Thayer Road – Maplelane Road intersection is a conservative aspect of the concept plan. While the City may allow a right-in / right-out intersection and thus a cul-de-sac would not be needed, we cannot be sure. The extension of the street, in this case a cul-de-sac though would provide pedestrian access to Maplelane Road and possibly provide for emergency vehicle access as well” (Exhibit 2).

**16.12.030 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.*

**Finding: Appears to Comply.** The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

**16.12.040 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 with the following exceptions:*

*A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.*

*B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.*

**Finding: Appears to Comply.** The buildings sites proposed are appropriate in size, width, shape, and orientation for residential development, as the dimensional standards for blocks and lot sizes are met. The applicant indicated that “The minimum lot sizes, depth and width dimensions were reviewed for each existing zoning category and the minimums are met in the concept plan” (Exhibit 2).

**16.12.045 Building sites—Minimum density.**

*All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.*

**Finding: Appears to Comply.** The proposed development appears to comply with the minimum density. The proposed subdivision layout appears to be a reasonable reflection of 100 percent density within the current zoning designations.

**16.12.050** *Calculations of lot area.*

*A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty 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 average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.*

*Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.*

*A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.*

*When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.*

**Finding: Appears to Comply.** The applicant submitted information identifying the size of all of the lots sizes if a subdivision were pursued. The lot layout incorporated lot averaging as allowed in this section and density transfers as allowed in the Natural Resource Overlay District. Based on the scaled shadow plat submitted in the record the applicant provided the following calculations for lot area, utilizing the density transfers allowed in chapter 17.49.240.

**16.12.055** *Building site—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 of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.*

**Finding: Appears to Comply.** The site is physically constrained by Maple Lane Road, Beavercreek Road and Highway 213. The through lots proposed within the subdivision layout are limited to the locations adjoining the major roadways. The layout appears feasible.

**16.12.060** *Building site—Lot 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.*

**Finding: Appears to Comply.** As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

**16.12.075** *Building site—Division of lots.*

*Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.*

**Finding: Not Applicable.** The proposed layout does not include a lot large enough to be subdivided.

## **CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES**

*A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.*

**12.04.007** *Modifications.*

*The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.*

**Finding: Complies with Condition.** The applicant proposed to modify the mobility standards in OCMC 12.04.205. During the 2013 update to the Transportation System Plan, the City measured performance standards at select intersections. For the intersections which were anticipated to exceed the acceptable level of congestion in 2035, reasonable projects were identified that, when constructed, would result in compliance with the mobility standards. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City was not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City temporarily exempted permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations (with the exception of minor improvements identified in the TSP), the City is continuing to work with regional partners to pursue special studies and alternate mobility standards for these locations.

The City proposed to temporarily exempt permitted and conditional uses from complying with the mobility standards identified in Chapter 12.04.205 of the Oregon City Municipal Code for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center, provided the associated projects identified in the TSP are completed. Corridor studies or alternate mobility standards are anticipated to be completed for each of the identified intersections to find reasonable solutions for the identified intersections but this work has not yet been completed.

This proposal entails a Zone Change and Comprehensive Plan Amendment adjacent to the intersection of Beavercreek Road and Highway 213, an intersection identified above as not currently meeting the applicable mobility standards. The public submitted comments regarding this criteria in OCMC 17.50.090. Chapter 12.04.205.D of the Oregon City Municipal Code exempts permitted and conditional uses from the mobility standards for the intersection of Highway 213/Beavercreek Road until a solution is identified, provided the minor improvements identified in the Transportation System Plan are completed. Though the applicant has not proposed a permitted or conditional use, the applicant proposed a zone change with a limit to the future traffic impact of development onsite to match that of a development which is a permitted use, known as a trip cap. The applicant submitted a subdivision layout which is likely to comply with the Oregon City Municipal Code and calculated the transportation impacts of the subdivision to determine the sites reasonable traffic impact if it were developed as a permitted use. The applicant then proposed a Zone Change and Comprehensive Plan Amendment with a trip cap, limiting the traffic allowed under the new zoning designation to match that of which would be allowed under the current zoning designation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Compliance with the following criteria is required:*

**12.04.007.A.** *The modification meets the intent of the standard;*

**Finding: Complies with Condition.** The intent of the mobility standard in 12.04.205, as well as the Transportation System Plan, Transportation Planning Rule, Regional Transportation Functional Plan and the Oregon Highway Plan is to provide safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight. Because the applicant has proposed to limit the maximum transportation impact of any development onsite to match the transportation impact which is allowed under the current zoning designations with a trip cap, the proposal will have no effect on the transportation system. Future development onsite shall demonstrate compliance with the mobility standards and associated mitigation upon submittal of a development application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**12.04.007.B.** *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

**Finding:** Please refer to the analysis in 12.04.007.A.

**12.04.007.C.** *The modification is consistent with an adopted plan; and*

**Finding: Complies with Condition.** The adoption of the Oregon City Municipal Code and associated Transportation System Plan included findings demonstrating compliance with the Oregon Highway plan and the Regional Transportation Plan. The proposed amendment will limit the transportation impacts to be consistent with the adopted plans. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**12.04.007.D.** *The modification is complementary with a surrounding street design; or, in the alternative;*

**Finding: Not Applicable.** The modification does not include an amendment of a street design.

**12.04.007.E.** *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

**Finding: Not Applicable.** The applicant has not indicated that the modification is requested for constitutional reasons.

**12.04.175** *Street Design--Generally.*

*The location, width and grade of 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 and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:*

*A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*

*B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.*

**Finding: Appears to Comply.** The concept subdivision plan meets the code requirements. Street connections are made to existing streets, in accordance with Transportation System Plan including a roundabout at Walnut Grove and Maplelane Road. The applicant indicated that "Connections to Beaver Creek Road would not be permitted, and whether a street connection to Maplelane Road south of the traffic circle would be allowed is questionable. At best it would be a right-in / right-out connection but in the concept plan we allowed for cul-de-sac design in this area as it would require more land area than a simple street connection to the Maplelane Road. However, as the concept cul-de-sac would abut the Maplelane Road right-of-way, pedestrian connections and if needed emergency traffic provisions could be provided for" (Exhibit 2). As the purpose of the subdivision layout is to determine the number of lots the site may be developed with in order to identify a transportation trip cap, and the applicant has chosen a cul-de-sac design which requires more land, this standard is met.

**12.04.180** *Street Design.*

*All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design*

which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	6 ft.
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

**Finding: Complies as Proposed.** The proposed subdivision layout utilized a 54 foot right-of-way width for the interior (local) street network, as identified by the existing Residential Comprehensive Plan designation. The abutting portion of Maplelane Road is identified as a Minor Arterial in the Transportation System Plan, requiring a right-of-way width of 100 feet for the Residential Comprehensive Plan Designation. The applicant's layout includes a 100' right-of-way width for a majority of the frontage and up to a 145 foot width at the intersection of Maplelane Road and Walnut Grove Way to accommodate a roundabout, identified in the Transportation System Plan.

The City is concerned that the site will be developed in a piecemeal fashion and that the applicant may have an opportunity to avoid mitigating their proportional share of impacts from the overall development because there is no comprehensive plan for development of the site. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beaver creek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beaver creek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### 12.04.190 Street Design--Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

**Finding: Appears to Comply.** The proposed street alignments meet the City requirements.

#### **12.04.195 Spacing Standards.**

12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.

**Finding: Appears to Comply.** The block length for the southern most street as well as the block length for the western most street appear to exceed the block length standard of 530 feet. As allowed in this standard, a pedestrian accessway, designed to comply with 12.04.199, may be allowed when the block length exceeds 530 feet and the additional connectivity is not needed due to the constraints of the site. The applicant proposed two pedestrian connections in these locations.

#### **12.04.205 Mobility Standards.**

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.

A. For intersections within the Regional Center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.

B. For intersections outside of the Regional Center but designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:

1. For signalized intersections:
  - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
  - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
2. For unsignalized intersections outside of the boundaries of the Regional Center:
  - a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.

D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master

plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

*I-205 / OR 99E Interchange*

*I-205 / OR 213 Interchange*

*OR 213 / Beaver Creek Road*

*State intersections located within or on the Regional Center Boundaries*

1. *In the case of conceptual development approval for a master plan that impacts the above references intersections:*

a. *The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and*

b. *Only those trips approved by a detailed development plan review are vested.*

2. *Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development.*

*Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.*

**Finding:** The application includes a modification of this standard. Please refer to the analysis in 12.04.007. Future development of the site is subject to compliance with this standard upon submittal of a development application.

**12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.**

*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 such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director.*

*When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.*

**Finding: Likely to Comply.** The proposed interior street would be required to be connected to Maple Lane (at the intersection of Thayer) unless deemed unsafe. The applicant believes the connection will have to be modified and has thus included a cul-de-sac design which requires more land than connecting the street to Maple Lane Road. The applicant indicated that "A cul-de-sac is shown as part of the Concept Lot Plan in the southeast portion of the Concept development. While it is possible that the City might allow a right-in / right-out type of intersection where the cul-de-sac is located on the concept plan. [W]e were not confident that this would be the case and more conservatively showed a cul-de-sac as it requires more land area than a standard street intersection would at the same location. The Thayer Road intersection with Maple Lane Road has at times congestion issues for vehicles making left turn lanes onto Maple Lane Road. That is why the Transportation Master Plan called for a traffic circle at Walnut Grove and Maple Lane Road, to allow for drivers wanting to get to Beaver Creek Road to make a right turn from Thayer and go around the circle to gain access to Beaver Creek Road. In the Concept Lot Plan the cul-de-sac is pushed tight to the Maple Lane Road right-of-way (an arterial street) to allow for pedestrian connections and if needed emergency vehicles" (Exhibit 2). As the purpose of the subdivision layout is to determine the number of lots the site may be developed with in order to identify a transportation trip cap, and the applicant has chosen a cul-de-sac design which requires more land, this standard is met.

**12.04.255 Street design--Alleys.**

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.*

**Finding: Appears to Comply.** Alleys may be placed within easements and thus a requirement for an alley would not require additional land.

**CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT**

**17.08.040. Dimensional Standards**

*A. Minimum lot areas, ten thousand square feet;*

*B. Minimum lot width, sixty-five feet;*

*C. Minimum lot depth, eighty feet;*

**Finding: Appears to Comply.** Portions of the subject site are currently within the “R-10” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “MUC-2” Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the “R-10” Single-Family Dwelling District which appear to comply with the minimum lot width, depth and applicable minimum lot sizes (including averaging identified in OCMC 16.12.050).

**CHAPTER 17.12 - “R-6” SINGLE-FAMILY DWELLING DISTRICT**

**17.12.040. Dimensional Standards**

*A. Minimum lot areas, six thousand square feet;*

*B. Minimum lot width, fifty feet;*

*C. Minimum lot depth, eighty feet;*

**Finding: Appears to Comply.** Portions of the subject site are currently within the “R-6” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “MUC-2” Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the “R-6” Single-Family Dwelling District which appear to comply with the minimum lot width, depth and applicable minimum lot sizes (including averaging identified in OCMC 16.12.050 and density transfers in OCMC 17.49.240).

**CHAPTER 17.16 - “R-3.5” DWELLING DISTRICT**

**Finding: Appears to Comply.** Portions of the subject site are currently within the “R-3.5” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “MUC-2” Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the “R-3.5” Dwelling District which appear to comply with the minimum lot width, depth and applicable minimum lot sizes (including averaging identified in OCMC 16.12.050 and density transfers in OCMC 17.49.240).

**CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY**

**Finding: Appears to Comply.** Stormwater management facilities will be designed and sized concurrent with subsequent development applications. Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of



developing under the current zoning designation. The conceptual plan includes several stormwater facility tracts which appear reasonably sized for purposes of this evaluation of allowable lot yield.

#### **CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT**

**Finding: Likely to Comply.** Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The applicant submitted information into the record identifying the location of a water feature and associated vegetated corridor which may potentially comply with the standards in Chapter 17.49 of the Oregon City Municipal Code.

The Natural Resource Overlay District is located on the southern portion of the subject site. The purpose of the overlay district is to identify all potential locations where resources and associated vegetated corridors may exist. The applicant indicated on the January 11, 2016 Planning Commission hearing that an environmental scientist studied the site to determine the presence of any jurisdictional waterways. The environmental scientist identified a narrow drainage way within the Natural Resource Overlay District and determined the associated vegetated corridor buffers onsite. The lot layout identified a water feature and associated 50 foot wide vegetated corridor on the southern portion of the subject site. The analysis demonstrated that the proposed lot layout, utilized to determine the traffic impact of the site if it were built out under the current zoning designation, was feasible.

The lot layout incorporated the feature and associated vegetated corridors on lot numbers 63-92. The standards within the code allow the feature and associated vegetated corridor to be incorporated onto the lot, provided that no development occurs within the overlay. The lot layout incorporated lot averaging as allowed OCMC 16.12.050 and as allowed in the Natural Resource Overlay District.

Additional public review of the overlay district will occur upon submittal of a development application on the subject site.

#### **CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT**

**Finding: Likely to Comply.** Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The applicant submitted information into the record identifying the location of geologic hazards which may potentially comply with the standards in Chapter 17.44 of the Oregon City Municipal Code.

The applicant provided an analysis by Tim Blackwood, PE, GE, CE from Hart Crowser analyzing the geologic hazards on the site. The study included a site visit, boring, laboratory testing and modeling of the location and risk of movement of the landslide. The analysis demonstrated that the proposed lot layout, utilized to determine the traffic impact of the site if it were built out under the current zoning designation, was feasible.

Additional public review of the overlay district will occur upon submittal of a development application on the subject site.

#### **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

##### ***17.50.010 Purpose.***

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any*

*grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.*

**Finding: Complies as Proposed.** The proposed Amendment to the Comprehensive Plan and associated Zone Change Review is subject to a Type IV discretionary approval. The applicant's narrative and the accompanying plans and supporting studies are all provided in an effort to present comprehensive evidence to support the proposed office development.

**17.50.030** *Summary of the City's Decision-Making Processes.*

**Finding: Complies as Proposed.** The proposed Amendment to the Comprehensive Plan and Zone Change application is being reviewed pursuant to the Type IV process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper. City staff issued a second notice for the development proposal in compliance with all applicable standards. Comments were submitted regarding the public notice in OCMC 17.50.090. These comments are addressed in the Findings of Fact and Conclusions of Law in Support of Adoption document.

**17.50.050** *Preapplication Conference*

*A Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

*B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.*

**Finding: Complies as Proposed.** The applicant held a pre-application conference (file PA 15-02) on February 10, 2015. The land use application was submitted on July 24, 2015. As the applicant continued to discuss the proposal and meet with City staff and there were no major changes to the development proposal or the applicable Oregon City Municipal Code, the applicant was not required to submit an additional pre-application conference. The application was deemed incomplete on August 17, 2015 and after the submittal of additional information the application was deemed complete on September 10, 2015.

**17.50.055** *Neighborhood Association Meeting*

**Finding: Complies as Proposed.** The applicant's representatives attended the Caufield Neighborhood general membership meeting on January 27, 2015. Notes, a sign-in sheet and additional information from the meeting is included in Exhibit 2.

**17.50.060** *Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative.

**17.50.070** *Completeness Review and 120-day Rule.*

**Finding: Not Applicable.** The application is not subject to the 120 day rule.

**17.50.080 Complete Application--Required Information.**

**Finding:** Please refer to the analysis in 17.50.50 of this report.

**17.50.090 Public Notices.**

**Finding: Complies as Proposed.** Once the application was deemed complete, the City noticed the application to property owners within 300 feet of the subject site, neighborhood association, Citizens Involvement Council, general circulation paper, and posted the application on the City's website. In addition, the applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This policy has been met. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment. The following comments have been submitted to the Planning Division prior to issuance of this staff report:

Wes Rogers, Director of Operations submitted comments indicated that the school district has no issues with this proposal (Exhibit 4).

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis (Exhibit 5).

Mike Roberts, Building Official for the City of Oregon City submitted comments regarding applicable construction regulations (Exhibit 6).

Comments from Joshua Brooking, Assistant Planner at ODOT submitted comments about future right-of-way acquisition (Exhibit 7). As identified within this report, the applicant will identify the design of the right-of-way with the first development application within the project boundary.

Bob Nelson provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9) that the subject site is within a landslide hazard zone and expressed concern about future stormwater on the site and indicated that the site is susceptible to landslides.

City Response: As identified within this report, the City has adopted landslide protection measures in Chapter 17.44 of the Oregon City Municipal Code which include measures such as decreased density and protection buffers. The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with OCMC 17.44. Future development of the site will be subject to demonstrate compliance with the standards in a public review process. The applicant provided responses to the testimony in Exhibit 2.

Jim Nicita provided the following testimony before the Planning Commission on November 9, 2015 (Exhibit 9):

- The City's notice was insufficient because it did not reference applicable Goals.  
City Response: Though the City is not required to reference the applicable Goals, the City listed the goals on a revised notice.
- The record should include findings for compliance with the Statewide Planning Goals within the staff report.  
City Response: The revised staff report includes findings for compliance with the Statewide Planning goals.
- Development of the site will include stormwater discharge to Newell Creek which will violate Goal 6 and Goal 5.  
City Response: The applicant has not proposed construction with this development application. Prior to future construction of the site, the applicant will be subject to

demonstrate compliance with the applicable standards for stormwater detention and water quality facilities adopted to protect such water features. Please refer to the analysis in Goal 6 and 5.

- The development does not comply with Goal 7 as it is close to many mature trees in an area which is susceptible to wildfires.

City Response: This goal is directed at local government obligations to adopt regulations to protect development from landslide and other natural areas. The development proposal does not include any construction onsite. An analysis of compliance with the overlay districts is performed upon submittal of a development application. Please refer to the analysis in Goal 7.

The applicant provided responses to the testimony in Exhibit 2.

Christine Kosinski provided the following testimony before the Planning Commission on November 9, 2015 (Exhibit 9) and asked for a continuance of the matter:

- The application does not comply with Goal 7.  
City Response: This goal is directed at local government obligations to adopt regulations to protect development from landslide and other natural areas. The development proposal does not include any construction onsite. An analysis of compliance with the overlay districts is performed upon submittal of a development application. As demonstrated in the analysis within this report, Goal 7 is not applicable.
- The City has not upheld ORS 105.462.  
City Response: ORS 105.462 is a definitions section and the specific definition which is not being met was not distinguished. From the context of the comments, it is assumed Ms. Kosinski may be referring to ORS 105.464, "Form of Sellers Property Disclosure Statement", a requirement for a disclosure from seller to buyer. This is not an approval criteria for this application, nor does it include requirements for the City.
- Property owners are unable to obtain insurance.  
City Response: This is not an approval criteria for this application, nor does it include requirements for the City.
- Traffic concerns were identified.  
City Responses: The analysis is provided within this report.
- Concern for landslides and compliance with the "Unstable Soils and Hillside Constraint Overlay District".  
City Response: The Oregon City Municipal Code contains a "US" Geologic Hazards Overlay District in Chapter 17.44 of the Oregon City Municipal Code, which replaced the referenced overlay district some time ago. As identified within this report, the City has adopted landslide protection measures in Chapter 17.44 of the Oregon City Municipal Code which include measures such as decreased density and protection buffers. The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with OCMC 17.44. Future development of the site will be subject to demonstrate compliance with the standards in a public review process.
- Holly Lane should be "taken out" of the TSP.  
City Response: It was not articulated what was meant by "taken out" and how this affects the proposed application. As demonstrated within this report, the approval can comply with all applicable criteria with the recommended conditions of approval.
- The City must apply "concurrency".  
City Response: Concurrency is not an approval criterion. OCMC 17.68.020.B requires public facilities and services to be presently capable of supporting the use allowed by the zone, or made available prior to issuing a certificate of occupancy.
- There is an inadequate domestic water supply.

City Response: As demonstrated within this report the site is capable of being served adequately for water services.

- The sewer capacity is questionable.

City Response: As demonstrated within this report the site is capable of being served adequately for sewer services.

The applicant provided responses to the testimony in Exhibit 2.

Elizabeth Graser-Lindsey provided the following testimony before the Planning Commission on November 9, 2015 (Exhibit 9):

- The City's notice was insufficient because it did not reference applicable Goals.

City Response: Though the City is not required to reference the applicable Goals, the City listed the goals on a revised notice.

- Goal 2, Goal 6, Goal 7, Goal 9, Goal 10, and Goal 12 were not addressed.

City Response: The staff report has been revised to include findings for all goals.

- The application fails to satisfy that part of the Transportation Planning Rule (the "TPR") found in OAR 660-012-0060.

City Response: As demonstrated within this report the TPR is satisfied because the applicant self-imposed a trip cap so the proposal would not create a "significant affect", in addition the mobility standards within the Oregon City Municipal Code are satisfied.

- The trip cap is not accurate because it does not consider the natural hazards of the site or future street improvements and it assumes the trips from the permitted uses would be allowed.

City Response: Please refer to the analysis within this report.

- A modification of the trip cap should be subject to the same process as this approval to verify that the roadways are not negatively impacted.

City Response: As identified in Chapter 17.50 of this report, the process for adopting a solution will go before the Planning Commission and the City Commission and thus there is no need to go back to amend this approval to implement a solution which would have already been adopted. Please refer to the analysis within this report.

- The transportation system is already over capacity.

City Response: The analysis within this report demonstrates that the applicant can comply with the applicable transportation standards.

- The applicant must demonstrate compliance with OCMC 17.62.015.

City Response: The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with the Site Plan and Design Review criteria in 17.62.015. Future development of the site will be subject to demonstrate compliance with the standards in a public review process.

- The application violates Plan Policy 14.3.2 which "ensure[s] that the extension of new services does not diminish the delivery of the same services to existing areas and residents in the City." She asserts that this Plan policy is violated because road capacity will impact existing areas and residents in the City.

City Response: As demonstrated within this report the TPR is satisfied because the applicant self-imposed a trip cap so the proposal would not create a "significant affect", in addition the mobility standards within the Oregon City Municipal Code are satisfied.

- The sewer is not sufficient to support the development.

City Response: The analysis within this report demonstrates that the site may be served.

- The Policy The application violates OCMC 17.68.020.B which requires public facilities and services are presently capable of supporting uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy.

City Response: As demonstrated within this report, City facilities are capable of supporting uses within the “MUC-2” Mixed Use Corridor 2 District.

- The application violates OCMC 17.68.020.C which requires that the land uses authorized by the Application be consistent with the existing or planned functional capacity and level of service of the transportation system.

City Response: As demonstrated within this report, the proposal and associated conditions comply with the Transportation Planning Rule and the applicable sections of the Oregon City Municipal Code.

The applicant provided responses to the testimony in Exhibit 2.

Paul Edgar provided testimony before the Planning Commission on November 9, 2015 (Exhibit 9) and identified that this proposal will increase traffic in an already failing intersection and should not be approved until a solution is found.

Kristi Beyer provided the following testimony before the Planning Commission on November 9, 2015 (Exhibit 9):

- The site is a landslide hazard.

City Response: As identified within this report, the City has adopted landslide protection measures in Chapter 17.44 of the Oregon City Municipal Code which include measures such as decreased density and protection buffers. The applicant proposed a Comprehensive Plan Amendment and a Zone Change and has not submitted an application for development onsite which is subject to demonstrate compliance with OCMC 17.44. Future development of the site will be subject to demonstrate compliance with the standards in a public review process.

- The proposal would create traffic issues.

City Response: The analysis within this report demonstrates that with the conditions of approval, the proposal can comply with all applicable standards.

The applicant provided responses to the testimony in Exhibit 2.

No conflicts with the approval criteria were identified which could not be addressed with the conditions of approval.

**17.50.100 Notice Posting Requirements.**

**Finding: Complies as Proposed.** The site was posted with a sign longer than the minimum requirement.

**17.50.130.D Modification of Conditions.** Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

**Finding: Not Applicable.** This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The Oregon City Municipal Code requires any future amendments to this application to also go before the Planning and City Commissions as a Type IV application.

**CONCLUSION AND RECOMMENDATION:**

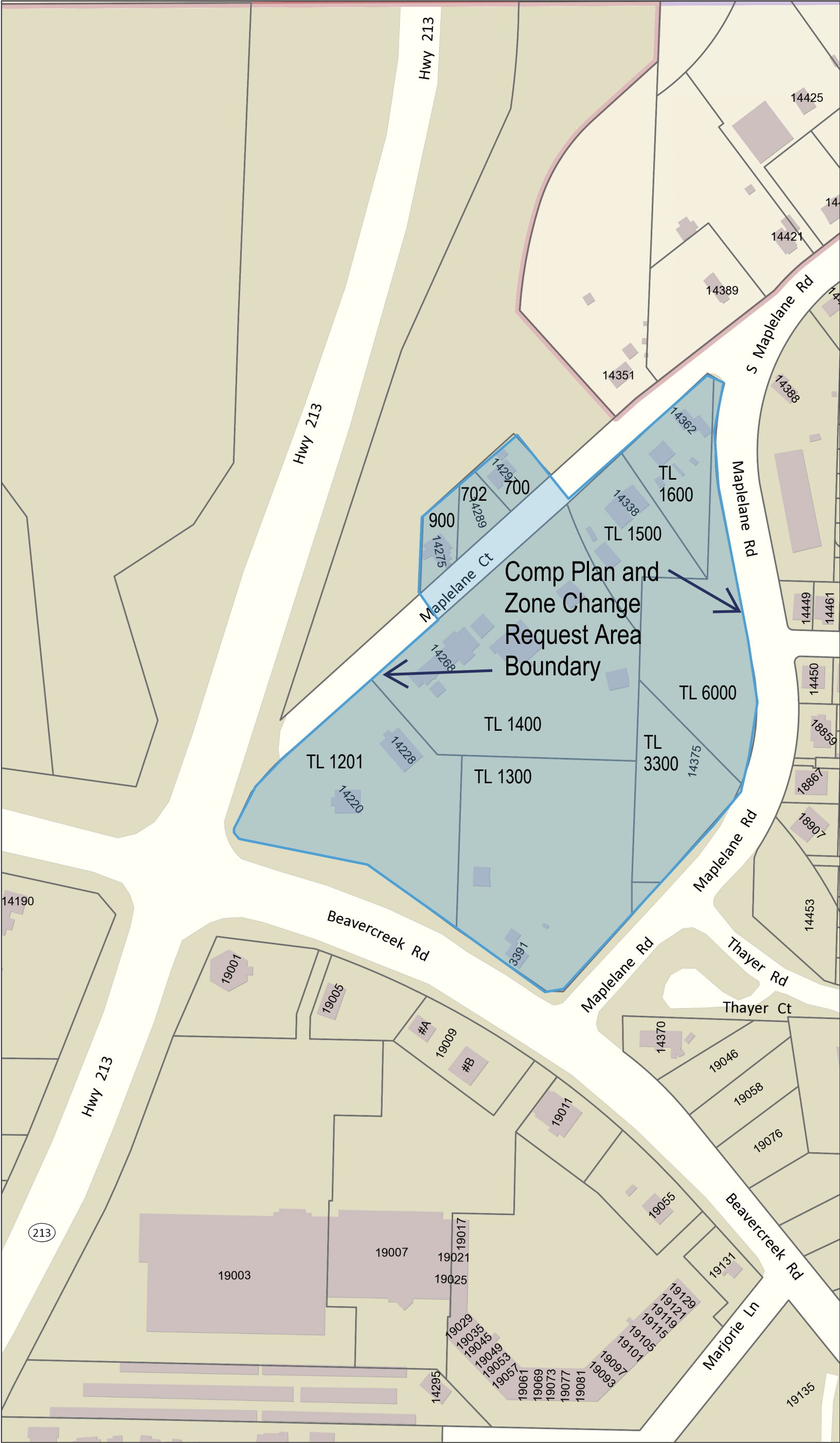
Based on the analysis and findings as described above, Staff concludes that the proposed Zone Change and Comprehensive Plan Amendment located at Clackamas County 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director

recommends the Planning Commission and City Commission approve ZC 15-03 and PZ 15-01 with conditions, based upon the findings and exhibits contained in this staff report.

**EXHIBITS:**

1. Vicinity Map
2. Applicant's Narrative and Plans
3. Comments from John Replinger of Replinger and Associates, City Consultant
4. Comments from Wes Rodgers, Director of Operations at the Oregon City School District
5. Comments from Ken Kent, Land Use Review Coordinator for Clackamas County
6. Comments from Mike Roberts, Building Official for the City of Oregon City
7. Comments from Joshua Brooking, Assistant Planner at ODOT
8. Staff Report for L 13-01 and L 13-02, adoption of the Transportation System Plan (without Exhibits)
9. Information submitted and Video from the November 9, 2015 Planning Commission Hearing
10. Housing Technical Report (2002)

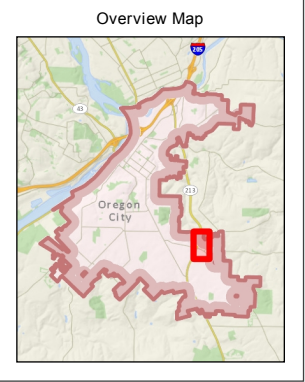
Oregon City GIS Map



Legend

- Taxlots
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 200 400 600 Feet

1: 2,400

Map created 7/24/2015

CPA-ZC Boundary Area and Tax Lot Numbers of Parcels Involved

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
www.orecity.org







### LAND USE APPLICATION FORM

#### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

#### Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

#### Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): PA 15-02

Proposed Land Use or Activity: Comprehensive Plan Amendment (from LUR and MR to MUC) and Zone Change (from R-3.5, R-6 and R-10 to MUC-2)

Project Name: Hilltop Plan Amendment Number of Lots Proposed (If Applicable): n/a

Physical Address of Site: 14228, 14268, 14275, 14289, 14297, 14338, & 14362 Maplelane Ct., 14375 Maplelane Rd., and 3391 Beaver Creek Rd.

Clackamas County Map and Tax Lot Number(s): Map 32E04C, TL 700,702, 900, 1201, 1300, 1400, 1500, 1600; Map 32E04CD TL 3300, 5900 6000

#### Applicant(s):

Applicant(s) Signature: Historic Properties, LLC by Daniel W Fowler member/manager

Applicant(s) Name Printed: Dan Fowler for Historic Properties, LLC Date: 7-21-2015

Mailing Address: 1300 John Adams Street, Oregon City, OR 97045

Phone: 503-655-1455 Fax: 503-650-1970 Email: danf@abernethycenter.com

#### Property Owner(s):

Property Owner(s) Signature: Historic Properties, LLC by Daniel W Fowler member/manager

Property Owner(s) Name Printed: Histiroc Properties, LLC (same as above) Date: 7/21/15

Mailing Address: Same

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

#### Representative(s):

Representative(s) Signature: Thomas Sisul

Representative (s) Name Printed: Tom Sisul for Sisul Engineering Date: 7-21-2015

Mailing Address: 375 Portland Avenue, Gladstone, OR 97027

Phone: 503-657-0188 Fax: 503-657-5779 Email: tomsisul@sisulengineering.com

*All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.*

## **Application for Comprehensive Plan Amendment and Zone Change**

Applicant	Historic Properties, LLC 1300 John Adams Street Oregon City, OR 97045 Contact: Dan Fowler
Representative	Sisul Engineering. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	14228, 14268, 14275, 14289, 14297, 14338, & 14362 Maplelane Court, 14375 Maplelane Road and 3391 Beaver creek Road
Legal Description	Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600; Assessor Map 3 2E 04C and Tax Lots 3300, 5900, 6000; Assessor Map 3 2E 04CD
Zoning	R-10 (TL 1500, 1600, 3300 and 5900); R-6 (TL 1300 and 6000) and R-3.5 (TL 700, 702, 900, 1201 and 1400)
Comprehensive Plan	R-10 and R-6 Low Density Residential R-3.5 Medium Density Residential
Site Size	Total Area – 693,200 SF (15.69 AC); R-10 parcels – 135,600 SF, R-6 parcels – 224,800 SF and R-3.5 parcels – 332,800 SF
Proposal	<ol style="list-style-type: none"><li>1. Comprehensive Plan Amendment to change CP designations from Low and Medium Density Residential (LR and MR) to Mixed Use Corridor (MUC)</li><li>2. Zone change from R-10, R-6 and R-3.5 to Mixed Use Corridor (MUC-2)</li><li>3. Cap evening peak hour trips from/to the proposed rezoning site area, as a whole, at 152, per the Trip Generation Analysis of Lancaster Engineering.</li><li>4. Eliminate the following permitted and conditional uses from the proposed zone change area<ol style="list-style-type: none"><li>a) Permitted Uses<ol style="list-style-type: none"><li>i. Medical or dental clinics, outpatient infirmary services</li><li>ii. Museums, libraries and cultural activities</li></ol></li></ol></li></ol>

- iii. Postal Services
  - iv. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
  - v. Restaurants, eating and drinking establishments without a drive through.
  - vi. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
- b) Conditional Uses
- i. Ancillary drive-in or drive through facilities.
  - ii. Gas stations.

## **Site Description**

The site is located in the middle eastern side of Oregon City, largely bounded by Beavercreek Road to the south, Maplelane Road to the east, and Maplelane Court to the west, although there is a small area of the site that lies just west of Maplelane Court.

The existing parcels that make the total site currently have access to Maplelane Road and Maplelane Court. There are 6 existing residences, a church and the School District existing bus facilities among the various parcels. Beavercreek Road is classified by the City as a major arterial street, Maplelane Road is classified as a minor arterial and Maplelane Court and other nearby streets are all classified as local residential streets, except Hwy 213 which is a controlled access highway and Thayer Road is classified as a collector.

The site has some moderate slope across most of site area with the general fall towards Beavercreek Road. Trees on the site are scattered around the site, generally following existing property lines. The upper portion of Newell Creek crosses the site paralleling Beavercreek Road and lies near Beavercreek Road. Associated with the Newell Creek drainageway there are NROD and WQROD overlays along that portion of the site. For the portion of the site west of Maplelane Court there is a geologic hazard overlay as well.

The site is bordered generally by single-family residences to the east of Maplelane Road, some of which are developed at City densities and some are remnants of the earlier County zoning. To the southwest, and across Beavercreek Road from the site is a large commercial development, including large box stores and fast food eateries. To the northwest between site and Hwy 213 there is land owned by Metro for a park preserve and a few large lots occupied by a single residences.

Adjacent properties are zoned R-2 (southeast across Maplelane Road and south of Thayer), R-8 (northwest), and R-6 and R-10 (east). Land to the south across Beavercreek Road is zoned Commercial.

## **Proposal**

This application includes two requests: a change in the Comprehensive Plan from LR and MR to MUC and a similar change from present zoning of R-3.5, R-6 and R-10 to MUC-2 zoning.

An evening (PM) peak hour trip cap of 152 is proposed for a combined total of all the uses proposed within the comprehensive plan amendment and zone change area. This would match the maximum number of possible evening hour trips that would be expected under the present zoning for the parcels in question. In conjunction with the trip cap, it is proposed that several of the permitted and conditional uses in the MUC zoning, that would generally be considered higher trip generator uses, would not be allowed in the proposed rezoning area. The uses that are proposed to not be permitted are those noted below:

### Permitted Uses

- Medical or dental clinics, outpatient infirmary services
- Museums, libraries and cultural activities
- Postal Services
- Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
- Restaurants, eating and drinking establishments without a drive through.
- Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.

### Conditional Uses

- Ancillary drive-in or drive through facilities.
- Gas stations

Public utilities and facilities are either available will have to be extended from nearby existing facilities to serve future redevelopment of the site. Specifics about such future utility extensions will be addressed with the future Design Review or other similar land use applications.

## **Comprehensive Plan Amendment and Zone Change Standards and Requirements**

In order to change the Comprehensive Plan from the current LR and MR plan designations to the proposed MUC and the zoning from the current R-3.5, R-6 and R-10 on the subject site to the proposed MUC-2, appropriate chapters and sections of the Oregon City Municipal Code must be addressed. The primary chapter to be addressed is *Chapter 17.68, Zone Changes and Amendments*.

### **Chapter 17.68 Zoning Changes and Amendments**

#### **17.68.010 Initiation of the Amendment**

*Finding:* An amendment to the zoning map and comprehensive plan map, as is proposed by this application, may be done by: “C. An application to the planning director on forms and accompanied by information prescribed by the planning commission”. Because the property owners’ agent is submitting the proposed application, and the property owners agree by and through their signature on the main application, and all the necessary and required information is included, this requirement is fulfilled. This application will be routed to a public hearing before the Oregon City Planning Commission.

#### **17.68.020 Criteria**

This subsection contains four (4) criteria that must be addressed and satisfied in order for a zone change application to be approved.

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

*Finding:* The proposed comprehensive plan amendment to change the Comprehensive Plan designation from LR and MR to MUC is consistent with Comprehensive Plan, as identified and discussed below.

#### **Section (Goal) 1 – Citizen Involvement**

The Oregon City Code includes various provisions to insure that citizen involvement is guaranteed for individual citizens, neighborhood organizations, property owners, and other special interest groups. As required, the applicant has met with the Caulfield Neighborhood Association, and has talked with neighbors. (The neighborhood meeting notes and attendance list is to be submitted with this application.) Further, once the application is complete, the City will send notices to surrounding property owners (within 300 feet), the local neighborhood association (Caulfield NA), the Citizen Involvement Council, and will be posted for public notification on the city’s website. In addition, the site will be posted prior to the public hearing. Thus, citizens will be provided the opportunity to comment on the proposed comprehensive plan amendment and zone change in compliance with Goal 1.4.

#### **Section (Goal) 2 – Land Use**

Goal 2.1 seeks to insure that properties planned for the various uses within the city are used efficiently and that land proposed for development is done so through the principles of sustainable development. The proposed comprehensive plan amendment from LR and MR to MUC will allow better use of land allowing a mix of and more appropriate uses near the busy arterials of HWY 213

and Beaver Creek Road, thus using the subject site more efficiently and effectively, which will act as a transition between the single family residential to the east of Maple Lane Road and north of Thayer Road and the commercial area to the south of Beaver Creek Road. The comprehensive plan amendment designation to MUC will allow an effective way to make the transition between the different uses on either side of the zone change area, and thus this Goal will be satisfied.

Goal 2.3 seeks to focus transit oriented, higher intensity, mixed-use development along transit corridors. Most of the proposed comprehensive plan amendment site area lies within ¼ mile of a transit corridor and transit stop. Infill and redevelopment opportunities with high density residential development is one the goals of this portion of the Comprehensive Plan and thus this goal would be met.

Goal 2.4 seeks to maintain and protect the viability of local neighborhoods, which will be done through the re-development of the subject site. The MUC comprehensive plan designation will allow a transition and mix of uses to between the LR designated land to the east and the commercial land to the south and also provide some buffer between the LR lands to the east and Hwy 213. In addition, alternate transportation modes through and around the subject site will allow for bike, trail and pedestrian pathways will allow better connectivity from east to west and south to north. This goal will be met with the proposed comprehensive plan amendment.

Goal 2.7 seeks to utilize the Oregon City Comprehensive Plan Land Use Map as the official guiding document for land development throughout the city. The proposed comprehensive plan amendment will alter the Comprehensive Plan Land Use Map and Zoning Maps, but in way that allows for better transitioning between low density and commercial zones, at the same time allow for in-fill of what is currently largely underdeveloped lands.

Since the site is “isolated” in terms of its location relative to most other undeveloped or re-developable parcels, by arterials and collector streets its re-development as proposed through MUC uses, modified as proposed, will contribute to the infill process. The comprehensive plan amendment will allow for a transitioning between low density and commercial zoning.

**Section (Goal) 3 – Agricultural Lands and Section (Goal) 4 – Forest Lands** are not applicable because the subject site is within the Urban Growth Boundary no forest lands have been designated as such within the City.

**Section (Goal) 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources**

Goal 5.1 seeks to conserve fish and wildlife habitat and provide recreational opportunities. The proposed comprehensive plan amendment from LR and MR to MUC would allow for greater flexibility in terms of uses and development patterns to better preserve and enhance fish and wildlife habitat. It would also allow for pedestrian connectivity through the subject area via pathways and trails.

There would no scenic views (Goal 5.2) or historic structures or resources (Goal 5.3) impacted by the redevelopment of the site.

Goal 5.4 seeks to conserve and restore the City's natural resources. The additional flexibility under a MUC plan designation would allow to better meet this goal.

### **Section (Goal) 6 – Quality of Air, Water and Land Resources**

This Goal (Section) contains Goal 6.1, Policy 6.1.1 which seeks to promote land use patterns that reduce travel by single occupancy vehicles and promote travel by walking, bicycling, and transit to various destinations. The subject site is located across the street from a commercial center and across HWY 213 from a transit stop. Development of the site with higher density residential and mixed uses will allow this reduced dependence on single occupancy vehicles, both because of nearby shopping and nearby transit opportunities, along with better pedestrian connections. Through these means, Policy 6.1.1 will be satisfied.

Policy 6.1.2 seeks to utilize development practices that meet or exceed regional, state and/or federal standards for air quality. Every effort will be made to utilize best management practices when it comes to site development, thus satisfying this policy.

Policy 6.1.4 emphasizes the use of the city's tree canopy to promote air quality. As many existing trees as possible will be retained, and with the city's requirement for mitigation for lost trees, and the requirement for planting of new street trees, the tree canopy on this site, as a whole will be well used to promote local air quality.

Goal 6.2, Water Quality, seeks to control erosion and sedimentation associated with land development, which will protect water quality. Using best management practices for construction of the infrastructure of the basic subdivision, then BMP's for new building(s) construction, local and regional water quality will be promoted and protected, thus fulfilling Goal 6.2 and Policy 6.2.1.

Goal 6.3, Nightlighting, seeks to reduce the impacts of local lighting at nighttime, and to use energy efficient lighting while continuing to provide night lighting that will be a factor in public safety without adversely impacting neighboring properties and homes. Because this site area will be re-developed with new development, only the most current energy efficient lighting will be used for public fixtures. With new structures to be built on the individual parcels, the same degree of energy efficient lighting will be employed, thus satisfying this Goal and its related Policies.

Goal 6.4, Noise, seeks to prevent excessive noise that will adversely impact the health, welfare, safety, and enjoyment of the local lifestyle by the existing and future residents of the local neighborhood. The subject site is already impacted by the heavy traffic and higher speeds being traveled on Hwy 213, and resultant noise. The change of the comprehensive designation from LR and MR to MUC should be a better fit for current sound levels. In addition the larger mass of building possible under the MUC designation along with increased vegetation should reduce the existing noise impacts to neighboring LR designated lands to the east, thus protecting the local residents from any adverse impacts. As such, this Goal should be satisfied.

### **Section (Goal) 7 – Natural Hazards**

Under Goal 7.1 natural hazards such as flooding and/or seismic hazard will neither be increased nor accelerated through the proposed comprehensive plan amendment. No portion of



the site lies within a flood zone area, however a small portion of the site is mapped as in the buffer area around a landslide are. Geotechnical analysis of this potential hazards by Hart-Crowser indicates that while the site in its entirety has a low potential to be impacted by the deep seated and ancient landslide that is a part of Newell Canyon, there is a moderate chance of localized stability problems related to the headscarp of the deep seated landslide area. (See memorandum from dated 7-13-2015 from Tim Blackwood of Hart-Crowser. The intent of Goal 7.1 is to protect life and property loss from destruction of natural hazards. With the comprehensive plan amendment, more flexibility to site buildings and the ability to use more extensive stability measures common with larger mass buildings can better protect life and property, thus this Goal can be met.

### **Section (Goal) 8 – Parks and Recreation**

This Goal is designed to provide recreational opportunities and sites for all residents of Oregon City. The proposed comprehensive plan amendment from LR and MR to MUC should not put significant additional burden on existing or planned parks and recreational facilities, and in fact may lessen the need by providing for localized private open space and recreation facilities and an older demographic who may be less likely to use traditional park facilities. Therefore, this Goal will be satisfied.

### **Section (Goal) 9 – Economic Development**

The proposed comprehensive plan amendment to MUC will provide employment opportunity for both on a temporary and permanent basis. Temporary construction jobs in building the infrastructure, both public and private, and the new structures. Permanent employee opportunities in terms of allowable uses under the MUC designation will be significant under existing LR and MR designations. In addition, taxes levied on the redevelopment will increase the local revenues for support of services and facilities. Through the proposed comprehensive plan amendment, the goal to improve economic development in the city will be contributed to, thus fulfilling this goal.

### **Section (Goal) 10 – Housing**

Goal 10.1, Diverse Housing Opportunities, Policy 10.1.3 seeks to “*designate residential land for a balanced variety of densities and types of housing . . . .*”. This proposed comprehensive plan amendment will allow for more diverse housing opportunities than presently allowed including Senior Living facilities for independent living, assisted living and memory care facilities. With this greater range of senior housing options, this Goal will be satisfied.

Goal 10.2 seeks to increase the supply of affordable housing in Oregon City. Among the uses allowed with the proposed Comprehensive Plan Adjustment and Zone Change would be apartments. Also, the primary intent of the redevelopment at this time is for senior living housing. For seniors needing monitoring and care, assisted living facilities are often a lower cost than in-home care choices depending upon the circumstances. In general the opportunity for multi-family living and senior living facilities will provide the citizens of Oregon City with more affordable choices than possible under single family housing zoning, thus satisfying this Goal.

### **Section (Goal) 11 – Public Facilities**

Goal 11.1 seeks to “*serve the health, safety, education and welfare of all Oregon City residents through the planning and provision of adequate public facilities*”. Much of the nearby Caulfield Neighborhood has already been developed, public facilities and services such as sanitary sewer, water, fire and police protection, educational facilities, library, etc. are already in place or can be easily extended and capable of serving the potential uses of a comprehensive plan amendment to MUC. (Utility extensions to serve specific developments within the proposed Comprehensive Plan Amendment and Zone Change area will be done in conjunction with development applications. However, all areas of the CPA/ZC area are presently served or capable of being served adequately by extension of nearby facilities.)

Schools impacts are expected to be less under the MUC-2 zoning than with the present residential zonings, as residential development for families will not be significant component of the development.

Health facilities such Willamette Falls Hospital which is a relatively short distance away, as are numerous other medical facilities and offices, will serve the expected senior population that is intended to be a significant component of the development under the CPA/ZC. Therefore, health, safety and other components of this Goal can be met.

Policy 11.1.1 also seeks to “*ensure adequate public funding for . . . public facilities and services . . .*”. Additional taxes and fees paid by all of the new development and residents of the proposed re-development of the subject site will contribute to the funding of the facilities and services listed in this Goal. The higher re-development will help to provide additional funding beyond what would be received from homes developed under the existing LR and MR zoning.

Policies 11.1.2, 11.1.3, 11.1.4, 11.1.5, and 11.1.6 will be satisfied through the proposed re-development, allowed under MUC designation. The provision of public facilities and services will be consistent with the goals, policies and implementing measures of the Comprehensive Plan, and, because the site is within the city limits, the integrity of local public facility plans will be maintained. The subject site is an infill re-development opportunity. Therefore, Goal 11.1 will be fulfilled.

Other Goals contained within Section (Goal) 11 will also be satisfied and fulfilled because the proposed comprehensive plan amendment will not negatively impact any public facilities and services within the city. With the transportation trip cap and elimination of some of the permitted and conditional uses that would otherwise be permitted or considered, the following Goals and their associated Policies will all be fully satisfied and fulfilled without any undo or significant impact on these facilities and services as a result of the proposed comprehensive plan amendment and zone change.

- 11.2, Wastewater
- 11.3, Water Distribution
- 11.4, Stormwater Management
- 11.5, Solid Waste
- 11.6, Transportation Infrastructure
- 11.7, Private Utility Operations
- 11.8, Health and Education

- 11.9, Fire Protection
- 11.10, Police Protection
- 11.11, Civic Facilities
- 11.12, Library

### **Section (Goal) 12 – Transportation**

Goal 12.1, Land Use-Transportation Connection, seeks to “*ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City*”. The various Policies contained within this Goal are supported by the proposed comprehensive plan amendment. This will be a walkable neighborhood, connected to and becoming a part of the Caulfield Neighborhood. It will support the development of trails and pedestrian ways to connect the area east of Maplelane Road to the Metro Park site along Hwy 213. The new local street within the subdivision will be built with sidewalks and they will connect to existing sidewalks along S. Beaver Creek Road and allow future connection to trails and walkways when the adjoining Metro Park is developed. Therefore, this particular Goal will be satisfied.

Goal 12.6, Capacity, seeks to “*develop and maintain as transportation system that has enough capacity to meet users’ needs*”. The *Trip Cap Analysis Letter* prepared by Lancaster Engineering notes that what the maximum Daily, AM and PM peak trips are possible with full build out under the present residential zoning. To avoid impacts to the transportation facilities beyond those that would be possible under the present zonings, the applicant proposes a trip cap to limit development within the comprehensive plan amendment and zone change application area. Based on the analysis from Lancaster Engineering a maximum PM trip cap of 152 trips during the peak PM peak hour is proposed. The PM peak hour is when the transportation facilities, from the proposed CPA/ZC site area, would have the most likely impact on transportation facilities. By limiting the amount of trips that would be allowed from future development within the area of the proposed CPA/ZC equal to that would be possible under the present zoning, the transportation impacts of the rezoning would be no greater on the transportation system than what present zoning would allow. Therefore, this Goal will be met and satisfied.

### **Section (Goal) 13 – Energy Conservation**

As necessary and appropriate, the proposed comprehensive plan amendment and zone change will satisfy this Section (Goal) because there will be an increase in local density on this re-development site, allowing a mixed of land uses and compatibility of such uses with the existing neighboring commercial uses across Beaver Creek Road from the site. Eventually street and sidewalk connectivity will be provided, and new development on the subject site will contribute to energy efficiency by using energy efficient methods and materials. Where possible, new energy efficient sources and practices will be employed to the greater benefit of the general public and the City of Oregon City.

#### **Section (Goal) 14 – Urbanization**

This proposed comprehensive plan amendment will contribute to achieving this Section (Goal) by increasing re-development potential within the City limits, via allowing a more flexible and appropriate uses to be developed on the subject parcel. Through these measures, some pressure may be removed from the need to expand the urban growth boundary. Because the site is within the city limits of Oregon City, and re-development of the subject site will contribute to the urbanization of the city. This is in keeping with Policies 14.1.1, 14.2.1, 14.2.2, 14.3.1, and 14.3.4. As such, this Section (Goal) and its related Goals and Policies are satisfied and fulfilled.

#### **Section (Goal) 15 – Willamette River Greenway**

Directly, this Section (Goal) does not apply because the subject site is not within the designated Willamette River Greenway. However, all development in Oregon City impacts the Willamette River in one or more ways. Through land development practices that are best management practices, through the maintaining of as much tree cover on the site as possible, through the control of runoff and stormwater management, and through proper land use development patterns, the re-development of the subject site will provide a positive influence on the Willamette River, thus meeting the spirit of the Willamette River Greenway Plan.

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

Finding: The availability and level of facilities and services required for the proposed rezoning area have been discussed in Section (Goal) 11 – Public Facilities under Criterion A. above. All necessary facilities and services to serve the proposed development under the MUC designation, are in place or can be made available to the subject site without difficulty. The re-development of the subject site is in the best interests of the City of Oregon City, and the local Caulfield Neighborhood. With the proposed trip cap the increase in vehicles trips over what could be expected under current zoning and it those possible negative impacts are eliminated, and therefore all necessary and required facilities and services can be accommodated, thus satisfying this criterion.

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

Finding: Through the *Trip Cap Analysis Letter* prepared by Lancaster Engineering, it has been determined what the transportation system impacts are from existing zonings on the site area. So as to not negatively impact the transportation system with proposed rezoning a trip cap matching the maximum evening peak hour trips possible under the existing zonings is proposed and in conjunction with the trip cap, it is proposed to eliminate several of the permitted

and conditional uses that would generally be considered higher trip generation uses, (specifically noted in the “Proposal” section of this narrative) so that the trip cap would be spread more evenly across the proposed rezoning area. Therefore elements are in place and of sufficient function, capacity, and level of service to provide adequately for the proposed re-development site with the proposed restriction on uses and maximum trip cap for the site as a whole. The proposed rezoning, *with the trip cap*, is consistent with the Comprehensive Plan and the city’s Transportation System Plan. Therefore, this criterion is fulfilled.

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

*Finding:* The city’s Comprehensive Plan contains specific goals and policies, and other provisions which control the proposed comprehensive plan amendment and zone change from the current low density residential to a mixed use corridor district. Therefore, the statewide planning goals need not be addressed, and this criterion is satisfied.

## **Supplemental Narrative to address Maximized Lot Concept**

### Chapter 16.08 – Subdivisions Process and Standards

#### *16.08.045 - Building site—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.*

All proposed concept lots as shown would be in excess of 20 feet. As drawn the minimum lot frontage for any lot would be 25 feet.

#### *16.08.050 - Flag lots in subdivisions.*

*Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.*

No flag lots are a part of the concept lot plan, all lots would have frontage of at least 25 feet on existing rights-of-way or concept rights-of-way, although shared accesses are required on some lots because of access restrictions to such streets as Beaver Creek Road and Maplelane Road.

### Chapter 16.12 – Minimum Improvements and Design Standards for Land Divisions

#### *16.12.020 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.*

The proposed lot concept plan would utilize the existing streets, Maplelane Road and Maplelane Court, and provide street and pathways between the two. The traffic circle at Maplelane Road and Walnut Grove is accounted for and designed around in this concept. No direct lot access to Maplelane Road, other than at the traffic circle, is a part of this concept plan. A street pattern meeting the maximum block lengths is proposed with a pedestrian connections being proposed in the R-3.5 zoned area for meeting the standard. The cul-de-sac noted near the Thayer Road – Maplelane Road intersection is a conservative aspect of the concept plan. While the City may allow a right-in / right-out intersection and thus a cul-de-sac would not be needed, we cannot be sure. The extension of the street, in this case a cul-de-sac though would provide pedestrian access to Maplelane Road and possibly provide for emergency vehicle access as well.

#### *16.12.030 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.*

Block widths in concept plan attempted to provide for two rows of lots to the maximum extend practical.

*16.12.040 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 with the following exceptions:*

*B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.*

The minimum lot sizes, depth and width dimensions were reviewed for each existing zoning category and the minimums are met in the concept plan. For example the R-3.5 zoning allows lots as narrow as 25 feet and no concept lot in that zoning district is proposed to average less than 25 feet in width. With respect to lot sizing the average lot size meet the code requirement for each zoning district, i.e. all the lots in R-3.5 average 3,500 SF; R-6 zoning lot areas average 6,577 SF; and R-10 zoning lot areas average 10,567 SF. (We note that three concept lots in the R-3.5 area also have some area within the R-6 zoned area, but for averaging purposes only the lot area within the R-3.5 zoned area is counted.) There are two lots split between the R-6 and R-10 zoning but the sizing purposes the two lots were sized to be meet R-10 standards.

*16.12.045 Building sites—Minimum density.*

*All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.*

The maximum density per Chapter 17.04 appears would be approximately 128 lots based upon calculations for each zoning area. The concept plan shows 107 lots or approximately 84% of the maximum density.

*16.12.050 Calculations of lot area.*

*A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty 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 average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.*

*Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.*

*A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.*

*When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.*

See the table of Lot Areas on the updated Concept Lot Plan

*16.12.055 Building site—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 of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable.*

*Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.*

No through lots are proposed. Some lots have streets on either side as direct access to Maplelane Road is not permitted, but such lots are not consider through lots as the rear portion of the lots cannot be accessed from the public street.

*16.12.060 Building site—Lot 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.*

In the concept plan lot line configurations were placed at right angles to the rights-of-way, existing and proposed to the maximum extent practical.

*16.12.075 Building site—Division of lots.*

*Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.*

In the concept plan, no lot would be large enough to be redivided. Therefore this requirement is not applicable.

#### CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

*12.04.007 Modifications.*

*The review body may consider modification of this standard resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.*

*Compliance with the following criteria is required:*

- A. The modification meets the intent of the standard;*
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*
- C. The modification is consistent with an adopted plan; and*
- D. The modification is complementary with a surrounding street design; or, in the alternative,*
- E. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

Within the concept plan the existing street right-of-way width for Maplelane Court (60 feet), Maplelane Road (90 feet) and Beaver creek Road were all held. The concept streets, intended to be local residential streets would have 54 foot rights-of-way.



One modification that could possibly be needed would be if the cul-de-sac in the southeast corner of the site were indeed to be a cul-de-sac, it would be greater than the standard noted in 12.04.225. (This would not be an issue if instead of a cul-de-sac a right-in / right-out onto Maplelane Road were to be allowed).

If a cul-de-sac were required this would be how we would address the modification criteria.

- A. The intent of the standard is to limit the use of cul-de-sacs and where needed to limit their length. If a cul-de-sac were needed as per the Concept plan, the intent of the standard would be met as the cul-de-sac would be needed because of street connectivity restrictions; but to allow for emergency and pedestrian connection to Maplelane Road the length of the cul-de-sac has to be longer than the standard which in part is tied to the standard block length requirements between Maplelane Court and Maplelane Road.
- B. The modification would provide for the safe and efficient movement of pedestrians, and bicyclists by its extension to the Maplelane right-of-way as well as for emergency vehicles if such a connection were needed.
- C. The modification is consistent with the adopted Transportation Plan as the plan notes that there are congestion issues at Thayer Road and Maplelane Road which lies at the same point on Maplelane Road where the concept cul-de-sac would be located.
- D. The concept cul-de-sac would be complementary to the surrounding street design, which would be to limit access points and to have the residential development use the future traffic circle to the north.
- E. Is not applicable.

#### *12.04.175 Street Design--Generally.*

*The location, width and grade of 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 and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:*

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;*
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.*

The concept subdivision plan meets the code requirements. Street connections are made to existing streets, in accordance with Transportation Master Plan (the traffic circle at Walnut Grove and Maplelane Road) and provides connections through to Maplelane Court. Connections to Beavercreek Road would not be permitted, and whether a street connection to Maplelane Road south of the traffic circle would be allowed is questionable. At best it would be a right-in / right-out connection but in the concept plan we allowed for cul-de-sac for the road system end in this area as it would require more land area than a simple street connection to the Maplelane Road. However, as the concept cul-de-sac would abut the Maplelane Road right-of-way, pedestrian connections and if needed emergency traffic provisions could be provided for.

#### *12.04.180 Street Design.*

*All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.*

#### *Table 12.04.180 Street Design*

*To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.*

- 1. Pavement width includes, bike lane, street parking, travel lanes and median.*
- 2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.*
- 3. A 0.5' foot curb is included in landscape strip or sidewalk width.*
- 4. Travel lanes may be through lanes or turn lanes.*
- 5. The 0.5' foot public access provides access to adjacent public improvements.*
- 6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.*

For concept plan the specific details within the right-of-way are not shown as for the purposes of the concept the specific features within the concept rights-of-way are not of concern. The rights-of-way widths though have been added to the concept plan.

#### *12.04.190 Street Design--Alignment.*

*The centerline of streets shall be:*

- A. Aligned with existing streets by continuation of the centerlines; or*
- B. Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.*

The concept streets in the concept lot plan would meet the City code with respect to alignment.

#### *12.04.195 Spacing Standards.*

*12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.*

A pedestrian connection is proposed to break a block length of more than 530 feet that in the concept configuration that would lie easterly of the Maplelane Court. A pedestrian connection through the south block parallel with Beaver Creek Road has been added as well. Pedestrian connections are an allowable feature to break up block lengths.

#### *12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.*

*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 such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards.*

*Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.*

A cul-de-sac is shown as part of the Concept Lot Plan in the southeast portion of the Concept development. While it is possible that the City might allow a right-in / right-out type of intersection where the cul-de-sac is located on the concept plan we were not confident that this would be the case and more conservatively showed a cul-de-sac as it requires more land area than a standard street intersection would at the same location. The Thayer Road intersection with Maplelane Road has at times congestion issues for vehicles making left turn lanes onto Maplelane Road. That is why the Transportation Master Plan called for a traffic circle at Walnut Grove and Maplelane Road, to allow for drivers wanting to get to Beaver Creek Road to make a right turn from Thayer and go around the circle to gain access to Beaver Creek Road. In the Concept Lot Plan the cul-de-sac is pushed tight to the Maplelane Road right-of-way (an arterial street) to allow for pedestrian connections and if needed emergency vehicles.

The number of lots taking access from the cul-de-sac would not exceed 15, well under the 25 maximum permitted. The length of the cul-de-sac though would be approximately 355 feet as measured from the end from the back of the cul-de-sac curb to the nearest intersecting street right-of-way. This would require a modification through Section 12.04.007.

*12.04.255 Street design--Alleys.*

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.*

No alleys are proposed in the concept plan.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

*13.12.050 - Applicability and exemptions.*

*This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.*

A. *Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:*

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
- 2. The conveyance facilities are privately maintained; and*
- 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.*

*Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.*

The concept plan if were truly developed would have to meet the stormwater conveyance requirements of this section.

Chapter 16.04 - GENERAL PROVISIONS AND ADMINISTRATION OF LAND DIVISIONS

*16.08.030 - Preliminary subdivision plat—Narrative statement.*

*In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:*

B. *Timely Provision of Public Services and Facilities. The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:*

- 1. Water,*
- 2. Sanitary sewer,*

3. *Storm sewer and stormwater drainage,*
4. *Parks and recreation,*
5. *Traffic and transportation,*
6. *Schools,*
7. *Fire and police services;*

Water would need to be extended from existing water mains in Maplelane Road to serve the proposed development. Sanitary sewer would need to be extended from existing City lines in Maplelane Road and Maplelane Court. Storm drainage facilities would be public facilities, and be a combination of localized detention and water quality facilities scattered throughout the Concept subdivision layout and work in harmony with roadside planters. The larger lot areas (R-10 and R-6) where there is more spacing between driveways the road side planters would be the preferred method for stormwater water quality and quantity. In the small lot areas (R-3.5) where driveways would be too close together to effectively create roadside planters than the larger stormwater planter areas would be utilized. The intent of the roadside planters and the larger stormwater planter areas would be to only treat public street runoff. The plan for such a concept would be that the stormwater off individual lots would be treated and detained through the use of on-site downspout planters. Parks and recreation would be to use the nearby Metro park site when developed. Traffic and Transportation consideration are address elsewhere in this application. Schools, police and fire services would be served by existing City or School District facilities.

#### CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

##### *17.49.070 - Prohibited uses.*

*The following development and activities are not allowed within the NROD:*

- A. *Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.*
- B. *New lots that would have their buildable areas for new development within the NROD are prohibited.*
- C. *The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.*
- D. *Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.*

Under the concept plan submitted portions of some lots would lie within the NROD area, but these would areas outside the buildable areas of concept lots as not permitted by Section B above (and as permitted by 19.49.080 below) and such areas would be left natural or re-

vegetated with more appropriate riparian vegetation and those things noted as not permitted under Section A would not be allowed. Also such things as not permitted under C or D would not be allowed either.

*17.49.080 - Uses allowed outright (exempted).*

*The following uses are allowed within the NROD and do not require the issuance of an NROD permit:*

- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:*
  - 1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the city's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;*
  - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;*
  - 3. Streets, driveways and parking areas where all pavement shall be located at least ten feet from the NROD; and*
  - 4. The NROD portions of all lots are protected by:*
    - a. A conservation easement; or*
    - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.*

Envision in the Concept Lot plan is that while a portion of some of the lots would lie within the 50 foot buffer, the buildable areas would meet the intent of 17.49.080(G)1 above, except for some of the lots in the R-3.5 zoning area where the minimum lot sizes of individual lots is allowed to be smaller than the building site area noted in G(1). The intent of G(2) and G(3) would also be met except where access to the three lots in very southeast corner would require access from the opposite side of drainageway do to access restrictions Maplelane Road and Beavercreek Road.

CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

*17.44.050 - Development—Application requirements and review procedures and approvals.*

*Except as provided by subsection B. of this section, the following requirements apply to all development proposals subject to this chapter:*

- A. A geological assessment and geotechnical report that specifically includes, but is not limited to:*
  - 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;*
  - 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;*

As only a Concept lot plan was developed and no specific subdivision application is a part of this zone change application and geotechnical engineering report could not speak to specifics. However, a geotechnical commentary, submitted as a part of the application materials does address those things noted in 17.44.050(A) 4 and 5. In general terms the Concept is a feasible concept from the geotechnical standpoint.

**From:** [Dan Fowler](#)  
**To:** [Laura Terway](#)  
**Cc:** [Tom Sisul](#); [Mark Foley](#); [Mike Ard](#); [Tony Konkol](#); [John Replinger](#); "[CARRIE A. RICHTER \(crichter@gsblaw.com\)](#)"  
**Subject:** RE: Final Staff Report for Beavercreek/213 Zone Change  
**Date:** Friday, October 30, 2015 10:57:13 AM

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Hi Laura,

We have reviewed the language and find it acceptable. The only change is we would like **item a. Medical or dental clinics, outpatient infirmity services** removed from the list and have it re-lettered.

Again thank you for working to check this completed,

Dan

Dan Fowler

Historic Properties, LLC

503.655.1455 | 503.650.1970 fax | 503.351.4500 cell

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December 24, 2015

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

**VIA EMAIL**

Ms. Laura Terway, Planner  
City of Oregon City Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

**Re: City of Oregon City File No. ZC 15-03 and PZ 15-01**

Dear Ms. Terway:

This office represents the Applicant, Historic Properties, LLC. Please find enclosed with this letter findings addressing applicable Oregon Statewide Planning Goals (the "Goals"), applicable Oregon Administrative Rules ("OARs"), applicable Metro Functional Plan requirements, and issues raised by opponents to this Application at the November 9, 2015 Oregon City Planning Commission hearing. Please place this letter and its exhibit into the official Planning Department file for this matter and before the Oregon City Planning Commission at the beginning of the public hearing on January 11, 2016.

I am the Applicant's representative. Please provide me with notice of the Planning Commission's recommendation to the Oregon City Commission.

Thank you in advance for your courtesy and assistance.

Very truly yours,



Michael C. Robinson

MCR:rsr  
Enclosure

cc: Mr. Dan Fowler (via email) (w/ encl.)  
Mr. Tom Sisul (via email) (w/ encl.)  
Mr. Mike Ard (via email) (w/ encl.)  
Mr. Tim Blackwood (via email) (w/ encl.)  
Ms. Carrie Richter (via email) (w/ encl.)



**BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF OREGON CITY**

**In the Matter of an Application by Historic Properties, LLC for a Comprehensive Plan Map Amendment from LDR and MDR to MUC and a Zoning Map Amendment from R-3.5, R-6 and R-10 to MUC-2 on 15.69 Acres Located at the intersection of Beaver Creek Road and Maple Lane Road**

**SUPPLEMENTAL FINDINGS OF  
FACT AND CONCLUSIONS OF LAW  
IN SUPPORT OF THE  
APPLICATION FOR ZC 15-03 AND  
PZ 15-01**

**I. INTRODUCTION.**

This Application requests an amendment to the City of Oregon City's ("City") acknowledged Comprehensive Plan map and zoning map as described above on 15.69 acres. The Applicant is Historic Properties, LLC ("Applicant"). This Application is processed through a Type IV Application. The City has deemed the Application complete.

The Planning Commission held an initial evidentiary hearing on November 9, 2015. However, the inadvertent failure to provide the 35-day pre-hearing notice to the Oregon Department of Land Conservation and Development ("DLCD") and the 40-day pre-hearing notice to the Metropolitan Service District ("Metro") required the City to hold another initial evidentiary hearing after providing the required notices. The City mailed the required pre-hearing notice to DLCD on November 16, 2015 and the required pre-hearing notice on Metro to November 16, 2015. The City also mailed notice of the new initial evidentiary hearing to surrounding property owners entitled to notice under the Oregon City Municipal Code ("OCMC") and ORS 197.763(2) and (3) on November 16, 2015.

These supplemental findings address applicable Statewide Planning Goals (the "Goals"), applicable Metro Urban Growth Management Functional Plan ("Functional Plan") requirements, Oregon Administrative Rules (the "OARs") and applicable Oregon City Comprehensive Plan (the "Plan") goals and policies. The Applicant has previously submitted findings addressing applicable Plan goals and policies. Where these supplemental findings conflict with the prior findings, these supplemental findings shall control.

**II. APPLICABLE GOALS.**

**A. Goal 1, "The Citizen Involvement":**

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

**FINDING:** In addition to the findings contained in the staff report addressing Plan Goal 1, the Planning Commission can find that the City's acknowledged plan and land use regulations fully implement a citizen involvement program. The Applicant held a neighborhood meeting with the Caulfield Neighborhood Association prior to the submittal of the Application. The City provided timely public hearing notice to property owners, the Caulfield Neighborhood Association and the

Citizens Involvement Committee consistent with the OCMC Chapter 17.50 and ORS 197.763(2) and (3) for quasi-judicial hearings before the November 9, 2015 hearing and the January 11, 2015 initial evidentiary hearing.

The Planning Commission can find that Goal 1 is satisfied.

**B. Goal 2, “Land Use Planning”:**

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

**Part II - Exceptions.”**

**FINDING:** The Planning Commission can find that Part II, Exceptions, is inapplicable to this Application.

The Planning Commission can find that Part I, Planning, is satisfied for the following reasons. First, the Planning Commission can find that the proposed Application is based upon an adequate factual base, including evidence submitted by the Applicant and evidence in the form of coordination with affected governmental entities.

Second, Goal 2 requires coordination with affected governmental entities as that term is defined in ORS 197.015(5). Coordination requires notice of an Application to affected governmental entities, an explanation of the Application to those entities, an opportunity for those entities to respond and incorporation of the entities’ comments to the extent possible. The City has provided notice of this Application to affected governmental entities and to affected City departments. Several governmental entities and affected City departments submitted comments. To the extent the comments are relevant, the Planning Commission can incorporate those comments in the decision.

Finally, the Planning Commission can find that this Application is based on the City’s acknowledged Plan and land use regulations providing for a planning process and policy framework as a basis for this Plan map and zoning map amendment.

The Planning Commission can find that Goal 2 is satisfied.

**C. Goal 6, “Air, Water and Land Resource Quality”:**

**“To maintain and improve the quality of the air, water and land resources of the State. All waste and process discharges from future development, when completed with such discharges from existing development, shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. . . .”**

**FINDING:** The Planning Commission can find that all stormwater discharge from this site before entering public waters will be detained and treated so that water leaving the site will meet applicable state and federal standards. *See* OCMC Chapter 17.97 requiring erosion and sediment control permit. The Planning Commission can take note of the City’s acknowledged land use regulations and adopted engineering standards that require on-site water detention and treatment to assure and maintain water quality. Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

The Planning Commission can find that Goal 6 is satisfied.

**D. Goal 7, “Areas Subject to Natural Hazards”:**

**“To protect people and property from natural hazards.”**

**FINDING:** The City can find that the relevant provision of this Goal is satisfied. Goal 7, Guideline B, Implementation 4, provides: “When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports, or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risks to the site, as well as the risk the proposed development may pose to other properties.”

The Planning Commission can find that most of Goal 7 applies to the acknowledgment of a local government’s Comprehensive Plan and not to a post-acknowledgement amendment. This Application represents a post-acknowledgement to the City’s acknowledged Plan. However, Guideline B, Implementation 4 is relevant. The Planning Commission can find that the Application satisfies this standard for the following reasons.

Opponents to the Application argue that the landslide risk is severe and uncontrollable on this site. Nevertheless, their assertions are not based on substantial evidence and are not accompanied by a geotechnical analysis prepared by a registered professional. Therefore, when weighing the competing evidence, the Planning Commission can conclude that the Application is supported by substantial evidence and supports a finding that Goal 7, to the extent it is applicable, is satisfied.

The record for this Application contains a memorandum from the firm of Hart Crowser dated July 13, 2015 authored by Mr. Tim Blackwood, PE, GE, GEC. The Hart Crowser memorandum analyzed the geotechnical condition of the development site. The 3-page memorandum concluded at page 2, under the heading “Geologic Hazard Evaluation”, that: “Our evaluation of the potential of an entire deep-seated landslide to move is low, so no special development measures are recommended to address it.”

The Hart Crowser memorandum found:

**“Our evaluation of localized land sliding found potential for land sliding even in the headscarp to be moderate. We found that the headscarp slope could experience local failures that could potentially adversely affect the site under two cases:**

**very high groundwater conditions or a designed seismic event. We consider this hazard to be moderate as it is only likely under extreme cases of these conditions. Groundwater would have to be very high to prolong an extreme precipitation and/or excessive on-site infiltration. Likewise, seismic shaking would have to be from a substantial magnitude event, a designed seismic event. Both of these conditions would occur very infrequently. Our analyses determine that the hazard to the site from such landsliding can be mitigated with setbacks from the headscarp slope and controls for on-site water infiltration. Such final measures will be determined with additional geotechnical work as development plans are finalized and permitted.**

**Similar to the moderate hazard the headscarp slope poses to the proposed development, the development potentially poses a moderate hazard of causing localized landsliding within the headscarp slope if not properly designed. This hazard would occur if development increases groundwater levels within proximity of the slope. Increased groundwater levels could occur from stormwater and other sources of water infiltration that are altered by development. To mitigate for this hazardous, potential sources of water infiltration will be controlled, largely by relying on stormwater detention, whether than infiltration. Provided these are adequately controlled, no other special measures to mitigate for adverse effects to the headscarp slope will be necessary. Specific design of the stormwater system will be complete as development plans are finalized and permitted.”**

(Hart Crowser memorandum at pages 2 and 3.)

Based on the Hart Crowser memorandum, the Planning Commission can first find that this Application is not in a high hazard area. Notwithstanding this finding, the Applicant has provided a site-specific report that is appropriate for the level and type of hazard; in this case, a geotechnical report prepared by a licensed professional. Mr. Blackwood is an Oregon-registered professional engineer. The Hart Crowser memorandum evaluated the risk to the site based on the deep-seated landslide and the potential for landsliding within the headscarp. The Hart Crowser memorandum concluded that with respect to the deep-seated landslide potential, the entire deep-seated landslide to move is “low,” but did not recommend mitigation measures.

With respect to the potential for landslides within the headscarp, the Hart Crowser memorandum found the potential to be moderate and, therefore, recommended mitigation with setbacks from the headscarp slope and controls for on-site water infiltration.

Finally, with respect to impact to nearby properties, the Hart Crowser memorandum analyzed the moderate hazard posed by the headscarp slope. The Hart Crowser memorandum notes that

mitigation in the form of control of stormwater through stormwater detention rather than infiltration is an appropriate means of mitigation.

The Planning Commission can find that these mitigation measures are feasible to be achieved during the subsequent land division and development of the property with appropriate conditions of approval.

Additionally, the site is already developed and current land use regulations allow further development. This Application cannot violate Goal 7 under this circumstance. *See Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

The Planning Commission can find that Goal 7 is satisfied.

**E. Goal 9, “Economic Development”:**

**“To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens. Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plan shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the current economic base; materials and energy availability and costs; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to market; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.”**

**FINDING:** The Application before the Planning Commission will provide for an increased opportunity within the City for a variety of economic activities through the Mixed Use Commercial (“MUC”) Plan designation and implementing zoning district. Notwithstanding the limitation on uses to satisfy the Transportation Planning Rule (the “TPR”), the proposed zoning districts implement the Plan map designation contain a variety of uses providing for the economic development of the State.

The Planning Commission can find that Goal 9 is satisfied.

**F. Goal 10, “Housing”:**

**“To provide for the housing needs of the citizens of the state.”**

**FINDING:** The Planning Commission can find that the Application does not adversely affect the City livable land inventory and the City will continue to comply with Goal 10.

The Planning Commission can find that Goal 10 is satisfied.

**G. Goal 11, “Public Facilities and Services”:**

**“The Plan can develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”**

**Finding:** This Goal requires that urban development be guided and supported by types of urban public facilities and services appropriate for the development. Guideline A, Planning 3, requires that: “Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.”

Substantial evidence in the whole record before the Planning Commission demonstrates that there is no limitation on the provisions of police and fire services to the site. Further, substantial evidence demonstrates that adequate domestic water and sanitary sewer services are available to the site. Additionally, the Planning Commission can find that the site is capable of being provided with adequate storm sewer services. Private utilities, such as electric service, natural gas service, cable television, and telephone service, are available to the site.

The Planning Commission can find that Goal 11 is satisfied.

**H. Goal 12, “Transportation”:**

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

**Finding:** The Planning Commission can find that Goal 12 is satisfied. The Planning Commission can rely on the findings for the TPR which implements Goal 12. Because the application will not cause a “significant affect,” and the TPR is satisfied, the Planning Commission can also find that the Application will provide and encourage a safe, convenient and economic transportation system.

The Planning Commission can find that Goal 12 is satisfied.

**I. Conclusion.**

The Planning Commission can find that the Goals applicable to this Application are satisfied based on substantial evidence in the whole record.

**III. APPLICABLE OARs.**

**A. OAR 660-012-0060(1)-(3), Transportation Planning Rule (“TPR”).**

**Finding:** The TPR requires a two-step analysis. First, an applicant must determine whether the application creates a “significant affect.” If no “significant affect” is created, then the second step is unnecessary. If a “significant affect” is created, then the applicant must determine if mitigation is appropriate under OAR 660-012-0060(2) to mitigate the “significant affect.” The Planning Commission can find that evidence in the record for this application demonstrates that

by imposing a condition of approval and eliminating certain uses, there will be no “significant affect” caused by the application on surrounding streets.

The Planning Commission can find that the TPR is satisfied.

**B. OAR Chapter 660, Division 7, “Metropolitan Housing Rule”.**

**FINDING:** The Planning Commission can find that the Metropolitan Housing Rule will continue to be satisfied by the City. This Application does not adversely affect the City’s compliance with OAR 660-007-0035(2) (overall density of 8 or more dwelling units per net for buildable lands) or OAR 660-007-0037, “Alternate Minimum Residential Density Allocation for New Construction”. Therefore, the Planning Commission can find that OAR 660-007-0060(2)(a) is satisfied.

The Planning Commission can that the Metropolitan Housing Rule is satisfied.

**IV. METRO FUNCTIONAL PLAN.**

**A. Functional Plan 3.07.810.C.**

**Finding:** Following acknowledgment of the City’s Plan as consistent with the Functional Plan, amendments to acknowledged Comprehensive Plans must be in compliance with the Functional Plan requirements. The remainder of this section addresses relevant Functional Plan standards.

**B. Functional Plan 3.07.120, “Housing Capacity”.**

**Finding:** This standard authorizes the City to reduce its minimum zoned capacity in locations other than specified locations under Functional Plan 3.07.120.C, D, or E.

The Planning Commission can find that this application has a “negligible effect” on the City’s “minimum zoned residential capacity” pursuant to Functional Plan 3.07.120.E.

**C. Conclusion.**

For the reasons described above, the Planning Commission can find that this Application satisfies the relevant standards in the Functional Plan.

**V. APPLICABLE PLAN POLICY.**

**A. Oregon City Plan Policy 6.2:**

**“Prevent erosion and restrict discharge of sediments in the surface and groundwater by requiring erosion prevention measures and sediment control practices.”**

**Finding:** The Planning Commission can find that this Plan policy will guide development of this site and will assure that erosion and sediment are prevented from discharge into surface water and groundwater through implementation of this Plan policy and the City’s acknowledged land use regulations.

## **VI. RESPONSES TO ISSUES RAISED IN TESTIMONY BEFORE THE PLANNING COMMISSION AT THE NOVEMBER 9, 2015 PUBLIC HEARING.**

### **A. Testimony from Jim Nicita.**

#### **1. Notice.**

Mr. Nicita argues that the City's notice of public hearing mailed pursuant to ORS 197.763(2) and (3) was insufficient because it failed to reference applicable Goals. The City has provided new notice of the January 11, 2016 Planning Commission hearing that references applicable Goals. However, to the extent the Planning Commission desires to reach this issue, Mr. Nicita is incorrect. ORS 197.763(3)(b) requires that the notice of public hearing provided by the City "list the applicable criteria from the Ordinance and the Plan that apply to the application at issue." In other words, the only applicable approval criteria required to be in the notice of public hearing are those in the City's acknowledged Plan and land use regulations. The Oregon Land Use Board of Appeals ("LUBA") has long held that local governments are not required to list standards other than those in the Plan and land use regulations in the notice of hearing for a quasi-judicial matter. See *ODOT v. Clackamas County*, 23 Or LUBA 370 (1992); *Eppich v. Clackamas County*, 26 Or LUBA 498 (1994).

#### **2. Goal 6.**

Mr. Nicita argues that stormwater discharged to Newell Creek will violate State water quality standards, which, in turn, will violate Goal 6. The Planning Commission can find that when development on this site occurs, stormwater detention and water quality facilities will be required, thus ensuring that development will not impact water quality in Newell Creek. The Planning Commission should reject this issue.

The Planning Commission must reject Mr. Nicita's arguments.

### **B. Testimony from Bob Nelson.**

Mr. Nelson argues that the site is a landslide hazard and asks the Planning Commission to deny the zoning map amendment until the City adopts a landslide hazard ordinance. The Planning Commission must reject Mr. Nelson's argument for the following reasons.

First, Mr. Nelson includes no substantial evidence that the site represents a landslide hazard. In fact, the Hart Crowser memorandum demonstrates that the site is not a landslide hazard with proper mitigation, which is feasible to achieve during development of the site. Second, Mr. Nelson cites no applicable approval criteria that would allow the Planning Commission to deny the Application. Third, the Planning Commission is bound to make a recommendation to the City Council, which is bound to make a final decision on this Application because it is a quasi-judicial Application. It would be improper to impose new criteria, or to defer a decision on the Application until the adoption of a new ordinance.

The Planning Commission must reject Mr. Nelson's arguments.

### **C. Testimony by Elizabeth Graser-Lindsey.**



## **1. Goals.**

Ms. Graser-Lindsey argues that six (6) Goals are not addressed, including Goal 2, Goal 6, Goal 7, Goal 9, Goal 10, and Goal 12. The Planning Commission can find, based on the above findings, that the Applicant has satisfactorily addressed the applicable Goals.

## **2. Transportation Planning Rule.**

Ms. Graser-Lindsey asserts the Application fails to satisfy that part of the Transportation Planning Rule (the “TPR”) found in OAR 660-012-0060. The TPR requires a two-step analysis. First, the Application must determine whether there will be a “significant affect” under OAR 660-012-0060(1). If the Application determines there is no “significant affect”, then the analysis ends. If the Application determines there will be a “significant affect”, then the second step of the analysis is required, which is whether the “significant affect” can be mitigated under OAR 660-012-0060(2). In this case, the Application determines there will be a “significant affect” and has proposed mitigation. OAR 660-012-0060(2)(d) allows as mitigation: “Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.”

The Application proposes prohibiting allowed uses in the MUC zoning district, which, according to the transportation analysis provided by Mr. Mike Ard of Lancaster Engineering, will mitigate the “significant affect” created by the proposed map amendment.

## **3. Oregon City Municipal Code (“OCMC”) 17.62.015.**

Ms. Graser-Lindsey asserts that this standard is applicable. However, this standard is in Chapter 17.62, “Site Plan and Design Review”. Because a Site Plan and Design Review application is not before the Planning Commission, this standard is not applicable.

## **4. OCMC 17.68.020.A.**

This standard requires that the Application be consistent with the Plan’s Goals and Policies. The Application contains findings addressing applicable Plan Goals and Policies. The staff report contains similar findings. Ms. Graser-Lindsey asserts that the Application violates Plan Policy 14.3.2, which provides: “Ensure that the extension of new services does not diminish the delivery of the same services to existing areas and residents in the City.” She asserts that this Plan policy is violated because road capacity will impact existing areas and residents in the City.

The Planning Commission must reject Ms. Graser-Linsey’s argument because the Application demonstrates that the TPR is satisfied and will not create a “significant affect”. Because of the evidence and findings regarding the lack of a “significant affect”, the Planning Commission can find the transportation services will not be diminished to existing areas and residents in the City.

## **5. OCMC 17.68.020.B.**

This standard requires that public facilities and services are presently capable of supporting uses allowed by the zone, *or* can be made available prior to issuing a certificate of occupancy. The Planning Commission can find that substantial evidence in the whole record demonstrates that public facilities and services are presently capable of supporting the uses by the MUC zone. Alternatively, it is clear that this requirement can be satisfied prior to issuing a certificate of occupancy. The Planning Commission must reject this argument.

**6. OCMC 17.68.020.C.**

This standard requires that the land uses authorized by the Application be consistent with the existing or planned functional capacity and level of service of the transportation system. Because the Application demonstrates compliance with the TPR, the Planning Commission can find that this standard is satisfied.

The Planning Commission must reject Ms. Graser-Lindsey's arguments.

**D. Testimony from Kristi Beyer.**

**1. Landslide Hazard.**

Ms. Beyer's letter asserts that the site poses a landslide hazard. The Planning Commission must reject her argument based on substantial evidence found in the Hart Crowser memorandum.

**2. Traffic Issues.**

Ms. Beyer raises traffic issues. However, she cites no applicable approval criteria nor any substantial evidence demonstrating that the Application fails to satisfy applicable standards regarding transportation.

**E. Testimony by Christine Kosinski.**

**1. Goal 7.**

Ms. Kosinski asserts that the Application fails to satisfy Goal 7. Based on the findings addressing Goal 7, the Planning Commission must reject her argument.

**2. ORS 105.462.**

Ms. Kosinski argues that the City has not "upheld" ORS 105.462. However, ORS 105.462 is a definitions section and contains no substantive requirements. Ms. Kosinski may be referring to ORS 105.464, which is entitled "Form of Sellers Property Disclosure Statement". However, ORS 105.464 is a requirement for a disclosure from seller to buyer. ORS 105.464 is not an applicable approval standard for this application nor does it apply to the City. The Planning Commission must reject this argument.

**3. Insurance.**

Ms. Kosinski argues that property owners will be unable to obtain insurance. However, this is not relevant to the approval criteria; this is an issue between buyer and seller of property.

**4. Landslides.**

Ms. Kosinski raises the City's "Unstable Soils and Hillside Constraint Overlay District". OCMC Title 17 contains no such overlay district. However, this site is not in an overlay district nor is it warranted to be in such an overlay district. The Planning Commission should reject this argument.

**5. Holly Lane.**

Ms. Kosinski argues that Holly Lane should be "taken out" of the TSP. There is no basis for amending the TSP but, in any event, the TSP was not amended to remove Holly Lane at the time the Applicant submitted the Application.

**6. Failure to Use Concurrency to Guarantee Infrastructure before Development.**

Ms. Kosinski asserts that the City must apply "concurrency". However, OCMC 17.68.020.B provides for approval of this Application if public facilities and services are presently capable of supporting the use allowed by the zone, *or* can be made available prior to issuing a certificate of occupancy. The Planning Commission must reject his argument because concurrency at this stage is not an approval standard.

**7. Shortage of Water.**

Ms. Kosinski asserts that there is inadequate domestic water supply. However, she provides no substantial evidence to support her assertion.

**8. Inadequate Sanitary Sewer Service.**

Ms. Kosinski asserts that sewer capacity is "questionable". However, she provides no substantial evidence to support her assertion.

**9. Goal 7.**

Ms. Kosinski asserts that Goal 7 is not satisfied. However, the findings above addressing Goal 7 show that the Application satisfies Goal 7.

For these reasons, the Planning Commission must reject Ms. Kosinski's arguments because they are not supported by substantial evidence in the whole record, and in many cases, fail to address relevant approval criteria.

**VII. Conclusion.**

For the reasons contained in these supplemental findings, the Application and the staff report, the Planning Commission can find that the applicable approval criteria for this Application are satisfied.

**From:** [Dan Fowler](#)  
**To:** [Laura Tenway](#)  
**Cc:** [Michael C. Robinson \(mrobinson@perkinscoie.com\)](#)  
**Subject:** FW: Attached Image  
**Date:** Thursday, December 03, 2015 1:55:43 PM  
**Attachments:** [0328\\_001.pdf](#)

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Hi Laura,

I wanted to make you aware of an invitation we sent out to the neighborhood and to the people who spoke at the November 9<sup>th</sup> Planning Commission meeting. We are hoping to dialogue with them and answer some of their questions. I wanted you to have it for the record.

Thank you,

Dan

**HISTORIC PROPERTIES, LLC  
1300 JOHN ADAMS ST.  
OREGON CITY, OR 97045**

December 2, 2015

Christine Kosinski  
18370 S Holly Lane  
Oregon City, Oregon 97045

Christine,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

**Who:** Historic Properties, LLC

**What:** Is inviting any interested person to come to a meeting

**When:** Monday, December 14<sup>th</sup>, 2015 at 7pm

**Where:** BCT Community Room, 15223 Henrici Rd., Oregon City, OR 97045

**Why:** To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

**HISTORIC PROPERTIES, LLC  
1300 JOHN ADAMS ST.  
OREGON CITY, OR 97045**

December 2, 2015

Elizabeth Graser Lindsey  
21341 S Ferguson Road  
Beavercreek, Oregon 97004

Elizabeth,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

**Who:** Historic Properties, LLC

**What:** Is inviting any interested person to come to a meeting

**When:** Monday, December 14<sup>th</sup>, 2015 at 7pm

**Where:** BCT Community Room, 15223 Henrici Rd., Oregon City, OR 97045

**Why:** To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

**HISTORIC PROPERTIES, LLC  
1300 JOHN ADAMS ST.  
OREGON CITY, OR 97045**

December 2, 2015

James J. Nicita  
302 Bluff Street  
Oregon City, Oregon 97045

James,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

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We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City



**HISTORIC PROPERTIES, LLC  
1300 JOHN ADAMS ST.  
OREGON CITY, OR 97045**

December 2, 2015

Bob Nelson  
18090 Holly Lane  
Oregon City, Oregon 97045

Bob,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

**Who:** Historic Properties, LLC

**What:** Is inviting any interested person to come to a meeting

**When:** Monday, December 14<sup>th</sup>, 2015 at 7pm

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**Why:** To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

**HISTORIC PROPERTIES, LLC  
1300 JOHN ADAMS ST.  
OREGON CITY, OR 97045**

December 2, 2015

Kristi Beyer  
18251 S Holly Lane  
Oregon City, Oregon 97045

Kristi,

You recently spoke in regards to a Comp Plan Amendment and Zone Change we are seeking from the City of Oregon City. We would like to personally invite you to a meeting we are holding to listen to people and provide information. We would like to make an attempt to address any of your concerns that we are able to. Below you will find the information on the meeting:

**Who:** Historic Properties, LLC

**What:** Is inviting any interested person to come to a meeting

**When:** Monday, December 14<sup>th</sup>, 2015 at 7pm

**Where:** BCT Community Room, 15223 Henrici Rd., Oregon City, OR 97045

**Why:** To answer questions about the proposed zone change and future development. To listen to any concerns and to try to address them. To provide you information on the project.

We take your questions and concerns seriously and ask that you come and get your information first hand.

Thank you,

Historic Properties, LLC

Dan Fowler & Mark Foley

cc: Laura Terway – City of Oregon City

**From:** [Dan Fowler](#)  
**To:** [Laura Terway](#)  
**Cc:** [Michael C. Robinson \(mrobinson@perkinscoie.com\)](#); [Tom Sisul](#); [Mike Ard \(mike@lancasterengineering.com\)](#); [Mark Foley \(MarkF@fandfstructures.com\)](#)  
**Subject:** Meeting with Neighborhood  
**Date:** Wednesday, December 16, 2015 11:38:34 AM  
**Attachments:** [0350\\_001.pdf](#)

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Hi Laura,

Attached is an attendance list of the people who attended a meeting we had at the BCT meeting room on Monday December 14<sup>th</sup>. We had invite the neighborhood and all the people who had spoken in opposition to our project at the November 9<sup>th</sup> Planning Commission meeting. We had time to listen to concerns and explain in detail more information about the traffic improvements that we see our future development needing to make as well as a greater explanation of the geo-tech report. One of the biggest things we stressed is the fact that our geologist is recommending that we do not do any ground water infiltration. This will allow of project to not contribute to making the ground wet. The conditions will actually be better than they are today. It was a very cordial and respectful meeting.

I wanted you to have this for the record.

Thank you,

Dan

Dan Fowler  
Historic Properties, LLC  
1300 John Adams St.  
Oregon City, OR 97045  
503.655.1455 | 503.650.1970 fax | 503.351.4500 cell

Please Sign - i<sup>r</sup>

Name	Address
Mark Foley	1300 John Aa
Mike Mitchell	mike.kmitchell@
Bob Nelson	
Wendy Nelson	wen-n@msn.
Tom Sisal - Engineer	
Mike Azo - Traffic Eng.	
Paul Glaunert - <del>CEO</del> Senior Facility	
Dan Fowler	

**From:** [Dan Fowler](#)  
**To:** [Robinson, Michael C. \(Perkins Coie\)](#); ["Carrie Richter"](#)  
**Cc:** [Laura Terway](#)  
**Subject:** RE: Historic properties Application  
**Date:** Monday, January 11, 2016 8:24:48 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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I am fine with the new language and also the type IV for future amendments to the trip cap.

Dan

**From:** Robinson, Michael C. (Perkins Coie) [<mailto:MRobinson@perkinscoie.com>]  
**Sent:** Sunday, January 10, 2016 9:27 AM  
**To:** 'Carrie Richter'  
**Cc:** 'Laura Terway ([lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us))'; Dan Fowler  
**Subject:** RE: Historic properties Application

Thank you, Carrie

**Michael C. Robinson | Perkins Coie LLP**

**PARTNER**

1120 N.W. Couch Street Tenth Floor  
Portland, OR 97209-4128  
D. +1.503.727.2264  
C. +1.503.407.2578  
F. +1.503.346.2264  
E. [MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)



Selected as 2014 "Law Firm of the Year"  
in Litigation - Land Use & Zoning by  
U.S. News – Best Lawyers® "Best Law Firms"

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**From:** Carrie Richter [<mailto:crichter@gsblaw.com>]  
**Sent:** Sunday, January 10, 2016 8:54 AM  
**To:** Robinson, Michael C. (Perkins Coie)  
**Cc:** 'Laura Terway ([lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us))'; 'Dan Fowler'  
**Subject:** RE: Historic properties Application

Confirmed.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Robinson, Michael C. (Perkins Coie)" <[MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)>  
Date: 1/10/2016 8:36 AM (GMT-08:00)  
To: Carrie Richter <[crichter@gsblaw.com](mailto:crichter@gsblaw.com)>

Cc: "'Laura Terway ([Iterway@ci.oregon-city.or.us](mailto:Iterway@ci.oregon-city.or.us))'" <[Iterway@ci.oregon-city.or.us](mailto:Iterway@ci.oregon-city.or.us)>, 'Dan Fowler' <[DanF@abernethycenter.com](mailto:DanF@abernethycenter.com)>, "Robinson, Michael C. (Perkins Coie)" <[MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)>

Subject: RE: Historic properties Application

Thank you, Carrie. I don't want to speak for Dan but I find the revised condition of approval to be acceptable. Dan, let us know what you think.

Also confirming that staff agrees with us that an amendment to the trip cap should be through a Type IV process. Will staff make this change as well?

**Michael C. Robinson | Perkins Coie LLP**

**PARTNER**

1120 N.W. Couch Street Tenth Floor

Portland, OR 97209-4128

D. +1.503.727.2264

C. +1.503.407.2578

F. +1.503.346.2264

E. [MRobinson@perkinscoie.com](mailto:MRobinson@perkinscoie.com)

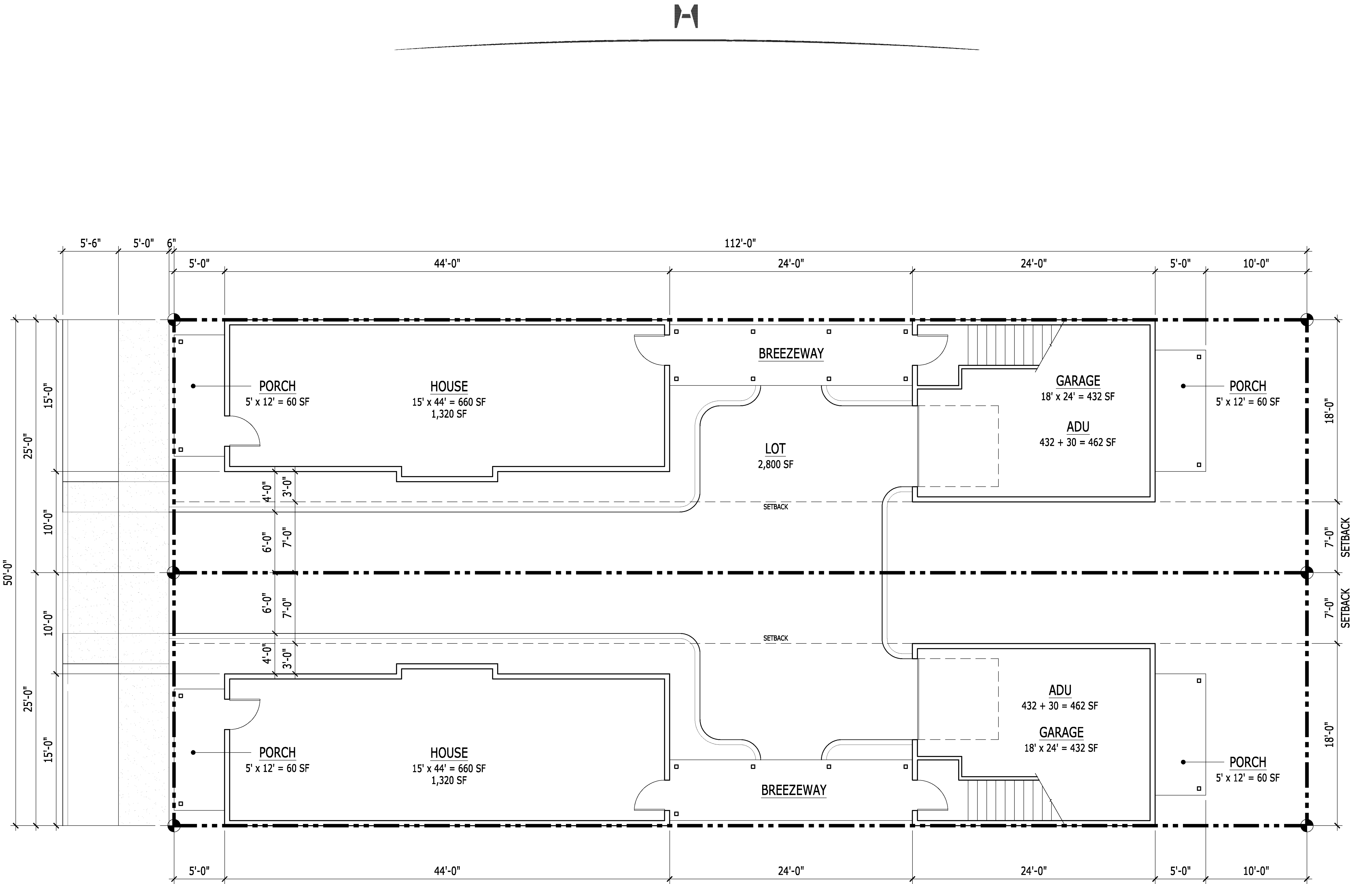


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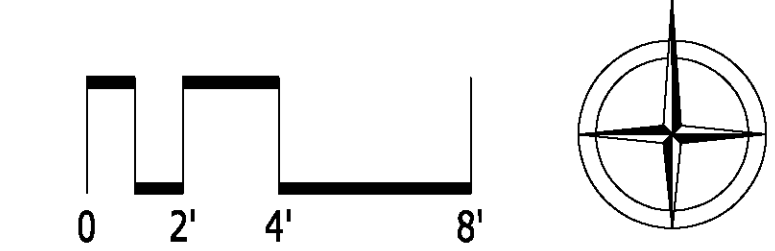
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SITE		HOUSE		ADU / GARAGE	
ZONE	R-3.5	FOOTPRINT	660 SF	FOOTPRINT	432 SF
LOT AREA	2,800 SF	AREA	660 X 2 = 1,320 SF 2 BR 2.5 BATH	ADU AREA	432 SF + 30 SF = 462 SF
LOT COVERAGE	660 + 432 = 1,092 SF	(39%)		COVERAGE	462/1,320 SF = (35%)



# HILLTOP MASTER PLAN

OREGON CITY, OREGON

## HILL ARCHITECTS

CONCEPTUAL SITE PLAN  
R-3.5 ZONE 2,800 SF LOT W/ ADU  
AUGUST 17, 2015

2.1



## MEMORANDUM

**DATE:** July 13, 2015

**TO:** Mr. Dan Fowler, Historic Properties, LLC

**FROM:** Tim Blackwood, PE, GE, CEG

**RE:** Hilltop Master Plan Commentary  
154-018-001

**CC:** Mr. Tom Sisul, Sisul Engineering  
Mr. Lloyd Hill, Hill Architects

---

Hart Crowser, Inc. presents this memorandum providing commentary for the proposed zone change/comprehensive plan amendment for the Hilltop Master Plan project, located at the northeast corner of the intersection of Highway 213 and Beavercreek Road, in Oregon City, Oregon.

### Site Conditions

The site is an approximately 20-acre property situated at the top of a broad hill, with a maximum elevation of approximately 410 feet above mean sea level (MSL). The topography of this hilltop is mostly flat to gently sloping with gradients less than 20 percent except at the northwest boundary. Along the northwest boundary the grade steepens abruptly, sloping down at an approximately 50 percent gradient for approximately 100 feet off site to Highway 213. This steep slope is mapped within a geologic hazards overlay zone by the City of Oregon City. Except for this slope, no other significant landforms are present which would adversely impact development, such as internal drainages or streams, other steep slopes or other features.

Vegetation at the site has mostly been removed by past development of the existing roadways, parking lots, and commercial and residential structures, except along the steep northwest slope where a moderately dense mix of deciduous and coniferous trees are present. Elsewhere within the site, trees are present infrequently.





## Geologic Mapping

Geologic conditions of the site have been documented in several publications. The site geology is mapped by the Oregon Department of Geology and Mineral Industries (DOGAMI) as Boring Volcanic field basalts overlying mudstone, claystone, and sandstone of the Troutdale formation. The soils are mapped by the Natural Resources Conservation Service (NRCS) as predominantly silty clay loam of the Jory soils and very steep Xerochrepts and Haploxerolls soils in the northwest corner.

Geologic hazards at or near the site are mapped in several publications by DOGAMI, and mentioned in documents from Portland State University and the Oregon Department of Transportation (ODOT). These publications suggest that the steep slope at the northwest corner of the site, coincident with the geologic hazards overlay zone, is the headscarp of a deep-seated landslide. This landslide is one of several deep-seated landslides within the hillslopes of the Newell Creek drainage that are described as Quaternary landslide deposits by DOGAMI and others. The headscarp of this ancient deep-seated landslide is just at the edge of the project site, while the slide body extends to the west, underneath Highway 213, and terminating at Newell Creek.

## Geologic Hazard Evaluation

Hart Crowser completed a preliminary geotechnical and geologic evaluation of the area of the site within the geologic hazards overlay zone. Our evaluation included a geologic reconnaissance, a 75-foot-deep boring, and a slope stability analysis. We considered two landslide cases: 1) the potential movement of the entire deep-seated landslide and 2) localized landsliding within the northwest headscarp slope.

Our evaluation of the deep-seated landslide found that the potential for the entire deep-seated landslide to move is low, so no special development measures are recommended to address it.

Our evaluation of localized landsliding found the potential for landsliding within the headscarp to be moderate. We found that the headscarp slope could experience local failures that could potentially adversely affect the site under two cases: very high groundwater conditions or a design seismic event. We consider this hazard to be moderate as it is only likely under extreme cases of these conditions. Groundwater would have to be very high from either prolonged and extreme precipitation and/or excessive on-site infiltration. Likewise seismic shaking would have to be from a substantial magnitude event, the design seismic event. Both of these conditions would occur very infrequently. Our analyses determined that the hazard to the site from such landsliding can be mitigated with setbacks from the headscarp slope and controls for on-site water infiltration. Specific final measures will be determined with additional geotechnical work as development plans are finalized and permitted.



Similar to the moderate hazard the headscarp slope poses to the proposed development, the development potentially poses a moderate hazard of causing localized landsliding within the headscarp slope if not properly designed. This hazard would occur if development increases groundwater levels within proximity of the slope. Increased groundwater levels could occur from stormwater and other sources of water infiltration that are altered by development. To mitigate for this hazard, potential sources of water infiltration will be controlled, largely by relying on stormwater detention, rather than infiltration. Provided these are adequately controlled, no other special measures to mitigate for adverse effects to the headscarp slope will be necessary. Specific design of the stormwater system will be completed as development plans are finalized and permitted.

## Summary

Except for the moderate potential for localized slope instability, which can be mitigated by the measures noted above, no other geologic hazards were found to adversely affect the site and associated development. Seismic hazards away from the northwest slope are low, including from liquefaction, earthquake shaking, ground rupture, or instability, and no special measures for development will be required.

Site soils should adequately support structures with light to moderate loads on standard shallow foundations without adverse effects from bearing failure or settlement. Retaining walls, slabs, roadways, and other geotechnical components of site development can use conventional design and construction methods to meet planning and building codes. No other special mitigation measures to address geotechnical or slope conditions at the site are necessary.

January 11, 2016

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

**VIA EMAIL**

Ms. Laura Terway, Planner  
City of Oregon City Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

**Re: City of Oregon City File Nos. ZC 15-03 and PZ 15-01**

Dear Ms. Terway:

This office represents the Applicant. Enclosed with this letter is a figure from the geotechnical analysis report submitted by Mr. Tim Blackwood on behalf of the Applicant. The figure shows the location of the apartments that have been subject to sliding compared to the proposed development site. The figure demonstrates why, in Mr. Blackwood's professional opinion, any landslide issues can be mitigated on the development site.

Would you please place this letter and the enclosure before the Planning Commission prior to the commencement of the initial evidentiary hearing on Monday, January 11, 2016? Thanks very much.

Very truly yours,



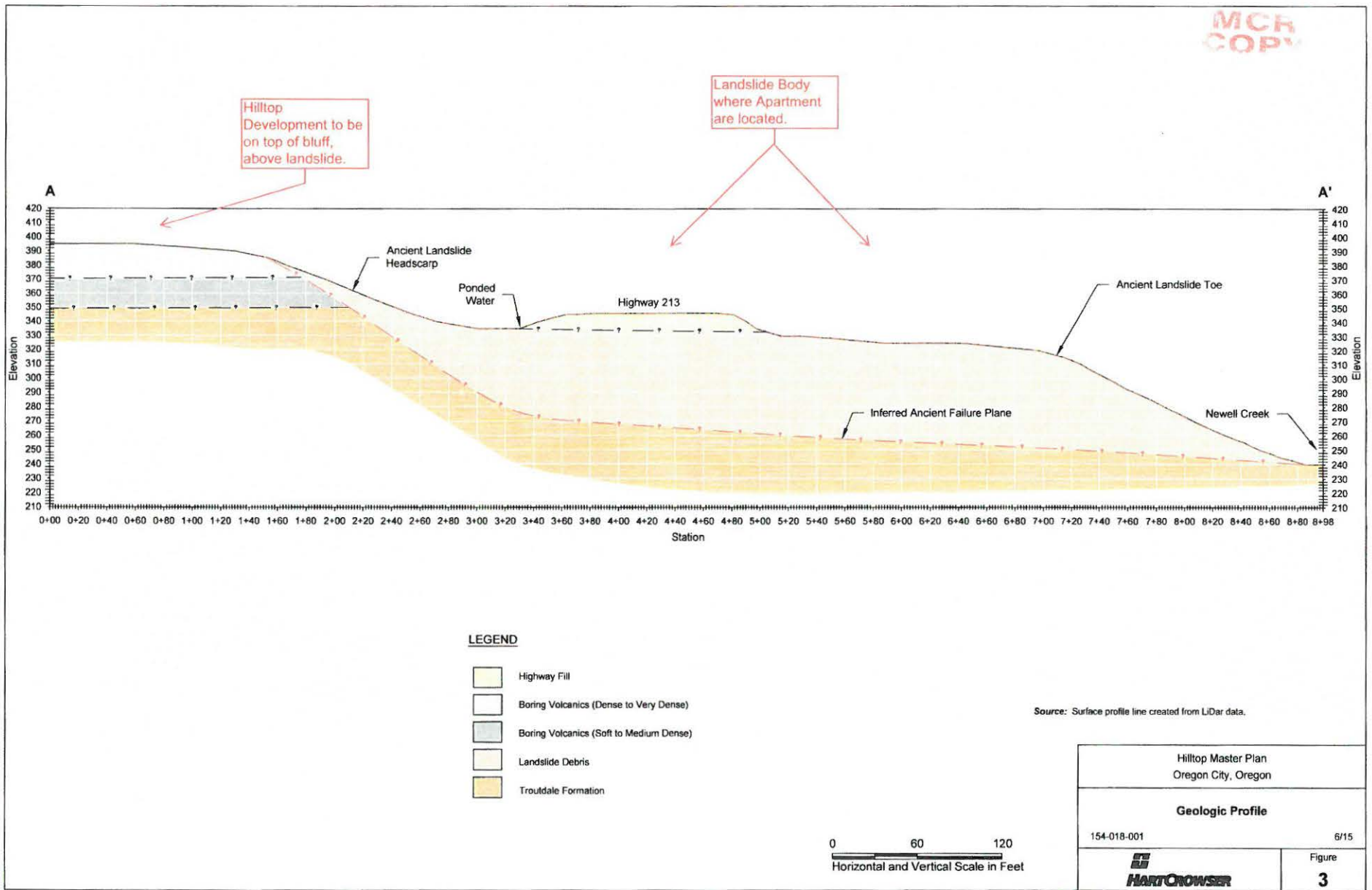
Michael C. Robinson

MCR:rsr  
Enclosure

cc: Mr. Dan Fowler (via email) (w/ encl.)  
Mr. Tom Sisul (via email) (w/ encl.)  
Mr. Tim Blackwood (via email) (w/ encl.)

MCR  
COPY

File: F:\Notabook\154018001\_Hilltop Development\CAD\154018001\_Profile.dwg Layout: Geologic Profile Date: 06-23-2015 Author: arctindquist



June 23, 2015

Mr. Dan Fowler  
Historic Properties, LLC  
1300 John Adams Street  
Oregon City, OR 97045

**Re: Geotechnical Assessment Services**  
Hilltop Development  
Oregon City, Oregon  
154018001

Dear Mr. Fowler:

Hart Crowser, Inc. (Hart Crowser) is pleased to present this report with the results of our preliminary geologic assessment for the above project in Oregon City, Oregon. The project location is shown on Figure 1 and the site and exploration plan with relevant features is shown on Figure 2.

## **Project Understanding**

We understand that development of the approximately 20-acre site at the intersection of Highway 213 and Beavercreek Road in Oregon City may include a number of apartment and senior living structures on shallow foundations within the project area. Cuts and fills are anticipated to be a few feet over most of the site, but near the intersection of Maple Lane and Beavercreek Road fills will likely be 10 feet or more. Stormwater detention is anticipated on site with some infiltration, although infiltration will not be the primary method of stormwater disposal. Utilities will be at typical depths, on the order of 10 to 15 feet deep.

The site is within an area of gentle slopes, except the northwest side of the site that abruptly steepens at the edge of the project area. This steep slope is mapped as the headscarp of a deep-seated landslide by the Oregon Department of Geology and Mineral Industries (DOGAMI), and is coincident with the geologic hazards overlay zone. We recommended that you complete a preliminary evaluation of the stability of this slope for use in planning and eventually for permitting. This report provides the results of that evaluation.

## **Purpose and Scope**

The purpose of our services were to evaluate the stability of the mapped landsliding adjacent to the site and its potential effect on the project. Our specific scope of services included the following tasks:





- Reviewed existing available subsurface, soil and groundwater information, geologic maps, and other available information including geotechnical reports and subsurface data from the Oregon Department of Transportation (ODOT), pertinent to the site.
- Conducted a site reconnaissance to evaluate existing conditions. The site visit included observing indications of instability, slope forms, vegetation conditions, springs or seeps, sags or depressions, and completing a field developed cross section through a representative area near the mapped potentially unstable slope.
- Coordinated clearance of existing site utilities and oversaw Western States Soil Conservation Inc. drill one boring to 76.5 feet below ground surface (bgs). Obtained samples at representative intervals from the exploration.
- Performed laboratory tests on soil samples obtained from the explorations to evaluate pertinent engineering characteristics.
- Conducted a numerical slope stability analysis of the headscarp slope using the information collected during the boring and from our laboratory testing.
- Evaluated the findings of our office, field reconnaissance, and subsurface exploration, including an evaluation of the stability of the adjacent mapped landslide, the likely effect of the development on the site, and potential adverse effects site conditions may have on the development.
- Prepared this report with our findings, evaluation, and results of the slope stability analysis related to the proposed development.

## **Site Description**

### **Site Geologic and Geologic Hazards Mapping Soils Mapping**

Geologic mapping of the site was compiled by Ian Madin of the Oregon DOGAMI and is described in the Geologic Map of the Oregon City 7.5' Quadrangle (Madin 2009). The mapping indicates that the majority of the site is underlain by the Pliocene age Basalt of Canemah rocks of the Boring volcanic field. This unit is described as flows of grey, medium-grained diktytaxitic olivine basalt. Underlying the basalt are Miocene-Pliocene age mudstone, claystone, and sandstone of the Troutdale Formation (Hull 1979; Madin 2009). The hillslopes located in the northwest corner of the site are mapped as Troutdale Formation. These slopes are also coincident with the geologic hazard overlay, described as Quaternary headscarps and landslide deposits consisting of chaotically mixed and deformed masses of rock, colluvium, and soil that have moved downslope in one or more events (Madin 2009). The headscarp is located adjacent to the project site and the landslide body extends to the west, underneath Highway 213, terminating at Newell Creek (Madin and Burns 2006; DOGAMI Statewide Landslide Information Database for Oregon [SLIDO] 2015; Burns and Mickelson 2010). These landslide deposits are further described in the DOGAMI SLIDO viewer as part of a deep seated complex landslide that is greater than



150 years old (DOGAMI SLIDO 2015; Burns and Mickelson 2010). The approximate locations of these mapped landslide features are shown on Figure 2.

Previous reports and other mapping also indicate the presence of large landslides within the Newell Creek Canyon area and adjacent to the project site. An environmental geology report and related master's thesis, and a 1996 report on Landslides in the Portland area, resulting from the February 1996 storm, were completed by Portland State University which covered the Newell Creek area, including the site (Burns 1993; Burns et al. 1998; Burns 1999). These reports noted that deep-seated landslides are common throughout the Newell Creek Canyon area and interpret the causes of landsliding to be largely due to perched water tables and impermeable failure planes. Clay rich layers within the Troutdale Formation are thought to form the failure planes for many of these slides (Burns 1993). The environmental geology report interpreted landslide susceptibility within the project area. The report placed the majority of the subject site in the low risk category because most of the site is on top of Boring volcanic rocks. However, the report places all Troutdale Formation slopes greater than 8 degrees in the moderate risk category and all landslide deposits in the high risk category (Burns 1993). The site adjacent Troutdale Formation slopes and landslide areas would therefore be in the medium to high risk categories.

Highway 213 was constructed below the site in the 1980's and included a fill embankment across the flat portion of the landslide (the landslide body) below the site. Documents from the ODOT noted slope instability during construction of the highway west of the project site (ODOT 1984). The ODOT reports describe fill foundation and cutslope failures along the highway from Redland Road to Beavercreek Road, in general, and specifically noted a fill foundation failure just west of the project site. A shear key was designed to stabilize the embankment in this instance, however, the fill eventually had to be re-excavated and reconstructed (ODOT 1984). This work was done in 1983, and we understand there has been no further instability of the landslide. The approximate location is shown on Figure 2.

## **Soils Mapping**

Soils within the project area are mapped by the Natural Resources Conservation Service (NRCS) (NRCS 2015). The mapping indicates predominately Jory silty clay loam within the project site. On the hillslopes in the northwest corner of the property, soils are described as Xerochrepts and Haploxerolls, and very steep. The Jory soils are described as forming on hillslopes with a colluvial parent material. The natural drainage class is described as well drained with a depth to water table of more than 80 inches. The Xerochrepts and Haploxerolls are described as forming on terraces with a colluvial parent material. The natural drainage class is well drained with a depth to water table given as 36 to 72 inches (NRCS 2015).

## **Groundwater**

Water well records are available from the Oregon Water Resources Department (OWRD) website. A review of nearby well logs indicates the presence of shallow, likely perched, groundwater ranging





between 20 and 35 feet bgs. The regional groundwater table appears to be deeper with one adjacent water well log placing the static water level at approximately 240 feet bgs (OWRD, 2015).

## **Surface Conditions**

Land use in the area is residential in the northwest corner of the property, where this report is focused, and adjacent to the deep-seated landslide. Elsewhere development includes parking and shop space for school buses and a former church. South Maple Lane Court traverses northwest of the site and headscarp, providing access to the homes and bus parking facilities, all of which are paved with asphaltic concrete (AC). The extent of impermeable surfaces and disposition of water collected off these surfaces was not determined. The headscarp slope is forested with conifer and deciduous trees, with decreasing vegetation near Highway 213.

Landforms within the project site include the hilltop where most of the site is located and the headscarp slope along the northwest side. The hilltop is generally flat to gently sloping and at an elevation of about 370 to 410 feet above mean sea level (MSL). The slopes steepen abruptly on the northwest side of the property, where it abuts the landslide headscarp. Slopes steepen to approximately 50 percent for about 120 feet down the headscarp and off the project site to the bottom of the scarp. West of the headscarp, slopes flatten for about 400 feet across the landslide body and across Highway 213, and then steepen again on the west side of Highway 213 to about 50 percent down to Newell Creek.

We conducted a geologic field reconnaissance May 19, 2015 to evaluate site conditions. Our reconnaissance noted site geotechnical conditions in the northwest corner of the site, where the deep-seated landslide is mapped, and then off-site to the northwest within the landslide feature. While on site we evaluated physical features that would indicate instability, including slope forms, vegetation conditions, springs or seeps, and sags or depressions. We traversed the headscarp slope for the full width of the property to observe conditions along the slope break, at and above the headscarp, and to complete a field developed cross section through the mapped landslide. Our cross section began at the headscarp, traversed through the body and toe of the landslide, through and west of Highway 213, and extended down to Newell Creek at the bottom of the slope. The location of our traverse is shown on Figure 2, with significant features noted as Traverse Points T-1 through T-7. Our interpreted cross section is shown on Figure 3. Specific features and landforms observed are described below. Photographs of some of the features are included in Appendix A.

The landslide headscarp was found to be generally concave with subdued topography, but varied from north to south. On the south end of the scarp, a series of small benches were noted near the crest of the slope and within areas of bare soil. The overall slope gradient was about 50 percent, but within the benched portions near traverse point T-2, slopes were approximately 70 percent. Vegetation within the south headscarp was dominated by deciduous trees and small brush, with occasional young conifer estimated to be less than 20 years old. The conifer showed tilting and bowing both in general (Photograph 1) and downslope of the benched topography (Photograph 2). A small pond of standing water was observed near traverse point T-3 between the highway fill embankment and base of the





headscarp slope. Boulders were observed on the slope near traverse point T-1 that likely rolled downhill from above. Large boulders were also observed at the base of the slope, adjacent to and within the constructed fill for Highway 213 (Photograph 3).

The north end of the headscarp, near the northern border of the site, slopes at a gentler gradient than the south end at approximately 33 percent at traverse point T-4. Trees are more widely spaced and mature in this portion of the headscarp, with large conifers approximately 2 feet in diameter. Several of the mature trees exhibited bowing of the trunks and some backtilting (Photograph 4). From the base of the headscarp to the highway, the topography of the slide body was gently hummocky, and exposed soil was not observed in this north end. The ancient slide headscarp in this area was defined by an old road which continued to the north and out of site boundaries (T-5). The cutslope side of the road was near vertical with exposed soil visible (Photograph 5) consisting of orange-brown silty sand. No pond or standing water was present between the base of the scarp and highway in this area.

The Highway 213 embankment occupies much of the landslide body. Just west of the embankment, the slope breaks sharply at the top of the landslide toe. At the crest of the toe, near traverse point T-6, bare and exposed soil was visible with moderate slopes at approximately 55 percent. Vegetation was a mixture of coniferous and deciduous trees and low shrubs. The coniferous trees included some with both bent and straight trunks (Photograph 6). Newell Creek runs along the base of the ancient landslide toe, near traverse point T-7. The channel was not well defined and water was observed to run around and through soil in multiple braided rivulets. Prior to reaching the stream, the landslide toe ended in an area of flat topography where vegetation was dominated by ferns, blackberry bushes, and grass.

### **Subsurface Conditions**

We completed field explorations at the site on May 6, 2015. Our explorations consisted of one boring to a depth of 76.5 feet bgs, at the location shown on Figure 2. The boring was completed with a track-mounted drill rig using mud rotary drilling methods, subcontracted with Western States Soil Conservation Inc. of Hubbard, Oregon. A Hart Crowser staff member monitored the boring and completed a field log in general accordance with American Society for Testing and Materials (ASTM) standard D-2488. The boring log is included in Appendix B.

Samples were collected between 2.5 and 5 feet intervals in the boring. Disturbed samples were collected using both a split spoon and Dames and Moore samplers and undisturbed samples were collected using Shelby tube samplers. During split spoon sample collection, standard penetration testing (SPT) was completed in general accordance with ASTM D-1586. Laboratory testing was conducted on selected samples. The laboratory test results are included on the boring log and in Appendix C.

Subsurface materials encountered in the boring were divided into two dominant geologic units, the Boring Volcanics and the Troutdale Formation. Within the Boring Volcanics unit, soils can be grouped into two engineering categories, dense to very dense sandy residual soil, and soft to medium dense



clayey residual soil. A detailed description of soil conditions is presented in our boring log in Appendix B. A general description of the soil units is provided below:

- **Boring Volcanics (dense to very dense sandy residual soil)** – these soils generally consist of dense to very dense, dry to moist, fine silty sand with a residual rock texture. Blow counts within the unit ranged from 26 blows per foot (bpf) to refusal (greater than 100 blows for 12 inches) and averaged 42 bpf. Moisture contents in the unit ranged from 25 to 28 percent.
- **Boring Volcanics (soft to medium dense clayey residual soil)** – these soils generally consist of soft to very stiff, medium to high plasticity, silt and clay, with a layer of medium dense silty sand. Blow counts within the unit ranged from 3 to 19.5 bpf and averaged 12 bpf. Moisture contents in the unit ranged from 21 to 44 percent.
- **Troutdale Formation** – these soils generally consist of medium dense to dense, sand and silty sand, with minor stiff to very stiff silt and clay layers. Blow counts within the unit ranged from 13 to 33 bpf, and averaged 22 bpf. Moisture contents in the unit ranged from 25 to 34 percent.

Our interpretation of subsurface conditions, based on our research and information collected from our boring B-1, is shown on Figure 3. The location of the boring is shown on Figure 2.

## Slope Stability Evaluation

### General

Based on our field evaluation, our explorations, and our interpreted landslide cross section, potential landslide mechanisms that could affect the site include 1) remobilization of the deep seated ancient landslide extending to the site, and 2) shallow sliding within the steep headscarp upslope of the highway. Our evaluation of these mechanisms are presented separately below.

### Ancient Landslide Movement

The ancient landslide extends from the headscarp slope to Newell Creek, and supports the Highway 213 road embankment. The landslide is mapped as being greater than 150 years old (DOGAMI SLIDO 2015). Although mapped as pre-historic, such landslides have been known to reactivate by natural conditions such as erosion at the toe by streams or extreme precipitation, or by anthropogenic causes such as changes to surface drainage or grading.

Our background review found that landsliding has occurred on the west side of the highway in this area during construction of Highway 213. However, this movement was within upper surface soils on the landslide toe and was repaired at that time with a rock key and structural fill. We did not find records of subsequent slope instability in the site-adjacent stretch of Highway 213 since construction was completed. This major highway has been in operation for 30 or so years and no damage or displacement of the highway crossing this landslide has been documented that we could find.





Our field reconnaissance also found little evidence of recent large scale movement of this ancient feature. Bowing and tilting of some larger conifers were observed and standing water was present between the highway embankment and the site at the south end of the scarp. However, overall landforms are weathered and subdued and no signs of movement were observed, such as surface cracks, slumps or other features, as well as damage to the curbs or hard surfaces of Highway 213. It is noteworthy that a large highway embankment was constructed across the body of this landslide. Such major grading can reactivate large landslides such as the subject slide. Since no sliding has occurred despite this large fill, we believe the landslide failure plain is likely relatively flat as shown on our cross section, Figure 3. The fill embankment, therefore, likely had little effect on the landslide and possibly provided an overall stabilizing effect due to the geometry. This model has not been verified, but would explain the long stability despite significant grading changes and numerous large storms, including the February 1996 storm that caused hundreds of landslides in the region.

Based on the large resisting mass of the toe portion of the deep-seated landslide, our interpreted geometry of the landslide, the absence of evidence of movement in several decades, and no adverse reactivation from highway construction, we believe that the risk of future movement of this large deep-seated landslide is low within the design life of anticipated structures. We also believe the potential for proposed activities related to development to affect it, to be low. Further numerical stability analyses were not, therefore, completed.

### **Headscarp Instability**

Landsliding within the headscarp slope, initiating from within or above the top of the slope was considered in our evaluation. These landslides would be smaller and rotational in nature, compared to the very large and mostly translational movement that reactivation of the deep-seated landslide would cause. Because these landslides are smaller, they are more likely to be affected by smaller natural events and by anthropogenic causes. Extreme precipitation events are the most common natural cause of such landslides. Anthropogenic causes include stormwater runoff or water infiltration that reaches the headscarp slope, or surcharge loading such as from fill near the edge of the scarp.

To evaluate the stability of the headscarp slope from local failures, we completed slope stability analyses within this segment of the slope at the location of Cross Section A-A' as shown on Figure 2, which we believe to be representative of the most critical section of the landslide. Our analysis utilized the computer program Slope/W and was modeled as a rotational failure. Soil properties used in the analyses were based on direct shear testing of samples collected at the site, testing of similar soils from our files, and our experience with similar soils. The cross sectional geometry used was based on a LiDAR generated contour map, subsurface geometry utilized our interpretive model developed from our boring, and groundwater elevations were estimated from the OWRD well logs, our borings and typical conditions we see on similar sites.

We evaluated the stability of the existing slopes in their current condition and under a design earthquake to evaluate potential conditions from development. We modeled the stability with high



groundwater (to simulate infiltration from stormwater facilities) and with a surcharge to simulate 10 feet of fill placed near the edge. The program models the stability of the slope in terms of a factor of safety (FS) against sliding for a series of potential failure surfaces with different geometry. A greater FS presents a more stable slope and a lower FS a less stable slope. An FS of 1.0 reflects a condition where the resisting and driving forces are equal and a failure could occur from any changes in these forces. An FS below 1.0 means the slope will theoretically fail, as the forces resisting failure are less than those driving it. Changes in FS due to site development would reflect changes in the stability of site slopes. The results of our analyses are included in Appendix D and are summarized below.

Case	FS	Notes
1) Existing static – groundwater -25 feet	1.39	Groundwater based on high moisture contents at this depth and nearby well logs, not direct measurements.
2) Existing seismic – groundwater -25 feet	0.87	Predicts failure under design seismic event to edge of headscarp
3) Existing seismic – groundwater -25 feet, slip circle with FS = 1.1	1.1	Slip circle with FS of 1.1 at approximately 55 feet from the edge of the headscarp.
4) High groundwater - static	1.09	Models groundwater at ground surface, very extreme condition.
5) 10 feet fill - static	1.34	

Based on these results, the following are noted:

- Under static conditions and normal groundwater levels, the FS is about 1.4. Typical design target FS are 1.5 for constructed slopes and 1.3 for existing slopes. The static stability meets typical design requirements with the assumptions in our model.
- Under a design seismic event and normal groundwater conditions, the slope is expected to fail back to at least the slope crest. FS of 1.1 under seismic conditions are reached at about 55 feet back from the crest of the slope.
- Under extreme rise in groundwater (at the surface, about 25 feet), the FS reduces to approximately 1.1 or about a 30 percent reduction. As an estimation of the effect of increases in groundwater on stability the slope, this equates to about a 1 percent reduction in FS for each 1 foot increase in groundwater.
- Fill up to 10 feet deep had little effect on the stability of the slope under static conditions with normal groundwater levels.

These results are based on a single boring and limited laboratory testing. We assumed what we believe to be conservative assumptions in our soil strength modeling as described in Appendix C. Additional explorations will refine these results, but the relative values should remain consistent.





## Conclusions

It is our opinion that an ancient deep-seated landslide is present adjacent to the site as mapped. This creates the potential of deep and shallow landsliding hazards to the property.

Our qualitative assessment found that deep-seated landsliding is unlikely to occur within the design-life of the project. The project is also unlikely to have an adverse effect on the deep-seated landslide. Grading will not occur within the body of the slide or where it could affect the large feature. Drainage and infiltration will be controlled and not significantly influence the deeper groundwater table affecting the deep landslide.

Shallow landsliding near the scarp slope is a potential hazard to the project. Our analysis found that under seismic conditions the slope is likely to fail which would affect any structures placed within 55 feet of the scarp. Increases in groundwater also decrease stability and with a sufficient elevation in groundwater levels could lead to failures near the headscarp. Requiring setbacks from the edge for development and controlling storm water run-off and groundwater infiltration will mitigate for these hazards to ensure landsliding doesn't adversely affect the proposed development and that the development doesn't decrease the stability of the scarp slope. These conditions can be accommodated for in project design, recommendations for which are provided below.

## Recommendations

To ensure development does not affect the adjacent deep-seated landslide and adjacent headscarp slope and to ensure the deep-seated landslide does not affect site development, we recommend the following measures:

- Supplemental geotechnical explorations, testing and analyses should be completed for final design and to confirm and modify our findings as needed.
- Development should not place structures within a distance from the slope where the FS is below 1.1 under seismic conditions. A preliminary setback of 55 feet is recommended based on our analysis and this should be refined with additional explorations and testing as noted above.
- Piezometers should be installed and read over at least one full wet season or more, prior to design and development, so a baseline groundwater level can be determined.
- Stormwater system design should minimize stormwater infiltration, particularly near the headscarp slope.
- Other sources of water infiltration (i.e., septic systems) should not be allowed without detailed geotechnical review and approval.



- Stormwater infiltration, if utilized, should not increase groundwater levels to a point where the FS is below an acceptable level, anticipated to be 1.3.
- Stormwater infiltration should not exceed existing levels without a detailed hydrogeologic assessment.

## Limitations

We have prepared this report for the exclusive use of Historic Properties, LLC and their authorized agents for the proposed Hilltop Master Plan site in Oregon City, Oregon. Our report is intended to provide our opinion of hazards to the site from mapped landsliding for design and construction of the proposed project based on exploration locations that are believed to be representative of site conditions. However, conditions can vary significantly between exploration locations and our conclusions should not be construed as a warranty or guarantee of subsurface conditions or future site performance.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with generally accepted practices in the field of geotechnical engineering in this area at the time this report was prepared. No warranty, express or implied, should be understood.

Any electronic form, facsimile, or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by Hart Crowser and will serve as the official document of record.

Sincerely,

HART CROWSER, INC.



EXPIRES 12/31/2015

**TIMOTHY W. BLACKWOOD, PE, GE, CEG**  
Principal, Geotechnical Engineer



Expires: 1/31/16

**RACHEL PIROT, CEG**  
Project Engineering Geologist



Attachments:

Figure 1 – Vicinity Map

Figure 2 – Site and Exploration Plan

Figure 3 – Geologic Profile

Appendix A – Photograph Log

Appendix B – Boring Log

Appendix C – Lab Testing

Appendix D – Slope W Results

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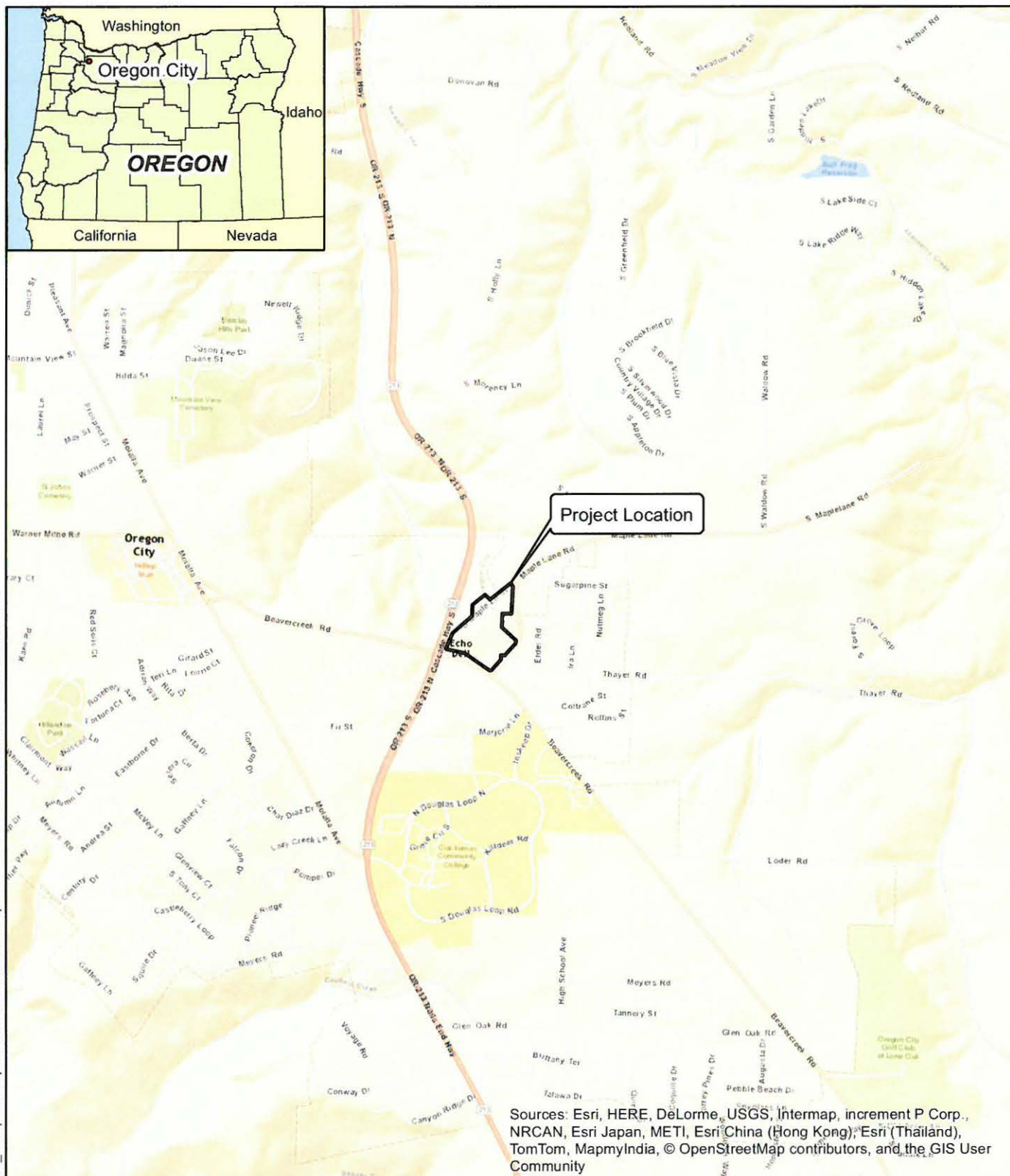




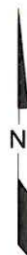
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0 1,000 2,000 4,000 Feet



Hilltop Development  
Oregon City, Oregon

**Vicinity Map**

154-018-001

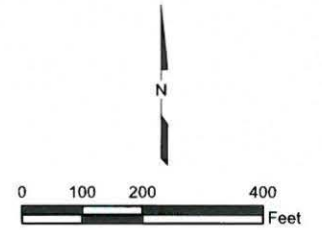
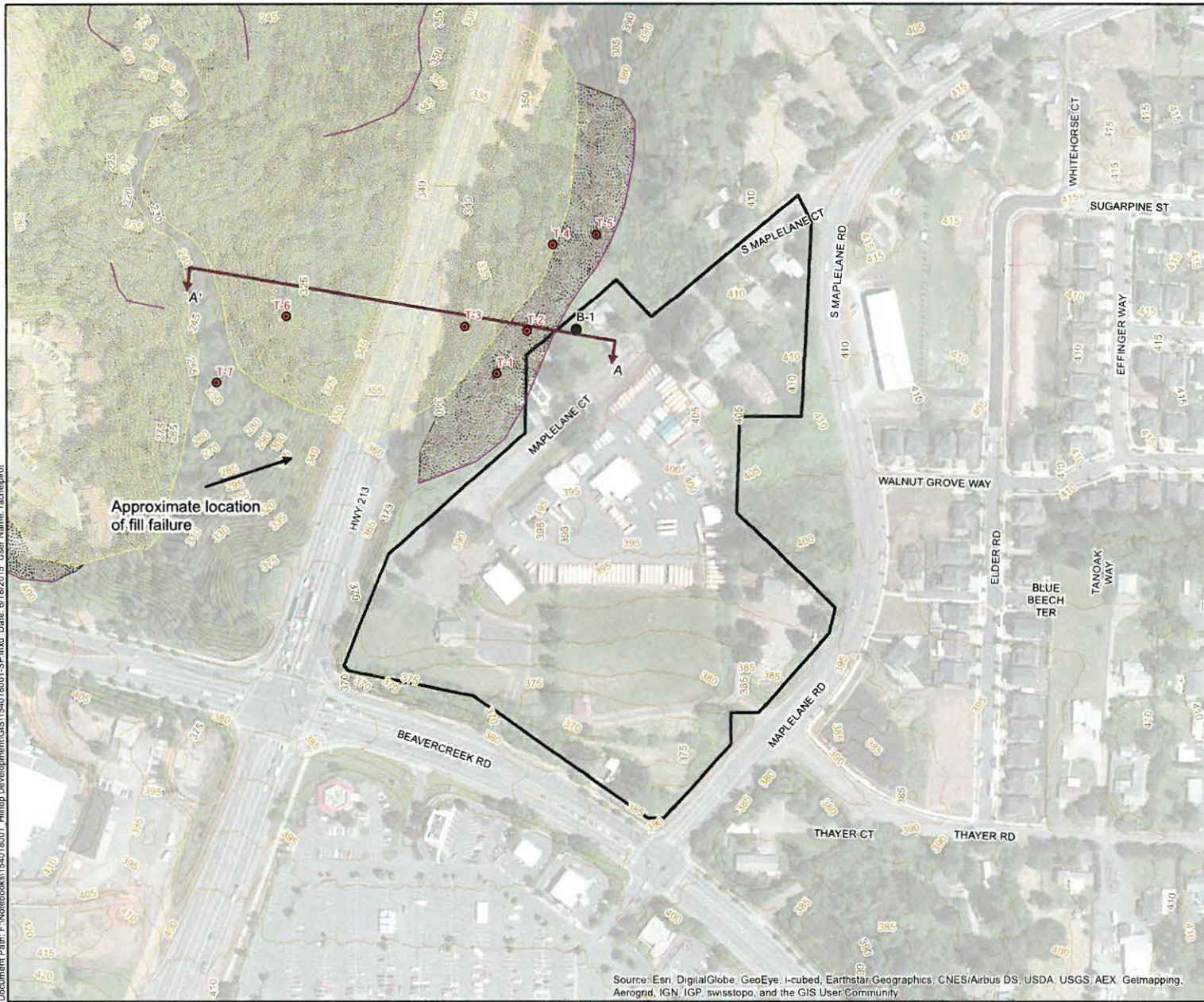
6/15



Figure

**1**





- LEGEND**
- Boring
  - Traverse Point
  - ↕ Cross Section
  - Landslide Scarp (SLIDO)
  - Landslide Deposit (SLIDO)
  - ▨ Landslide Headscarp (SLIDO)
  - Existing Surface Contour (LIDAR)
  - ▭ Project Site

Hilltop Master Plan  
Oregon City, Oregon

Site and Exploration Plan

154-018-001

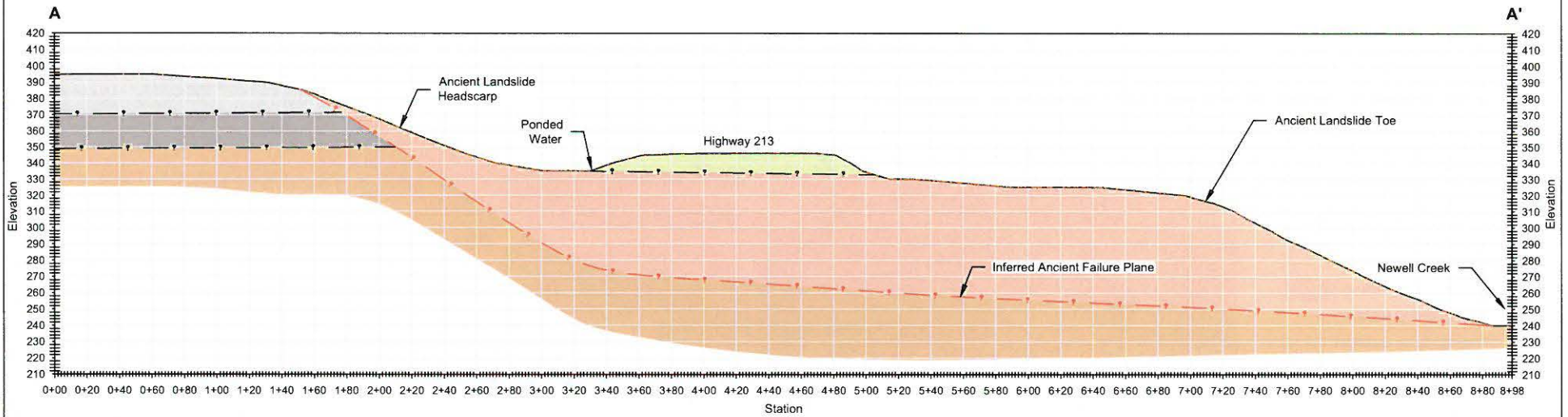
6/15



Figure

2

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



#### LEGEND

- Highway Fill
- Boring Volcanics (Dense to Very Dense)
- Boring Volcanics (Soft to Medium Dense)
- Landslide Debris
- Troutdale Formation

Source: Surface profile line created from LiDAR data.

0 60 120  
Horizontal and Vertical Scale in Feet

Hilltop Master Plan  
Oregon City, Oregon

#### Geologic Profile

154-018-001

6/15



Figure

3

## **APPENDIX A**

### **Photograph Log**



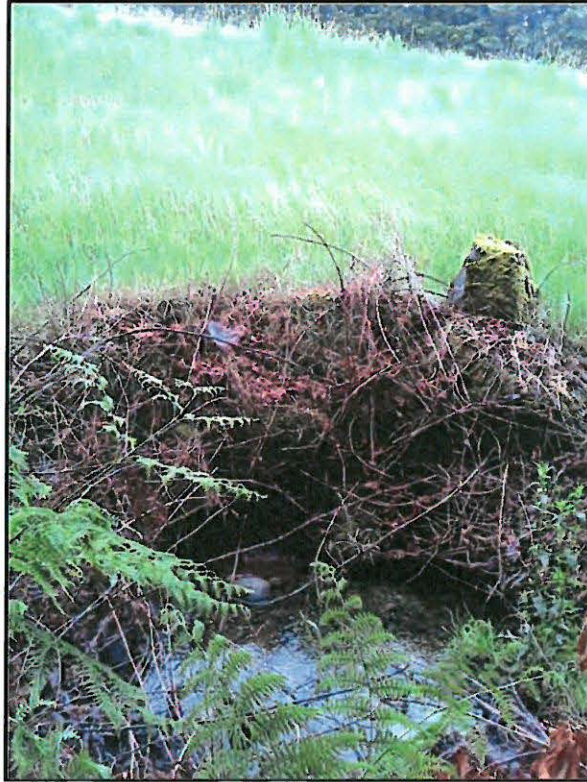


**Photograph A-1**



**Photograph A-2**





**Photograph A-3**



**Photograph A-4**





Photograph A-5



Photograph A-6

## **APPENDIX B**

### **Boring Log**





## **Appendix B**

### **Field Explorations**

This appendix documents the processes Hart Crowser used to determine the nature (and quality) of the soil and groundwater underlying the project site addressed by this report. The discussion includes information on the explorations and their locations.

#### **Explorations and their Locations**

The subsurface exploration for this report consisted of one deep boring (B-1). The exploration log within this appendix shows our interpretation of the drilling, sampling, and laboratory test data. The log indicates the depths where the soil changes. Note that changes may be gradual. In the field, we classified the samples taken from the exploration according to the methods presented on the Key to Exploration Logs. This key also provides a legend explaining the symbols and abbreviations used in the log.

Figure 2 of this report shows the boring location of B-1, located using a handheld GPS unit. The method used determines the accuracy of the location and elevation of the explorations.

#### **Borings**

One exploration, designated B-1, was advanced on May 6, 2015 using a track-mounted CME-850 drill rig, owned and operated by Western States Soil Conservation Inc., subcontracted by Hart Crowser. The exploration was continuously observed by a geologist from Hart Crowser. A detailed field log was prepared for the exploration.

The log for the boring is presented at the end of this appendix.

---

# KEY TO EXPLORATION LOGS



## SOIL CLASSIFICATION CHART

MATERIAL TYPES	MAJOR DIVISIONS		GROUP SYMBOL	SOIL GROUP NAMES & LEGEND		OTHER MATERIAL SYMBOLS	
COARSE-GRAINED SOILS >50% RETAINED ON NO. 200 SIEVE	GRAVELS  >50% OF COARSE FRACTION RETAINED ON NO 4. SIEVE	CLEAN GRAVELS <5% FINES	GW	WELL-GRADED GRAVEL		 Concrete  Asphalt  Topsoil	
		GRAVELS WITH FINES, >12% FINES	GP	POORLY-GRADED GRAVEL			
			GM	SILTY GRAVEL			
		GC	CLAYEY GRAVEL				
	SANDS  >50% OF COARSE FRACTION PASSES ON NO 4. SIEVE	CLEAN SANDS <5% FINES	SW	WELL-GRADED SAND			
		SANDS AND FINES >12% FINES	SP	POORLY-GRADED SAND			
			SM	SILTY SAND			
			SC	CLAYEY SAND			
FINE-GRAINED SOILS >50% PASSES NO. 200 SIEVE	SILTS AND CLAYS  LIQUID LIMIT<50	INORGANIC	CL	LEAN CLAY			
			ML	SILT			
		ORGANIC	OL	ORGANIC CLAY OR SILT			
	SILTS AND CLAYS  LIQUID LIMIT>50	INORGANIC	CH	FAT CLAY			
			MH	ELASTIC SILT			
		ORGANIC	OH	ORGANIC CLAY OR SILT			
	HIGHLY ORGANIC SOILS			PT	PEAT		

Note: Multiple symbols are used to indicate borderline or dual classifications

### MOISTURE MODIFIERS

Dry - Absence of moisture, dusty, dry to the touch  
Moist - Damp, but no visible water  
Wet - Visible free water or saturated, usually soil is obtained from below the water table

### SEEPAGE MODIFIERS

None -  
Slow - < 1 gpm  
Moderate - 1-3 gpm  
Heavy - > 3 gpm

### CAVING MODIFIERS

None -  
Minor - isolated  
Moderate - frequent  
Severe - general

### MINOR CONSTITUENTS

Trace - < 5% (silt/clay)  
Occasional - < 15% (sand/gravel)  
With - 5-15% (silt/clay) in sand or gravel  
15-30% (sand/gravel) in silt or clay

### SAMPLE TYPES

	Dames & Moore
	Standard Penetration Test (SPT)
	Shelby Tube
	Bulk or Grab

### LABORATORY/ FIELD TESTS

ATT	Atterberg Limits
CP	Laboratory Compaction Test
CA	Chemical Analysis (Corrosivity)
CN	Consolidation
DD	Dry Density
DS	Direct Shear
HA	Hydrometer Analysis
OC	Organic Content
PP	Pocket Penetrometer (TSF)
P200	Percent Passing No. 200 Sieve
SA	Sieve Analysis
SW	Swell Test
TV	Torvane Shear
UC	Unconfined Compression

### GROUNDWATER SYMBOLS

	Water Level (at time of drilling)
	Water Level (at end of drilling)
	Water Level (after drilling)

### STRATIGRAPHIC CONTACT

	Distinct contact between soil strata or geologic units
	Gradual or approximate change between soil strata or geologic units

### Notes:

Blowcount (N) is recorded for driven samplers as the number of blows required to advance sampler 12 inches (or distance noted) per ASTM D-1586. See exploration log for hammer weight and drop.

When the Dames & Moore (D&M) sampler was driven with a 140-pound hammer (denoted on logs as D+M 140), the field blow counts (N-value) shown on the logs have been reduced by 50% to approximate SPT N-values.

Soil density/consistency in borings is related primarily to the Standard Penetration Resistance. Soil density/consistency in test pits and probes is estimated based on visual observation and is presented parenthetically on the logs.

Refer to the report text and exploration logs for a proper understanding of subsurface conditions. Descriptions on the logs apply only at the exploration locations at the time the explorations were made. The logs are not warranted to be representative of the subsurface conditions at other locations or times.

Figure B-1

# Boring Log B-1

Location: N 614745.775 E 7669096.0849

Approximate Ground Surface Elevation: 391.5 Feet

Horizontal Datum: NAD83 Oregon State Planes, North Zone, US Foot

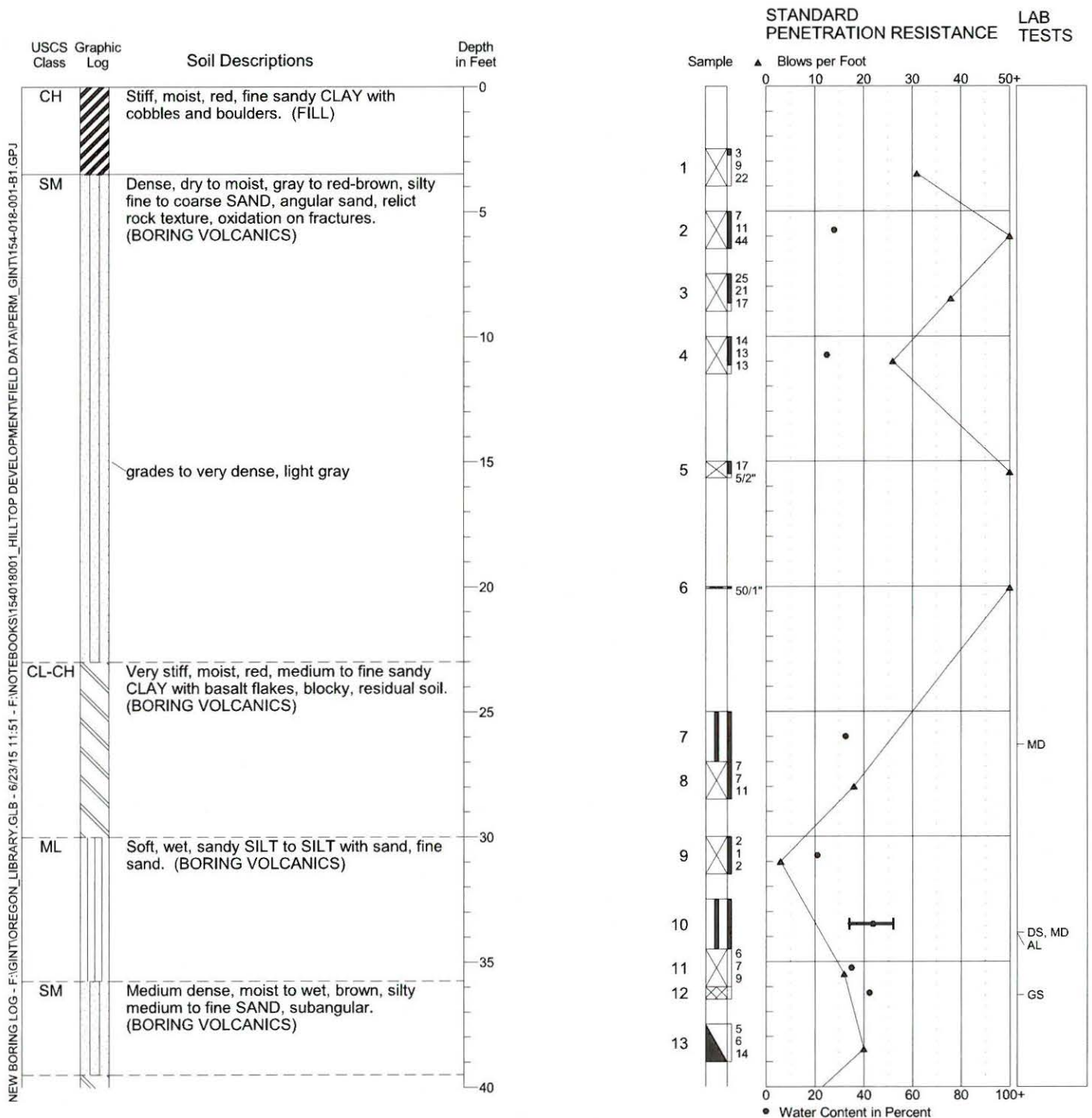
Vertical Datum: NAVD 88

Drill Equipment: CME 850

Hammer Type: Auto

Hole Diameter: 4 7/8 inches

Logged By: A. Wade Reviewed By: R. Pirot



1. Refer to Figure B-1 for explanation of descriptions and symbols.
2. Soil descriptions and stratum lines are interpretive and actual changes may be gradual.
3. USCS designations are based on visual manual classification (ASTM D 2488) unless otherwise supported by laboratory testing (ASTM D 2487).
4. Groundwater level, if indicated, is at time of drilling (ATD) or for date specified. Level may vary with time.



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154-018-001

6/15

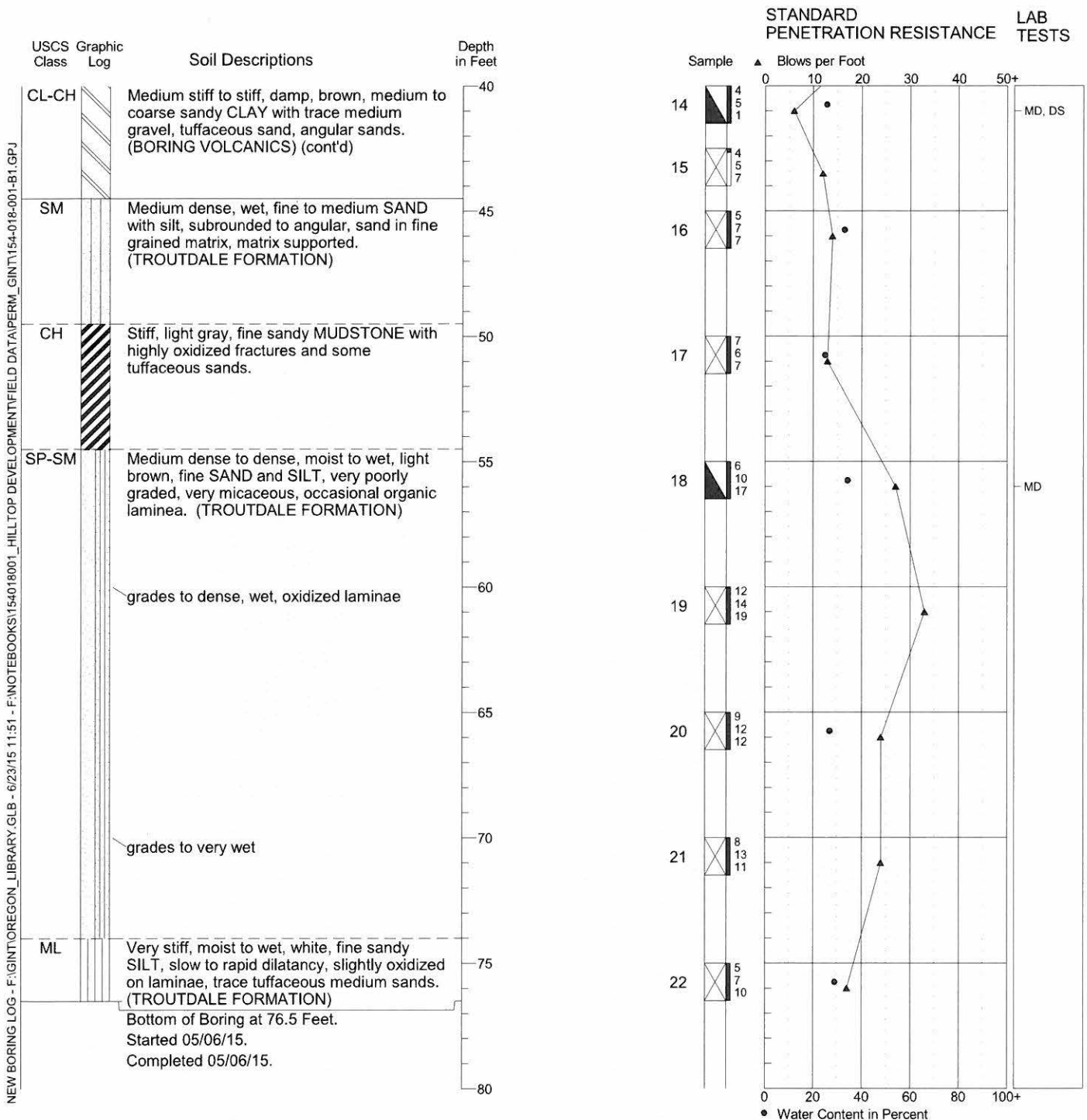
Figure B-2

1/2

# Boring Log B-1

Location: N 614745.775 E 7669096.0849  
 Approximate Ground Surface Elevation: 391.5 Feet  
 Horizontal Datum: NAD83 Oregon State Planes, North Zone, US Foot  
 Vertical Datum: NAVD 88

Drill Equipment: CME 850  
 Hammer Type: Auto  
 Hole Diameter: 4 7/8 inches  
 Logged By: A. Wade Reviewed By: R. Pirot



**HARTCROWSER**

154-018-001

6/15

Figure B-2

2/2

1. Refer to Figure B-1 for explanation of descriptions and symbols.
2. Soil descriptions and stratum lines are interpretive and actual changes may be gradual.
3. USCS designations are based on visual manual classification (ASTM D 2488) unless otherwise supported by laboratory testing (ASTM D 2487).
4. Groundwater level, if indicated, is at time of drilling (ATD) or for date specified. Level may vary with time.

## **APPENDIX C**

### **Lab Testing**





## **APPENDIX C**

### **Laboratory Testing**

A geotechnical laboratory testing program was performed for this study to evaluate the basic index and geotechnical engineering properties of the site soil. Both disturbed and undisturbed samples were tested. The tests performed and the procedures followed are outlined below.

#### ***Soil Classification***

Soil samples from the explorations were visually classified in the field and then taken to our laboratory where the classifications were verified in a relatively controlled laboratory environment. Field and laboratory observations include density/consistency, moisture condition, and grain size and plasticity estimates.

The classifications of selected samples were checked by laboratory tests, such as water content determinations, fines content analyses, Atterberg limit determinations, dry density determinations, and direct shear testing. Classifications were made in general accordance with the Unified Soil Classification (USC) System and ASTM D 2487.

#### ***Water Content Determinations***

Water contents were determined for samples recovered in the exploration in general accordance with ASTM D 2216 as soon as possible following their arrival in our laboratory. The results of these tests are plotted at the respective sample depth on the exploration log included in Appendix B.

#### ***Fines Content Analyses***

Fines content analyses were performed to determine the percentage of soils finer than the No. 200 sieve—the boundary between sand and silt size particles. The tests were performed in general accordance with ASTM D 1140. The test results are presented on the exploration log included in Appendix B.

#### ***Atterberg Limits***

Atterberg limits (liquid limit, plastic limit, and plasticity index) of one fine-grained soil sample were obtained in general accordance with ASTM D 4318 02. The results of the Atterberg limits tests completed on the sample from the exploration are presented on the exploration log included in Appendix B and on Figure C-1 in this appendix.

#### ***Dry Density***

We tested the *in-situ* dry density of four soil samples in general accordance with ASTM D 2937. The dry density is the ratio between the mass of the soil (not including water) and the volume of the intact sample. The density is expressed in units of pounds per cubic foot (pcf). The measured dry



densities range from 63.9 to 96.6 pcf, with an average value of approximately 83.5 pcf. The test values are shown on the attached report from Northwest Testing, Inc., Attachment C-1, at the end of this appendix.

### ***Direct Shear Testing***

The drained direct shear test estimates the effective stress parameters of the soil. We tested the *in-situ* strength parameters of two soil samples by conducting direct shear tests in general accordance with ASTM D 3080. The data are presented on a diagram plotting shear stress versus normal stress in Attachment C-1 at the end of this appendix.





## ATTERBERG LIMITS' RESULTS

**CLIENT** Historic Properties, LLC

**PROJECT NAME** Hilltop Development

**PROJECT NUMBER** 154018001

**PROJECT LOCATION** Oregon City

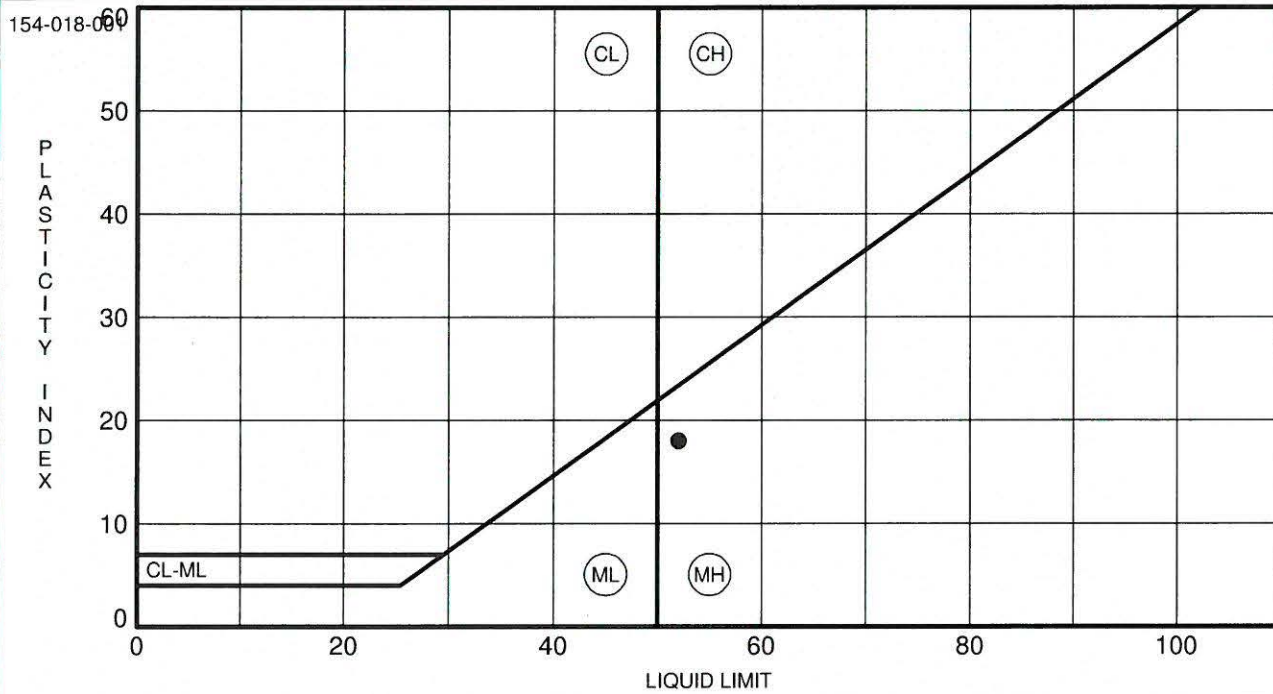
[illegible]

FIGURE C-1



## TECHNICAL REPORT

**Report To:** Ms. Rachel Pirot  
Hart Crowser  
8910 S.W. Gemini Drive  
Beaverton, Oregon 97008

**Date:** 6/2/15

**Lab No.:** 15-113

**Project:** Laboratory Testing – 154-018-001

**Project No.:** 2736.1.1

**Report of:** Atterberg limits, moisture content, dry density, amount of material passing the number 200 sieve, and direct shear of soil

### Sample Identification

NTI completed the Atterberg limits, moisture content, dry density, amount of material passing the number 200 sieve, and direct shear of soil testing on samples of soil delivered to our laboratory on May 20, 2015. Testing was performed in accordance with the standards indicated. Our laboratory test results are summarized on the following tables.

### Laboratory Test Results

Atterberg Limits (ASTM D4318)			
Sample ID	Liquid Limit	Plastic Limit	Plasticity Index
B-1 S-10 @ 32.5 ft.	52	34	18

Amount of Material Finer than the No. 200 Sieve (ASTM D1140)		
Sample ID	Moisture Content (%)	Percent Passing the No. 200 Sieve
B-1 S-12 @ 36 ft.	42.4	34.9

**Copies:** Addressee

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SHEET 1 of 4 REVIEWED BY: Bridgett Adame

TECHNICAL REPORT

\\NGI-FS2\Laboratory\Lab Reports\2015 Lab Reports\2736.1.1 Hart Crowser\15-113 Moisture Density, Atterberg limits, No. 200 wash & Shear.docx



## TECHNICAL REPORT

**Report To:** Ms. Rachel Pirot  
Hart Crowser  
8910 S.W. Gemini Drive  
Beaverton, Oregon 97008

**Date:** 6/2/15

**Lab No.:** 15-113

**Project:** Laboratory Testing – 154-018-001

**Project No.:** 2736.1.1

### Laboratory Test Results

Moisture Content of Soil and Dry Density (ASTM D7263)		
Sample ID	Moisture Content (Percent)	Dry Density (pcf)
B-1 S-7 @ 25 ft.	32.6	88.4
B-1 S-10 @ 32.5 ft.	43.8	63.9
B-1 S-14 @ 40 ft.	25.7	96.6
B-1 S-18 @ 55 ft.	34.3	85.0

**Sample ID: B-1 S-10 @ 32.5 ft.**

Direct Shear Test of Soils Under Consolidated Drained Conditions – Sample Data (ASTM D 3080)			
Test	2000 psf Normal Load Initial Conditions	4000 psf Normal Load Initial Conditions	8000 psf Normal Load Initial Conditions
Moisture Content, (%)	43.8	45.4	42.2
Dry Unit Weight, (pcf)	63.8	64.6	63.3

**Sample ID: B-1 S-14 @ 40 ft.**

Direct Shear Test of Soils Under Consolidated Drained Conditions – Sample Data (ASTM D 3080)			
Test	4000 psf Normal Load Initial Conditions	6000 psf Normal Load Initial Conditions	8000 psf Normal Load Initial Conditions
Moisture Content, (%)	25.2	25.4	26.4
Dry Unit Weight, (pcf)	96.1	96.7	96.9

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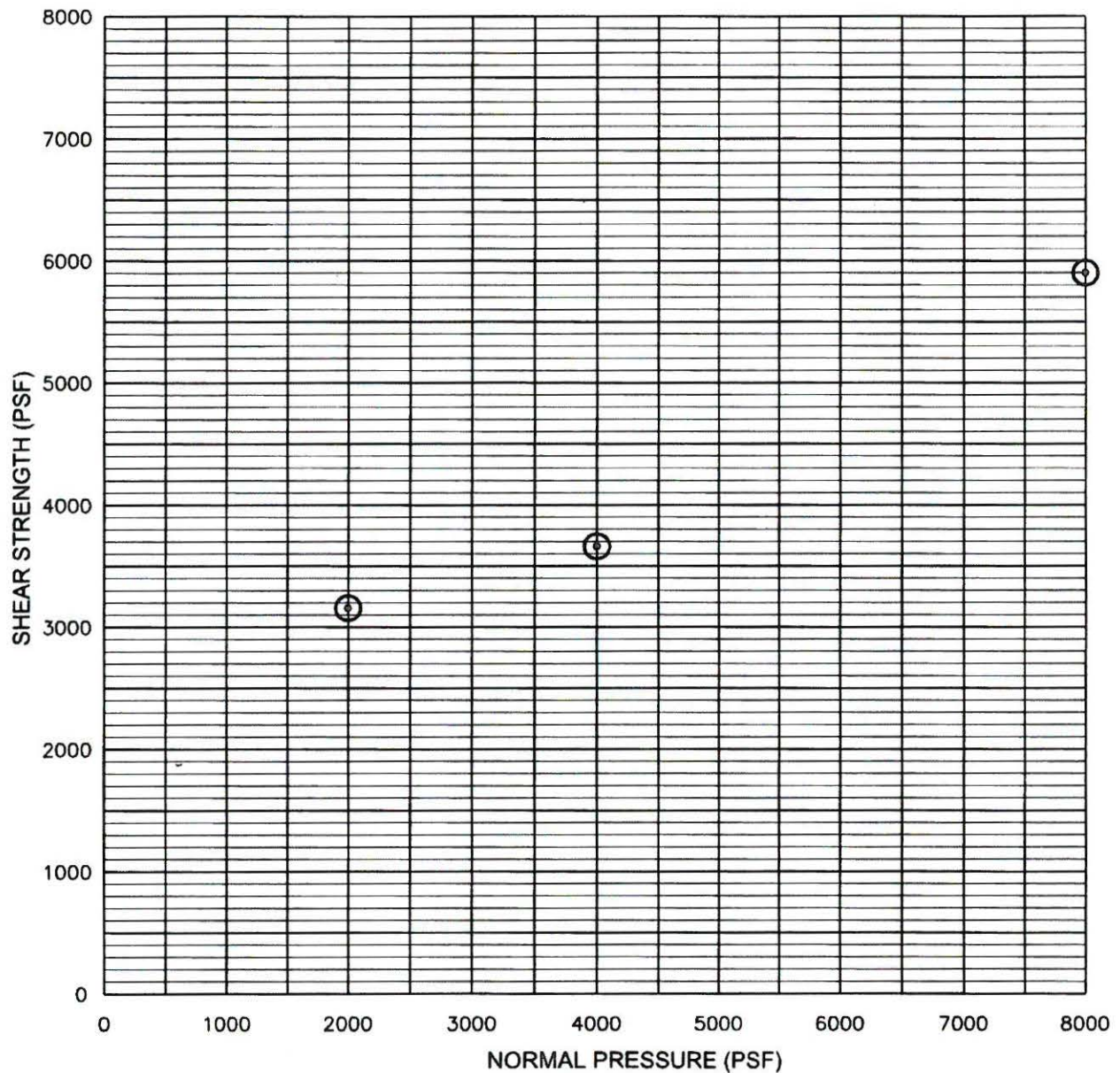
SHEET 2 of 4

REVIEWED BY: Bridgett Adame

TECHNICAL REPORT

\\NGI-FS2\Laboratory\Lab Reports\2015 Lab Reports\2736.1.1 Hart Crowser\15-113 Moisture Density, Atterberg limits, No. 200 wash & Shear.docx





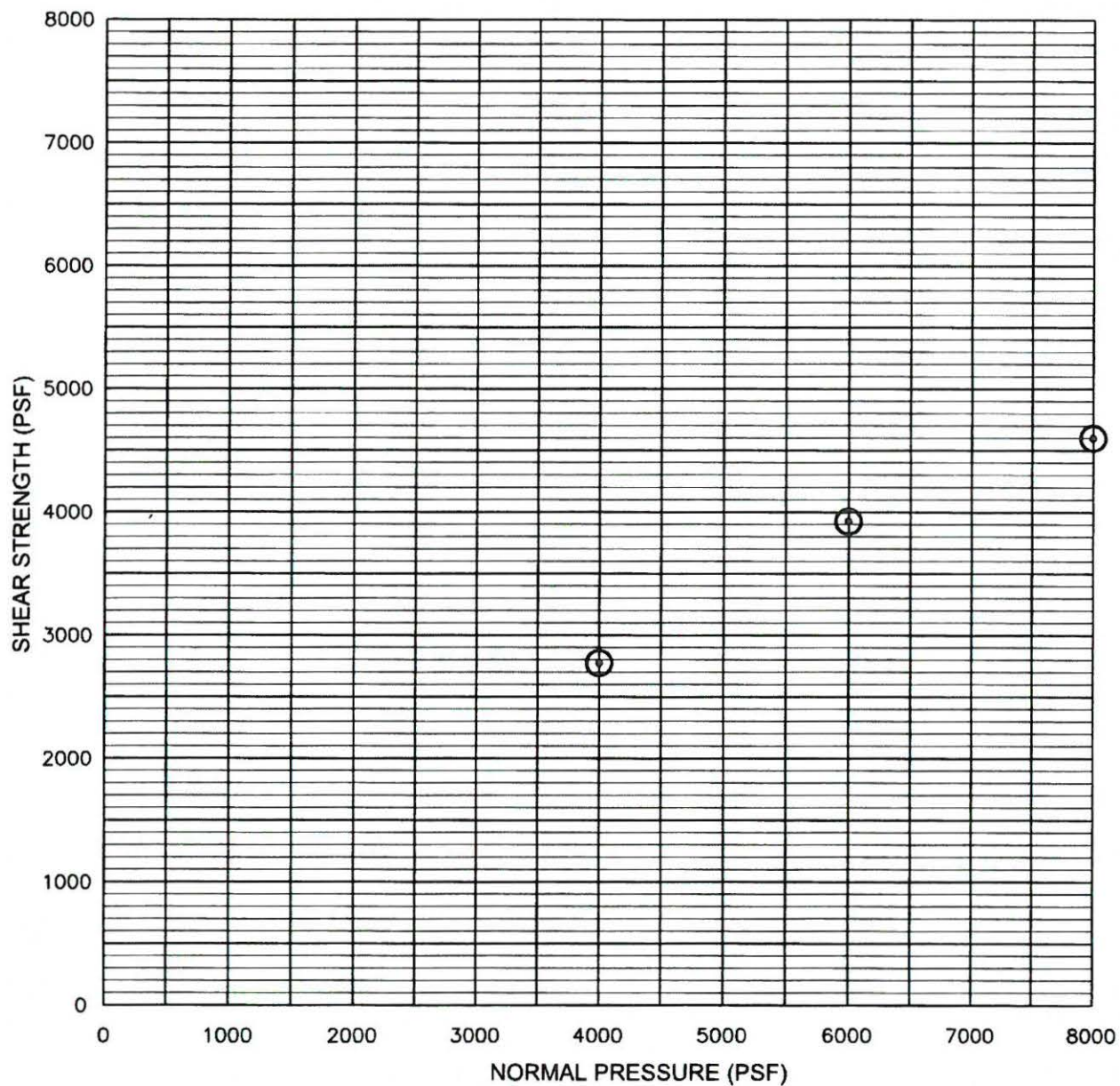
SYMBOL	SAMPLE LOCATION	COHESION (psf)	FRICTION ANGLE	REMARKS
⊙	B-1 S-10 @ 32.5 FT.	--	--	SATURATED; UNDISTURBED

## DIRECT SHEAR TEST RESULTS – ASTM D3080

PROJECT NO. 2736.1.1

HART CROWSER, INC.  
LABORATORY TESTING

LAB NO. 15-113



SYMBOL	SAMPLE LOCATION	COHESION (psf)	FRICTION ANGLE	REMARKS
⊙	B-1 S-14 @ 40 FT.	--	--	SATURATED; UNDISTURBED

## DIRECT SHEAR TEST RESULTS – ASTM D3080

PROJECT NO. 2736.1.1

HART CROWSER, INC.  
LABORATORY TESTING

LAB NO. 15-113

## **APPENDIX D**

### **Slope W Results**





## APPENDIX D

### Slope Stability Analysis

This appendix summarizes our stability analysis as discussed in the Headscarp Instability section of this report. Our stability analysis was completed using the program Slope/W by Geo-Slope International, Ltd. Slope/W performs two-dimensional limiting equilibrium analysis to compute static slope stability and determine a factor of safety (FS).

The FS is simplistically defined as the ratio of forces resisting slope movement (e.g., soil strength, soil mass) to the forces driving slope movement (e.g., gravity, earth pressure, earthquake shaking). The program predicts the location and geometry of “critical failure planes”. Critical failure planes are the zones with the lowest factor of safety. A FS of 1.0 is a condition where the forces driving and resisting movement are balanced. FS greater than 1.0 indicate stable slopes, with progressively higher values indicating more a more stable condition. FS less than 1.0 infer the forces are not in equilibrium and movement is likely to occur. Progressively lower FS infer progressively more unstable conditions.

Our analysis was completed for the headscarp slope at the location of Cross Section A-A' on report Figure 2, which we believe to be representative of the most critical section of the landslide. Our analysis used Morgenstern – Price method, which is a rotational failure model, the type of mechanism we would expect under site conditions. The cross sectional geometry used was based on a LiDAR generated contour map at the location of A-A'. Subsurface geometry utilized the interpretive model we developed from our boring B-1. Groundwater elevations were estimated from nearby water well logs and conditions noted on boring B-1. Soil properties used in the analyses were based on our laboratory of samples collected at the site, testing of similar soils from our files, and our experience with similar soils.

Of most significance to the soil properties are the direct shear testing which provide the soil strength. Direct shear testing was completed on two samples from two specific soil units of the nine units modeled. The results of this testing consists of two components: friction angle and cohesion. The two samples we tested were within/near the weakest zones we observed during our boring which would be the most likely locations of failure planes to occur. The samples yielded generally consistent friction angles, but very different cohesion values of 2025 and 1067 psf. The direct shear tests results are provided in Appendix B. For our analysis, we utilized friction angles near the measured values, but at a cohesion of 1,000 psf, the approximate lower value of the test results. The reason the higher cohesion was not used is because the samples may not be from the weakest portion of the unit sampled. If this were the case, it would be most likely that the friction angle would be similar, but cohesion could vary significantly, as evidenced by the wide range of cohesion measured in the samples tested. Additionally if cohesion used in the model is higher than actual cohesion, it has a disproportionately large stabilizing affect in the model, which may not be reflected in actual field conditions. For our preliminary evaluation and with only one boring completed for data, we elected to use conservative values for our analysis.





Table D1 shows the properties of all the soil units included in our model. The properties were based on our lab testing where completed and estimated where testing was not completed.

**Table D-1. Soil Properties used in Stability Analyses**

Soil Unit	Friction Angle	Cohesion (psf)	Moist Unit Weight (pcf)
Silty Sand (1st layer)	34	250	125
Clay (2nd layer)	28	250	120
Elastic Silt (3rd layer)	21	1000	100
Silty Sand (4th layer)	32	100	120
Clay (5th layer)	24	1000	115
Silty Sand (6th layer)	32	100	120
High plasticity Clay (7th layer)	20	250	120
Sand to Silty Sand (8th layer)	34	0	125
Silt (9th layer)	26	0	120

psf = pounds per square foot

pcf = pounds per cubic foot

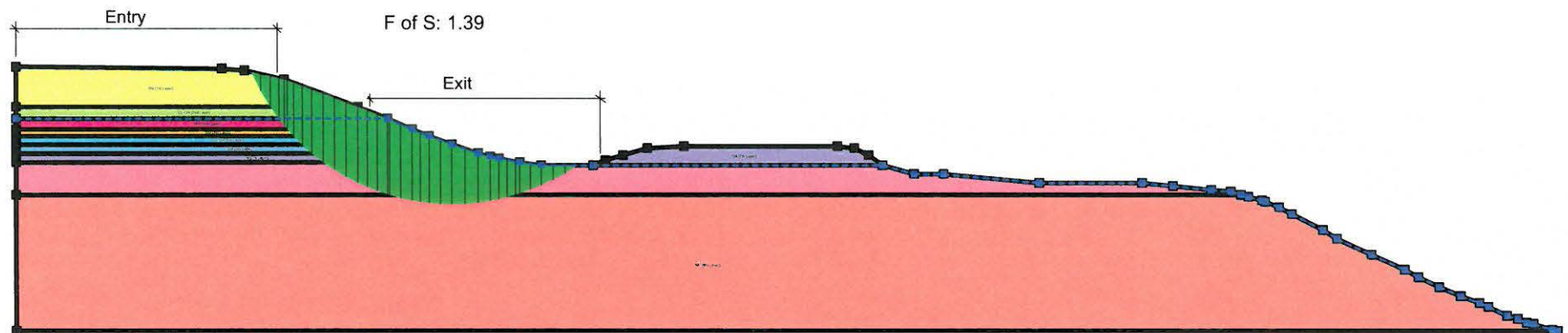
We modeled a number of cases for our analysis. Under existing conditions, we evaluated the stability of the slopes under static and dynamic (earthquake) conditions. To evaluate potential conditions from development, we modeled stability with higher groundwater (to simulate infiltration from stormwater facilities) and with a surcharge (to simulate 10 feet of fill placed near the edge). The results of our analysis are included in Table D-2 below.

**Table D-2. Stability Analyses Results**

Case	FS	Notes
1) Existing static – groundwater -25 feet	1.39	Groundwater based on high moisture contents at this depth and nearby well logs, not direct measurements.
2) Existing seismic – groundwater -25 feet	0.87	Predicts failure under design seismic event to edge of headscarp
3) Existing seismic – groundwater -25 feet, slip circle with FS = 1.1	1.1	Slip circle with FS of 1.1 at approximately 55 feet from the edge of the headscarp.
4) High groundwater - static	1.09	Models groundwater at ground surface, very extreme condition.
5) 10 feet fill - static	1.34	

Name: 1) Existing. Static - Groundwater -25 feet

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf Phi': 34 °  
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 28 °  
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf Phi': 21 °  
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °  
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf Phi': 24 °  
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf Phi': 32 °  
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf Phi': 20 °  
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf Phi': 34 °  
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf Phi': 26 °



Name: 2) Existing Seismic - Groundwater -25 feet

Horizontal Seismic Coefficient: 0.181g

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf  $\Phi'$ : 34 °

Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 28 °

Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf  $\Phi'$ : 21 °

Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °

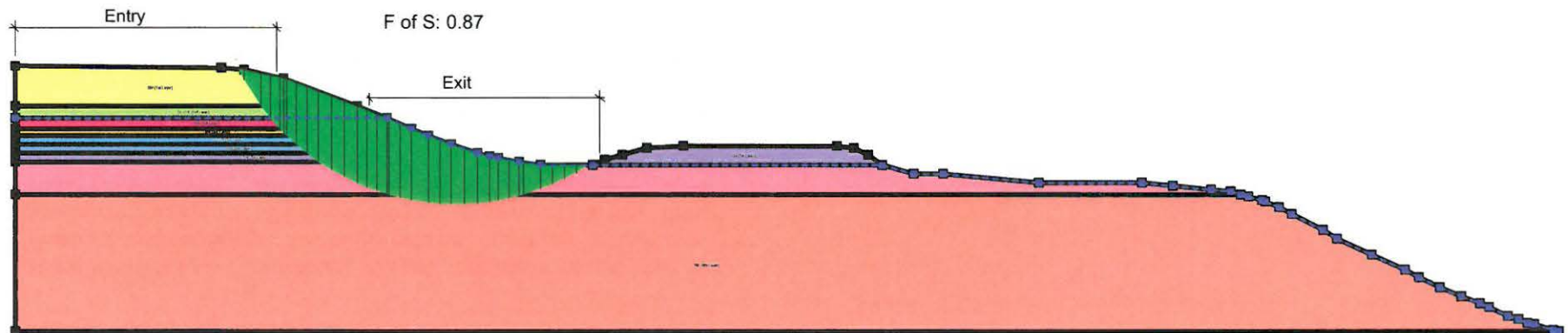
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf  $\Phi'$ : 24 °

Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °

Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 20 °

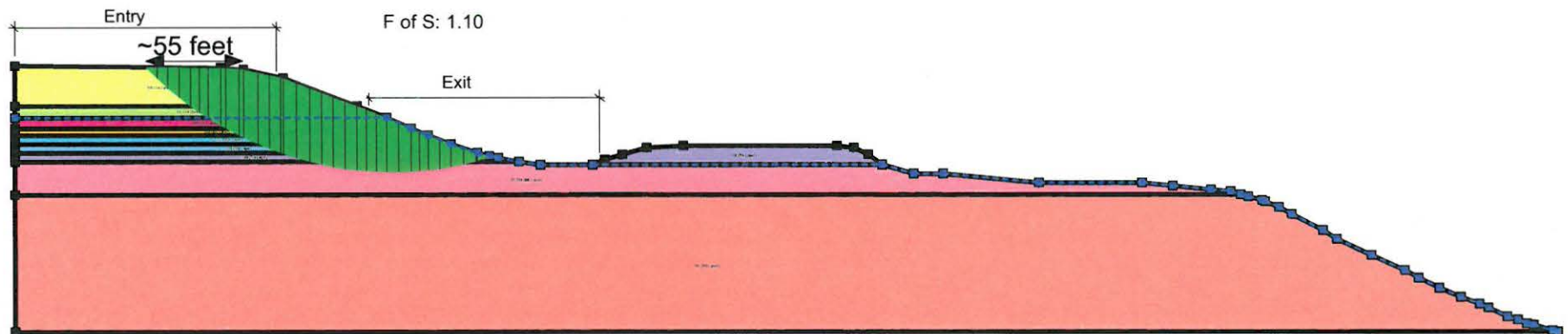
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf  $\Phi'$ : 34 °

Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf  $\Phi'$ : 26 °



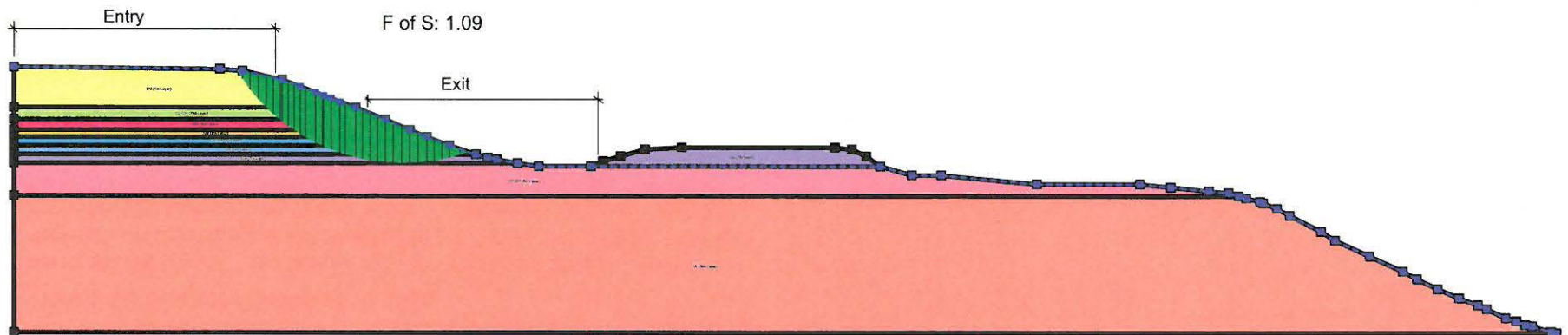
Name: 3) Existing Seismic - Groundwater -25 feet (Slip circle with FS=1.1)  
 Horizontal Seismic Coefficient: 0.181g

Name: SM (1st Layer)	Unit Weight: 125 pcf	Cohesion': 250 psf	Phi': 34 °
Name: CL-CH (2nd Layer)	Unit Weight: 120 pcf	Cohesion': 250 psf	Phi': 28 °
Name: MH (3rd Layer)	Unit Weight: 100 pcf	Cohesion': 1,000 psf	Phi': 21 °
Name: SM (4th Layer)	Unit Weight: 120 pcf	Cohesion': 100 psf	Phi': 32 °
Name: CL-CH (5th Layer)	Unit Weight: 115 pcf	Cohesion': 1,000 psf	Phi': 24 °
Name: SM (6th Layer)	Unit Weight: 120 pcf	Cohesion': 100 psf	Phi': 32 °
Name: CH (7th Layer)	Unit Weight: 120 pcf	Cohesion': 250 psf	Phi': 20 °
Name: SP-SM (8th Layer)	Unit Weight: 125 pcf	Cohesion': 0 psf	Phi': 34 °
Name: ML (9th Layer)	Unit Weight: 120 pcf	Cohesion': 0 psf	Phi': 26 °



#### Name: 4) High Groundwater - Static

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf  $\Phi'$ : 34 °  
Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 28 °  
Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf  $\Phi'$ : 21 °  
Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °  
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf  $\Phi'$ : 24 °  
Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °  
Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 20 °  
Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf  $\Phi'$ : 34 °  
Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf  $\Phi'$ : 26 °





Name: 5) 10 Feet of Fill - Static  
Surcharge (Unit Weight): 125 pcf

Name: SM (1st Layer) Unit Weight: 125 pcf Cohesion': 250 psf  $\Phi'$ : 34 °

Name: CL-CH (2nd Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 28 °

Name: MH (3rd Layer) Unit Weight: 100 pcf Cohesion': 1,000 psf  $\Phi'$ : 21 °

Name: SM (4th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °

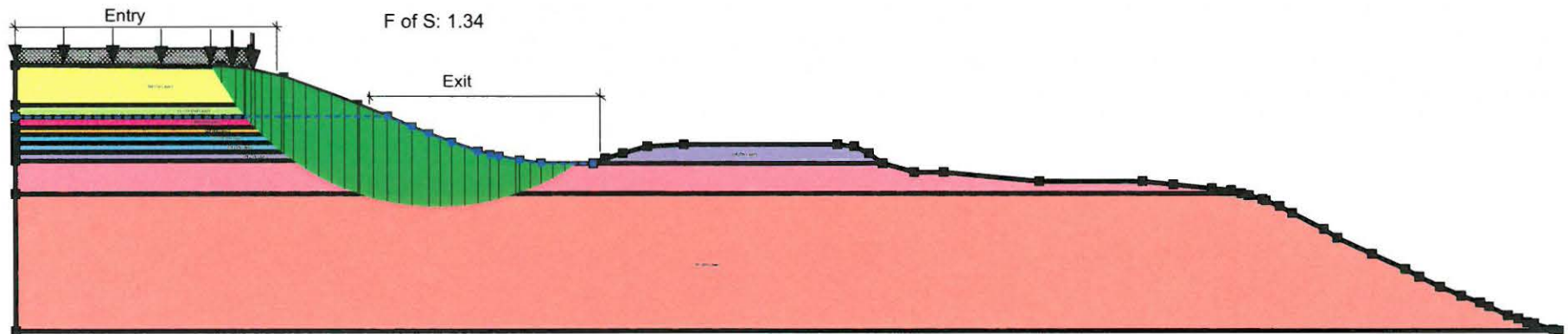
Name: CL-CH (5th Layer) Unit Weight: 115 pcf Cohesion': 1,000 psf  $\Phi'$ : 24 °

Name: SM (6th Layer) Unit Weight: 120 pcf Cohesion': 100 psf  $\Phi'$ : 32 °

Name: CH (7th Layer) Unit Weight: 120 pcf Cohesion': 250 psf  $\Phi'$ : 20 °

Name: SP-SM (8th Layer) Unit Weight: 125 pcf Cohesion': 0 psf  $\Phi'$ : 34 °

Name: ML (9th Layer) Unit Weight: 120 pcf Cohesion': 0 psf  $\Phi'$ : 26 °





January 18, 2016

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. +1.503.727.2264  
F. +1.503.346.2264

**VIA EMAIL**

Charles Kidwell, Chair  
Oregon City Planning Commission  
c/o City of Oregon City Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, OR 97045

**Re: Historic Properties, LLC Map Amendments  
City File Nos. ZC 15-03, PZ 15-01  
Applicant's Final Written Argument**

Dear Chair Kidwell and Members of the Oregon City Planning Commission:

This office represents Historic Properties, LLC, the applicant requesting approval of the Comprehensive Plan ("Plan") and Zoning Map amendments to allow mixed-use corridor development ("Applications") on property generally bounded by Beaver Creek Road, Maplelane Road, and Maplelane Court ("Property"). This letter constitutes applicant's final written argument, which is being submitted by the deadline established by the Planning Commission of January 18, 2016 at 5:00pm. This letter contains argument only and does not include any new evidence. Please consider this letter together with applicant's additional submittals, including the supplemental findings dated December 24, 2015, which were placed before and not rejected by the Planning Commission before the close of the public hearing on January 11, 2016.

**I. Executive Summary**

The Planning Commission should approve the Applications, subject to the conditions proposed by City staff for the following reasons:

- The application materials, including expert reports and analysis, and the January 4, 2016 City Planning staff report ("Staff Report"), which recommends approval, constitute substantial evidence to support approval of the Applications.

- As conditioned, the Applications are consistent with the applicable Statewide Planning Goals (“Goals”), including Goals 1, 2, 6, 10, 11, 12, and 13, the Oregon Transportation Planning Rule (“TPR”) and the applicable Plan provisions that implement those Goals.
- Goals 5 and 7 and their implementing provisions are not applicable to the Applications.
- Applicant’s shadow plat is a reliable base to calculate the worst-case scenario trip generation from the Property because it illustrates a potential development of the Property that complies with applicable City standards.
- The contention that homeowners on the Property cannot obtain landslide insurance is not relevant, and in any event, has been refuted.
- Compliance with ORS 105.465 is not relevant to this proceeding.
- The applicant’s geotechnical study demonstrates that the Property is not located in a high hazard area, and subject to implementation of recommended mitigation measures, the risk for landslides is low to moderate.
- Delaying or prohibiting approval of the Applications until the City adopts a landslide ordinance is unnecessary and constitutes an improper moratorium.

## **II. Responses to Opponent Testimony.**

### **A. The City has reviewed the Applications consistent with Goal 1 and the Plan provisions that implement this Goal.**

Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program. *Wade v. Lane County*, 20 Or LUBA 369, 376 (1990).

The City has adopted and followed its acknowledged citizen involvement program in Oregon City Municipal Code (“OCMC”) Chapter 17.50 in this case. Applicant met with the applicable neighborhood association on two occasions. Additionally, applicant and

the City provided notice three different ways (posting on the City's website, publication in a newspaper of general circulation, and mailed notice on two occasions to landowners within 300 feet of the subject site, the neighborhood association, and the Citizens Involvement Committee. Finally, the City is accepting testimony either in writing or at either of the public hearings before the Planning Commission or City Commission.

Although Mr. Nicita contends that the City violated Goal 1 by not making the City's adopted Goal 5 inventory available to the public in this matter, the Planning Commission should deny this contention. In fact, Mr. Nicita himself has located the City's Goal 5 inventory as it applies to the Property and has submitted that into the record. He has made argument relating to the merits of Goal 5. Additionally, the Staff Report discusses Goal 5 resources on the Property. Thus, Mr. Nicita has not been prejudiced by his difficulties in finding the Goal 5 inventory. The City's consideration of the Applications is consistent with Goal 1.

Plan Goal 1.3 reads as follows:

"Community Education – Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods."

Plan Goal 1.4 reads as follows:

"Community Involvement – Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies."

Mr. Nicita contends that the City failed to comply with these Plan Goals by not making the Goal 5 inventory available to the public in this matter. The Planning Commission should deny this contention for three reasons. First, as explained above, Mr. Nicita located the Goal 5 inventory and addressed it in his testimony to the Planning Commission, as did City staff. As a result, Mr. Nicita was not prejudiced by his difficulties in locating the Goal 5 inventory. Second, nothing in the plain language of these Plan Goals indicates that they are mandatory approval criteria applicable to site-specific quasi-judicial land use applications such as the Applications. Third, the City has

implemented Plan Goals 1.3 and 1.4 by adopting the citizen participation program in OCMC Chapter 17.50, and as explained above, the City has processed the Applications consistent with that program in this case.

For these reasons, the Planning Commission should deny Mr. Nicita's contention.

**B. The record includes adequate findings and evidence to support the conclusion that the Applications are consistent with Goal 2.**

The Planning Commission should deny Mr. Nicita's contention that there are no findings in the record explaining compliance with Goal 2 and there is no evidence to support such findings. In fact, there are findings in two places in the record explaining compliance with Goal 2. See p. 2 of the applicant's supplemental findings and p. 20 of the Staff Report. Mr. Nicita does not acknowledge, let alone challenge, these findings. Additionally, there is ample evidence in the record to support these findings set forth in the application submittal and supplemental reports from applicant's transportation engineer and geotechnical consultant. Mr. Nicita does not take issue with any specific evidence. Therefore, he has not adequately developed his argument, and there is no basis to sustain his contention.

**C. Goal 5 and its implementing rules are not applicable to the Applications.**

Goal 5 requires the City "[t]o protect natural resources and conserve scenic and historic areas and open spaces." Goal 5 is not applicable to the Applications for two reasons. First, the City has implemented its Goal 5 program through the OCMC and related overlay zoning districts (including the Natural Resource Overlay and the Geologic Hazards Overlay, both of which apply to portions of the Property), and the restrictions in these measures only apply at the time of development, and the Applications do not propose any development. Second, there are no historic or cultural resources located on the Property.

Although Mr. Nicita contends that Goal 5 applies to the Applications due to the presence of the Natural Resource Overlay zone that applies to a small portion of the Property, he does not explain why the existence of the overlay zone triggers Goal 5. In fact, the Applications do not propose to remove or modify the overlay zone; it will continue to apply as it has, and as explained above, will apply directly to any application

that proposes development on the Property. Further, the passages Mr. Nicita quotes from the comprehensive plan about the characteristics of Newell Creek (which is located in the Natural Resource Overlay zone) are taken from general text, not Goals or Policies, and do not establish any binding requirements that apply to the Applications.

Additionally, although Mr. Nicita contends that the Applications are inconsistent with the Goal 5 implementing rules in OAR Chapter 660 Division 023, the Planning Commission should deny this contention because these rules are not applicable to the Applications for the reasons explained below:

- OAR 660-023-0030 establishes the procedure to inventory Goal 5 resources. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify that inventory. This rule is not applicable.
- OAR 660-023-0040 establishes the procedure to analyze the economic, social, environmental, and energy (ESEE) consequences resulting from a decision to allow, limit, or prohibit a use that conflicts with an inventoried significant Goal 5 resource. The Applications do not propose a use that conflicts with an inventoried significant Goal 5 resource. This rule is not applicable.
- OAR 660-023-0070 establishes the procedure to respond if implementation of measures to protect significant Goal 5 resources affects the inventory of buildable lands. The Applications do not include any implementation measures to protect significant Goal 5 resources that affect the inventory of buildable lands. This rule is not applicable.
- OAR 660-023-0090 establishes the procedure to inventory riparian corridors. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. This rule is not applicable.
- OAR 660-023-0100 establishes the procedure to inventory wetlands. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. This rule is not applicable.
- OAR 660-023-0110 establishes alternative procedures to inventory significant wildlife habitat. The City has already completed this process on a City-wide basis,

and the Applications do not seek to modify this inventory. The rule is not applicable.

- OAR 660-023-0140 establishes the procedure to inventory significant groundwater resources. The City has already completed this process on a City-wide basis, and the Applications do not seek to modify this inventory. The rule is not applicable.

For these reasons, the Planning Commission should deny Mr. Nicita's contentions pertaining to Goal 5.

**D. The Applications are consistent with Goal 6 and the Plan provisions that implement Goal 6.**

Goal 6 requires the City "[t]o maintain and improve the quality of the air, water and land resources of the State." Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014), *aff'd* 269 Or 908, 347 P3d 1 (2015). As a result, Mr. Nicita's unsubstantiated contention to the contrary misconstrues applicable law. In response to Mr. Nicita's further concern, the Planning Commission can find that there is a reasonable expectation that the proposed uses will be able to comply with applicable state and federal standards pertaining to stormwater. The City has implemented extensive measures in the OCMC pertaining to stormwater management and erosion control, which will apply at the time of development of Property and ensure compliance with these state and federal standards.

Plan Goal 6.1 states the City is to "[p]romote the conservation, protection and improvement of the quality of the air in Oregon City." This policy is not applicable for two reasons. First, nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Second, the City has implemented this Plan Goal by adopting OCMC 17.620.50.A.13, which requires continuing compliance with applicable air quality standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 will ensure compliance with this Plan Goal. *See Salo v. City of Oregon City*, 36 Or LUBA 415 (1999) (affirming City Commission interpretation that requirement that application be



consistent with Plan policies is satisfied by demonstration of compliance with code standards that implement those Plan policies).

Plan Policy 6.1.1 states the City is to “[p]romote land-use patterns that reduce the need for distance travel by single occupancy vehicles and increase opportunities for walking, biking, and/or transit to destinations such as places of employment, shopping and education.” This policy is not applicable for two reasons. First, nothing in the plain text of this Plan Policy indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Second, the City has implemented this Plan Policy by adopting OCMC 17.620.50.A.13, which requires continuing compliance with applicable air quality standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC 17.62.050.A.13 will ensure compliance with this Plan Policy.

Plan Policy 6.1.4 states that the City is to “[e]ncourage the maintenance and improvement of the city’s tree canopy to improve air quality.” This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett v. City of Dallas*, 96 Or App 645, 647-649, 773 P2d 1340 (1989) (use of term “encourage” denotes a non-binding, aspirational provision).

Plan Goal 6.2 is to “[c]ontrol erosion and sedimentation associated with construction and development activities to protect water quality.” Policy 6.2.1 is to “[p]revent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.” Policy 6.2.2 states that the City is to “[w]here feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.” These provisions are not applicable to the Applications for two reasons. First, the Applications do not propose any development that will cause erosion or sedimentation or the need to control same. Second, any future development must comply with OCMC Chapter 17.47 (“Erosion and Sediment Control”), which implements these Plan provisions. Compliance with OCMC Chapter 17.47 will ensure compliance with these Plan provisions.

Plan Goal 6.3 reads as follows:

“Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while

providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.”

This Plan Goal is not applicable to the Applications for two reasons. First, the Applications do not propose any development that will cause nightlighting. Second, any future development must comply with OCMC 17.62.065 (“Outdoor Lighting”), which implements this Plan Goal and requires private landowners to submit and obtain approval of outdoor lighting plans to ensure that proposed lighting does not adversely affect adjacent properties or the community. Compliance with OCMC 17.62.065 will ensure compliance with this Plan Goal.

Plan Policy 6.3.1 is to “[m]inimize light pollution and reduce glare from reaching the night sky and trespassing onto adjacent properties.” This Plan Policy is not applicable for the same two reasons that Plan Goal 6.3 is not applicable to the Applications.

Plan Policy 6.3.2 is to “[e]ncourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.” This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett*, 96 Or App at 647-649 (use of term “encourage” denotes a non-binding, aspirational provision).

Plan Policy 6.3.3 states the City is to “[e]mploy practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.” By its plain language, this policy is a directive to the City, not private landowners, to follow. As a result, it is not applicable to the Applications.

Plan Goal 6.4 is to “[p]revent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.” This Plan Goal is not applicable for two reasons. First, the Applications do not propose any development, so there is no basis to apply the Plan Goal. Second, any future development must comply with OCMC 17.620.50.A.13 and the City’s nuisance control standards, which require continuing compliance with applicable noise standards and will apply at the time applicant submits a site plan and design review application for the Property. Compliance with OCMC

17.62.050.A.13 and the City's nuisance control standards will ensure compliance with this Plan Goal.

Plan Policy 6.4.1 is to "[p]rovide for noise abatement features such as noise walls, soil berms, vegetation, and setbacks, to buffer neighborhoods from vehicular noise and industrial uses." This Plan Policy is not applicable for the same two reasons Plan Goal 6.4 is not applicable to the Applications.

Plan Policy 6.4.2 is to "[e]ncourage land-use patterns along high-traffic corridors that minimize noise impacts from motorized traffic through building location, design, size and scale." This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett*, 96 Or App at 647-649 (use of term "encourage" denotes a non-binding, aspirational provision).

For these reasons, the City should find that the Applications are consistent with Goal 6 and the provisions of the Plan that implement Goal 6.

**E. Goal 7 and the Plan provisions that implement Goal 7 are not applicable to the Applications.**

Goal 7 is "[t]o protect people and property from natural hazards." Plan Goal 7 implements this Goal. For the reasons set forth at pages 11-13 and 21 of the Staff Report, and based upon the evidence cited therein, the Planning Commission can find that Goal 7 and Plan Goal 7 are not applicable to the Applications.

Plan Policy 7.1.13 is to "[m]inimize the risk of loss of life and damage to property from wildfires within the city and the Urban Growth Boundary." The Planning Commission can find that the risk of loss of people and property resulting from wildfires is minimized because the Property is in an urban location and is already developed. Further, the Fire Chief reviewed the Applications and did not object to them. Finally, the various Plan passages quoted by Mr. Nicita are descriptive in nature and do not establish any binding requirements.

For these reasons, the Planning Commission should find that Goal 7 and the Plan provisions that implement Goal 7 are not applicable to the Applications.

**F. The Applications are consistent with Goal 10.**

Goal 10 is “[t]o provide for the housing needs of the citizens of the state.” The Staff Report at pages 13-16 and 21 explains how the Applications are consistent with Goal 10. Although Mr. Nicita contends that applicant must determine the amount of “buildable land” on the Property in order to complete the buildable lands assessment required by Goal 10. However, the City is not completing, and is not required to complete, its buildable lands assessment in conjunction with the Applications. Therefore, Mr. Nicita’s comment is not relevant to this proceeding. The Applications are consistent with Goal 10.

**G. The Applications are consistent with Goal 11 and the provisions of the Plan that implement Goal 11.**

Goal 11 is to “[t]o plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” Although the Applications do not propose any development, the City has evaluated the availability of public facilities and services with relevant agencies and has concluded that it is possible, likely, and reasonable for there to be adequate public facilities and services available to serve development of the Property under the proposed zoning, subject to a condition of approval requiring applicant to limit uses and trip generation as proposed in the Applications.

Plan Goal 11.1 is to “[s]erve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.” This Plan Goal is not applicable because it is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it applies to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.2 is to “[p]rovide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.” For the reasons stated in response to Goal 11, the Applications are consistent with this Plan Policy.

Plan Policy 11.1.3 is to “[c]onfine 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 public will be centrally located and accessible, preferably by multiple modes of transportation.” This Plan Policy is not applicable for two reasons. First, the Applications do not propose any urban public facilities and services outside the City limits. Second, this Plan Policy is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.4 is to “[s]upport development on underdeveloped or vacant buildable land within the city where public 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.” The Applications are consistent with this policy because they will facilitate development of infill lots in the City where public facilities and services are already available.

Plan Policy 11.1.5 is to “[d]esign the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.” This Plan Policy is not applicable because it is a planning directive to the City; nothing in the plain text of this Plan Goal indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Policy 11.1.6 is to “[e]nhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.” This Plan Policy is not applicable because it is a planning directive to the City, which the City has implemented through adoption of OCMC provisions. Alternatively, it is applicable and satisfied because the Applications propose to develop infill lots with a variety of housing types, including Accessory Dwelling Units.

Plan Goal 11.2 is to “[s]eek 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.” Plan Goal 11.2 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.3 is to “[s]eek 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.” Plan Goal 11.3 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.4 is to “[s]eek 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.” Plan Goal 11.4 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.5 is to “[s]eek to ensure that the most cost-effective, integrated solid waste plan is developed and implemented.” Plan Goal 11.5 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.6 is to “[o]ptimize the City’s investment in transportation infrastructure.” Plan Goal 11.6 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.7 is to “[c]oordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.” Plan Goal 11.7 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.



Plan Goal 11.8 is to “[w]ork with healthcare and education providers to optimize the siting and use of provider facilities.” Plan Goal 11.8 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.9 is to “[m]aintain a high level of fire protection and emergency medical services.” Plan Goal 11.9 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.10 is to “[p]reserve the peace and provide for the safety and welfare of the community.” Plan Goal 11.10 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.11 is to “[s]trategically locate civic facilities to provide efficient, cost-effective, accessible, and customer friendly service to Oregon City residents.” Plan Goal 11.11 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

Plan Goal 11.12 is to “[e]nsure that the library has an adequate facility and resources to maintain its vital role in the community and accommodate growth of services, programs and the population of the entire service area.” Plan Goal 11.12 is a directive to the City for planning and maintaining the City’s facilities and services; it is not applicable to site-specific quasi-judicial land use applications such as the Applications.

For these reasons, the Planning Commission should find that the Applications are consistent with Goal 11 and the applicable Plan provisions that implement Goal 11.

**H. The Applications are consistent with Goal 12 and the applicable Plan that implement Goal 12.**

Goal 12 is “[t]o provide and encourage a safe, convenient and economic transportation system.” Goal 12 is implemented by the TPR, which requires the City to determine whether or not approval of the Applications will significantly affect any existing or

planned transportation facilities, and if so, impose measures to mitigate that significant effect. OAR 661-012-0060. To make this determination, the City must ascertain whether the amendment will permit uses that will generate more trips than were generated by uses under the previous map designations:

“Where the amendment changes the plan or zoning designation, an initial question in addressing OAR 660-012-0060(1)(c) is whether the amendment allows uses with greater traffic-generation capacity compared to the previous plan or zone designations. If not, there may be no need for further inquiry under the TPR. If there is an increase in traffic-generation capacity, then further analysis is required. *Barnes v. City of Hillsboro*, 61 Or LUBA 375, 399, *aff’d* 239 Or App 73, 243 P3d 139 (2010); *Mason v. City of Corvallis*, 49 Or LUBA 199, 222 (2005).”

*Hess*, 70 Or LUBA at \_\_\_ (slip op. at 24-25). In this case, the Planning Commission should find that the Applications will not significantly affect any transportation facilities, subject to the proposed conditions limiting uses and imposing trip caps of 128 AM peak hour trips and 168 PM peak hour trips on the Property. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering in the August 28, 2015 analysis letter, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City’s transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report. Lancaster Engineering based its analysis upon a proposed 107-lot shadow plat in the record, which assumed development a single-family residence and accessory dwelling unit on each lot. The shadow plat is a reliable base case for development of the Property under the proposed zoning for the reasons explained in Section II.K of this letter. For these reasons, the Planning Commission should find that the Applications are consistent with Goal 12 and the TPR.

Plan Goal 12.1 is to “[e]nsure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.” This Plan Goal is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.1 is to “[m]aintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.” This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.2 is to “[c]ontinue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.” This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.1.3 is to “[s]upport mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.” This Plan Policy is satisfied because the Applications propose to remap the Property as a mixed-use site to allow for higher residential densities.

Plan Policy 12.1.4 is to “[p]rovide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.” The Applications do not propose specific development; however, the shadow plat in the record demonstrates that applicant can develop the Property in a manner that provides for walkable neighborhoods connected to surrounding areas. This Plan Policy can be met.

Plan Goal 12.5 is to “[d]evelop and maintain a transportation system that is safe.” The Applications do not propose specific development; however, the shadow plat demonstrates that applicant can develop the Property in a manner that maintains a safe transportation system. Further, as explained in the testimony from Lancaster Engineering, subject to the trip cap, the proposed development of the Property will not increase trips on surrounding streets and thus will not create any safety concerns due to increased congestion.

Plan Policy 12.5.1 is to “[i]dentify improvements that are needed to increase the safety of the transportation system for all users.” This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

Plan Policy 12.5.2 is to “[i]dentify and implement ways to minimize conflict points between different modes of travel.” This Plan Policy is not applicable to the Applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications. Second, the Applications do not propose any development. Therefore, they do not generate different modes of travel or conflict points.

Plan Policy 12.5.3 is to “[i]mprove the safety of vehicular, rail, bicycle, and pedestrian crossings.” This Plan Policy is not applicable to the Applications for two reasons. First, it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Goal as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications. Second, the Applications do not propose any development or have any implications for crossings.

Plan Goal 12.6 is to “[d]evelop and maintain a transportation system that has enough capacity to meet users’ needs.” The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City’s transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.1 is to “[p]rovide a transportation system that serves existing and projected travel demand.” The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property.

The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.2 is to "[i]dentify transportation system improvements that mitigate existing and projected areas of congestion." This Plan Policy is not applicable to the Applications for two reasons. First, this provision is a planning directive to the City; the plain language of this Plan Policy does not indicate any intent that it function as a mandatory approval criterion applicable to site-specific quasi-judicial land use applications such as the Applications. Second, the Applications will not generate a need for any new transportation mitigation measures. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.3 is to "[e]nsure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion." The Applications are consistent with this Plan Goal, subject to the conditions limiting uses of the Property and imposing the AM and PM peak hour trip caps. As support for this conclusion, the Planning Commission can rely upon the testimony of Lancaster Engineering, which determined that subject to the trip cap, the Applications would not result in increased traffic volumes in the vicinity of the Property. The City's transportation consultant concurred with this testimony as explained at pages 17 and 18 of the Staff Report.

Plan Policy 12.6.4 is to "[i]dentify and prioritize improved connectivity throughout the city street system." This Plan Policy is not applicable to the Applications because it is a planning directive for the City to follow; nothing in the plain text indicates an intent to apply this Plan Policy as a mandatory approval criterion applicable to site-specific quasi-judicial applications such as the Applications.

For these reasons, the City should find that the Applications are consistent with Goal 12, the Plan provisions that implement Goal 12, and the TPR.

**I. The Applications are consistent with Goal 13 and the Plan provisions that implement Goal 13.**

Goal 13 is “[t]o conserve energy.” In general, Goal 13 is mostly a planning goal “directed toward the development of local government land management implementation measures which maximize energy conservation.” *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff’d in part, rev’d in part* 112 Or App 30 (1992). It does not prohibit adoption of a plan amendment that would result in a net increase in energy usage. *Setniker v. Oregon Department of Transportation*, 66 Or LUBA 54 (2012). The Applications are consistent with Goal 13 because the proposed amendments will provide for efficient use of land and energy by locating a variety of potential uses within close proximity to existing uses, including shopping, restaurants, and Clackamas County Community College. Further, the Applications propose to limit certain uses on the Property and impose a trip cap to minimize transportation impacts and energy usage. Although Mr. Nicita contends that the City should impose additional conditions of approval on the Applications such as requiring solar roofs on any development on the Property, there is no basis to impose this condition when no actual development is proposed. For these reasons, the Planning Commission should find that the Applications are consistent with Goal 13.

Plan Goal 13.1 is to “[c]onserve energy in all forms through efficient land use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.” This Plan Goal is a directive to the City to implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific quasi-judicial land use applications. Therefore, this Plan Goal is not applicable to the Applications.

Plan Policy 13.1.2 is to “[e]ncourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.” This Plan Policy is not applicable because it is aspirational, not mandatory. *See Bennett*, 96 Or App at 647-649 (use of term “encourage” denotes a non-binding, aspirational provision).

Plan Policy 13.1.3 is to “[e]nable development to use alternative energy sources such as solar through appropriate design standards and incentives.” This Plan Policy is not applicable to the Applications for two reasons. First, it is a directive to the City to

implement energy-saving policies; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications. Second, this Plan Policy is directed at “development,” but the Applications do not propose any “development.”

Plan Policy 13.1.4 is to “[w]herever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access.” This Plan Policy is not applicable because it is concerned with design and development of public facilities, not private development.

Plan Goal 13.2 is to “[p]lan public and private development to conserve energy.” This Plan Policy is not applicable to the Applications because nothing in the plain language of this provision indicates an intent that it be applied to site-specific quasi-judicial land use applications such as the Applications. Alternatively, this Plan Policy is applicable but satisfied for the reasons explained above in response to Goal 13.

Plan Policy 13.2.5 is to “[c]onstruct bikeways and sidewalks, and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.” This Plan Policy is not applicable to the Applications for two reasons. First, it is a directive to the City to develop public facilities; nothing in the plain text indicates that it is a mandatory approval criterion applicable to site-specific land use applications that do not actually propose any development. Second, the ultimate development of the Property will be subject to compliance with OCMC provisions regarding sidewalks and connectivity, which implement and ensure compliance with this Plan Policy.

For these reasons, the Planning Commission should find that the Applications are consistent with Goal 13 and the applicable Plan provisions that implement Goal 13.

**J. The City has correctly reviewed the Plan amendment application for compliance with the Goals.**

The Planning Commission should deny Mr. Nicita’s contention that the City erred by failing to apply the Goals to the comprehensive plan amendment application. In fact, City staff did apply the Goals to all of the Applications and determined that the Applications were consistent with the Goals. See pp. 20-22 of the staff report dated



January 4, 2016. Therefore, there is no basis to sustain Mr. Nicita's contention on this issue.

- K. Applicant's shadow plat is a reliable base to calculate the worst-case scenario trip generation from the Property because it illustrates a potential development of the Property that complies with applicable City standards.**

As explained above, applicant submitted a shadow plat illustrating a development scenario under the proposed zoning. The shadow plat served two purposes. First, it established a worst-case trip generation scenario for purposes of completing the TPR analysis. Second, it illustrated a reasonable development plan for the Property to allow the Planning Commission and members of the public a more detailed preview of potential development of the Property. Although opponents contend that the shadow plat was erroneous because it overstated the development potential for the Property, the Planning Commission should deny this contention based upon the testimony of applicant's civil engineer, Tom Sisul. At the January 11, 2016, public hearing, Mr. Sisul explained that the shadow plat met all of the applicable City standards applicable to subdivision development, including protecting resource buffers, lot sizes, dimensional requirements, and street and block dimensions. He explained that, although some of the lots extend into the buffer area, this is allowed so long as the homes themselves do not encroach into the buffer. Mr. Sisul also explained that the homes would not encroach into the buffer. Mr. Sisul also confirmed that the shadow plat did not include any impermissible flag lots. The Planning Commission should find that the shadow plat is an accurate illustration of conceptual development that meets the City's current standards and can be relied upon for purposes of calculating the worst-case scenario trip generation and related trip cap.

- L. The contention that future homeowners on the Property cannot obtain landslide insurance is not relevant, and in any event, has been refuted.**

The City does not require a showing that future homeowners can obtain landslide insurance on a property in order to approve map amendments on that property. Therefore, this issue is irrelevant to this proceeding and cannot be a basis to approve, deny, or condition the Applications. *Buel-McIntire v. City of Yachats*, 63 Or LUBA 452 (2011) (error to deny application based upon factor that was not applicable approval

criterion). Notwithstanding, Dan Fowler testified at the January 11, 2016 Planning Commission hearing that he had confirmed that landslide insurance coverage was available for homes that would be built on the Property. For either of these reasons, the Planning Commission should find that opponents' concern about this issue is unwarranted.

**M. Compliance with ORS 105.465 is not relevant to this proceeding.**

ORS 105.465 requires a residential seller to provide a property disclosure statement to a buyer of the seller's property. This statute does not apply to the City's review of the Applications in any way. Therefore, opponents' contentions that the City's approval of the Applications will be inconsistent with this statute are misplaced.

**N. The applicant's geotechnical study demonstrates that the Property is not located in a high hazard area, and, subject to implementation of recommended mitigation measures, the risk for landslides is low to moderate.**

Applicant submitted a geotechnical analysis of the Property prepared by Oregon registered professional engineer Tim Blackwood, PE of Hart Crowser. Based upon his analysis, Mr. Blackwood reached three primary conclusions. First, he concluded that the potential for development to affect the deep-seated landslide is low, and no mitigation is necessary. Second, he concluded that the potential for shallow sliding near the crest of the slope to be low to moderate and can be mitigated with 55-foot setbacks from the headscarp, use of detention rather than infiltration, and not placing fill near the slope crest. Third, he concluded that, if applicant followed these recommendations, there was a low probability that landsliding would occur and a low probability that the development would be adversely affected by landslides. A complete copy of this report is included in the record. See Hart Crowser assessment of "Hilltop Development" dated June 23, 2015. Mr. Blackwood summarized the findings of his report in his testimony to the Planning Commission during the public hearing on January 11, 2016. During his testimony, Mr. Blackwood also distinguished the Property from the apartment sites that have recently been condemned. Mr. Blackwood also submitted an exhibit into the record at the January 11, 2016 public hearing illustrating how the proposed development is located above the area of the ancient landslide.

Although opponents express concerns about the report, their concerns do not undermine the reliability of the report and its conclusions. For example, although opponents contend that the report fails to accurately evaluate the potential for catastrophic events, this contention is mistaken. The report accurately assesses the risk of a significant seismic event or very high groundwater conditions and concludes that these events pose only a moderate risk if mitigation measures are followed. Opponents do not present any evidence to the contrary. Further, although opponents contend that applicant is acting inconsistent with recommendations of a Portland State University professor by locating detention ponds on landslides, opponents misconstrue the facts. Applicant is proposing to utilize stormwater detention ponds, but they will be lined to prevent infiltration and thus will not drain into areas of landslide risk.

For these reasons, the Planning Commission should find that applicant has correctly evaluated and proposed mitigation for geotechnical conditions on the Property.

**O. Delaying or prohibiting approval of the Applications until the City adopts a landslide ordinance is unnecessary and constitutes an improper moratorium.**

It is unnecessary to delay or prohibit approval of the Applications until the City adopts a landslide ordinance because, as explained immediately above, applicant can develop the Property consistent with applicable standards without creating or exacerbating a geotechnical hazard. Further, if the City were to delay or prohibit approval of the Applications on these grounds, it would be a *de facto* moratorium adopted in violation of ORS 197.520. Therefore, the City should deny the opponent's contention on this issue.

**III. Conclusion.**

For the reasons explained above and elsewhere in the record, the Planning Commission should deny the opponents' assertions and should recommend approval of the Applications, subject to the conditions proposed by City staff. Thank you for your consideration of the arguments in this letter.

Oregon City Planning Commission  
January 18, 2016  
Page 23

Very truly yours,

A handwritten signature in black ink, appearing to read 'MCR', with a stylized flourish.

Michael C. Robinson

MCR

cc: Ms. Laura Terway (via email)  
Ms. Carrie Richter (via email)  
Mr. Dan Fowler (via email)  
Mr. Tom Sisul (via email)  
Mr. Michael Ard (via email)  
Mr. Tim Blackwood (via email)  
Mr. Seth King (via email)



LOT INFORMATION:

R-3.5: 78 LOTS  
AVERAGE LOT SIZE:  
3,500.01 SQ FT

R-6: 14 LOTS  
AVERAGE LOT SIZE:  
6,577.49 SQ FT

R-10: 15 LOTS  
AVERAGE LOT SIZE:  
10,144.68 SQ FT

R-8

R-10

R-3.5

R-10

R-6

C

LOT SIZE PER ZONING		
ZONING	LOT #	AREA (SF)
R3.5	1	2828.25
	2	2828.25
	3	2828.25
	4	2828.25
	5	2828.25
	6	2828.25
	7	2828.25
	8	2828.25
	9	2828.25
	10	2828.35
	11	3083.08
	12	3171.79
	13	3352.14
	14	3495.79
	15	3500.00
R6	16	3500.00
	17	3500.00
	18	3500.00
	19	3500.00
	20	4200.00
	21	4200.00
	22	3500.00
	23	3500.00
	24	3500.00
	25	3500.00
	26	3500.00
	27	3500.00
	28	3500.00
	29	3500.00
R10	30	3500.00
	31	3500.00
	32	3500.00
	33	3500.00
	34	3500.00
	35	3500.00
	36	3780.38
	37	3062.47
	38	3062.48
	39	3062.48
	40	3040.95
	41	5123.66
	42	3046.92*
	43	3155.85*
	44	3196.24*
R10	45	3500.00
	46	3500.00
	47	3500.00
	48	3500.00
	49	3500.00
	50	3500.00
	51	3500.00
	52	4200.00
	53	4200.00
	54	3500.00
	55	3500.00
	56	3500.00
	57	3500.00
	58	3500.00
R10	59	5224.45
	60	3951.13
	61	3994.70
	62	4255.59
	63	4516.49
	64	4455.17
	65	4071.61
	66	3688.06
	67	3306.36
	68	2919.09
	69	3522.89
	70	3042.52
	71	3034.53
	72	3346.63
	73	5027.05
R10	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
	79	6615.04
	80	6415.42
	81	5999.88
	82	5999.88
	83	6028.46
	84	6856.24
	85	5143.17
	86	5121.44
	87	5130.79
	88	5140.51
R10	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
	93	13139.72
	94	9955.55
	95	8050.85
	96	10008.46
	97	9017.79
	98	9020.49
	99	9256.21
	100	9415.44
	101	9709.79
	102	10046.65
	103	10559.74
R10	104	10102.38
	105	9103.85
	106	9203.48
	107	15579.76

\* AREA DENOTED DOES NOT INCLUDE THE PORTION OF THE SITE INSIDE THE R6 ZONING.

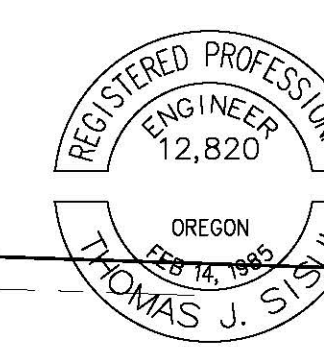
REVISIONS	BY
REVISED 10/19/15	JDM

HILLTOP MASTER PLAN

LOT LAYOUT

**ISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING:

DATE AUGUST 2015  
SCALE 1" = 50'  
DRAWN JDM  
JOB SGL12-045  
SHEET 1  
OF 1 SHEETS









July 22, 2015

Dan Fowler  
Historic Properties, LLC  
1300 Jon Adams Street, Suite 100  
Oregon City, OR 97045



321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Dan,

At your request, we have undertaken an investigation of the development potential of several properties located on the west side of Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

**R3.5 Zoning**

14297 Maplelane Road – 0.28 acres  
14289 Maplelane Road - 0.24 acres  
14275 Maplelane Road – 0.25 acres  
14268 Maplelane Court – 4.03 acres  
14228 Maplelane Court – 2.84 acres

**Total R3.5 = 7.64 acres**

**R6 Zoning**

3391 Beavercreek Road – 3.33 acres  
Tax Lot 06000 – 0.62 acres

**Total R6 = 3.95 acres**

**R10 Zoning**

Tax Lot 06000 – 1.21 acres  
Tax Lot 05900 – 0.04 acres  
14375 Maplelane Court – 1.17 acres  
14338 Maplelane Court – 1.02 acres  
14362 Maplelane Court – 0.89 acres

**Total R10 = 4.33 acres**





Dan Fowler  
July 22, 2015  
Page 2 of 3

The “reasonable worst case” development scenario was evaluated for each of the three zones in order to determine the full development potential of the site under the existing zoning designations. All three zones allow residential development with single-family homes or cottage housing, and the R3.5 zone also allows duplex and multi-family development. Additionally, all three zones allow accessory dwelling units in addition to the primary dwelling.

For each of the three zones, the maximum development scenario was determined based on comparisons to other developed properties with similar zoning in Oregon City, as determined by the city’s transportation engineering consultant, John Replinger. This approach results in a lower number of units per acre than is specified by the code since it accounts for the likely net developable area of the site following necessary right-of-way dedications and inefficiencies inherent in subdivision layout which occasionally result in lot sizes in excess of the required minimums.

For the R3.5 zone, the reasonable worst case development potential was determined to be 8.33 lots per acre. For the R6 zone, the reasonable worst case development potential was determined to be 5.33 lots per acre. For the R10 zone, the reasonable worst case development potential was determined to be 3.8 lots per acre.

In order to assess the development potential of the properties, the gross acreages were multiplied by the respective development potentials to determine the number of lots that could be created within each zoning type. For each lot, it was assumed that a single-family dwelling and an accessory dwelling unit would be constructed.

The calculated development potential for each zone was as follows:

R3.5	7.64 acres * 8.33 lots per acre = 64 lots
R6	3.95 acres * 5.33 lots per acre = 21 lots
R10	4.33 acres * 3.8 lots per acre = 16 lots

The total development potential for the properties was therefore calculated to be 101 lots.

It should be noted that the cottage housing type permitted within the residential zones also allows increased density of dwelling units. Specifically, the Oregon City Code of Ordinances 17.062.059(C) allows a density bonus of 2 cottage units for each regular dwelling unit that would otherwise be allowed within the R6 and R10 zonings. Under the R3.5 zone, a density bonus of 1.5 cottage units is permitted for each regular dwelling unit that would otherwise be allowed within the zone. Analysis using cottage housing may result in higher development potential for the properties; however there are no clear examples of cottage housing within Oregon City on which we could base an estimate of the number of units achievable per gross acre. Accordingly, the “reasonable worst case” analysis was not conducted using cottage housing.



Dan Fowler  
July 22, 2015  
Page 3 of 3

## Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9<sup>TH</sup> EDITION*, published by the Institute of Transportation Engineers. For each lot, one single-family dwelling and one accessory dwelling unit was assumed. Trip rates for the single-family dwellings were assessed based on data for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and it therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

### WEEKDAY TRIP GENERATION SUMMARY

Existing Development Potential

	Units	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	101	19	57	76	64	37	101	481	481	962
Accessory Dwelling Unit	101	10	28	38	32	19	51	241	241	482
Total		29	85	114	96	56	152	722	722	1444

Based on the detailed trip generation calculations, the reasonable worst case development of the subject properties would result in a total of 114 site trips during the morning peak hour, 152 site trips during the evening peak hour, and 1,444 daily trips.

Based on the analysis, in order to avoid creating a significant effect on the surrounding transportation system as defined under Oregon's Transportation Planning Rule following rezoning to allow mixed-use commercial development a trip cap of 152 PM peak hour trips is recommended for the properties.

Sincerely,



Michael Ard, PE  
Senior Transportation Engineer

## APPENDIX



## TRIP GENERATION CALCULATIONS

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Variable:* Dwelling Units  
*Variable Value:* 101

### AM PEAK HOUR

*Trip Rate:* 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>19</b>	<b>57</b>	<b>76</b>

### PM PEAK HOUR

*Trip Rate:* 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>64</b>	<b>37</b>	<b>101</b>

### WEEKDAY

*Trip Rate:* 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>481</b>	<b>481</b>	<b>962</b>

### SATURDAY

*Trip Rate:* 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>500</b>	<b>500</b>	<b>1,000</b>



## TRIP GENERATION CALCULATIONS

*Land Use:* Apartment  
*Land Use Code:* 220  
*Variable:* Dwelling Units  
*Variable Value:* 101

Note: These trip generation calculations are provided for reference only. Actual trip generation for the accessory dwelling units was conservatively calculated as half the trip rate for single-family homes.

### AM PEAK HOUR

*Trip Rate:* 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	<b>10</b>	<b>42</b>	<b>52</b>

### PM PEAK HOUR

*Trip Rate:* 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	<b>41</b>	<b>22</b>	<b>63</b>

### WEEKDAY

*Trip Rate:* 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>336</b>	<b>336</b>	<b>672</b>

### SATURDAY

*Trip Rate:* 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>323</b>	<b>323</b>	<b>646</b>

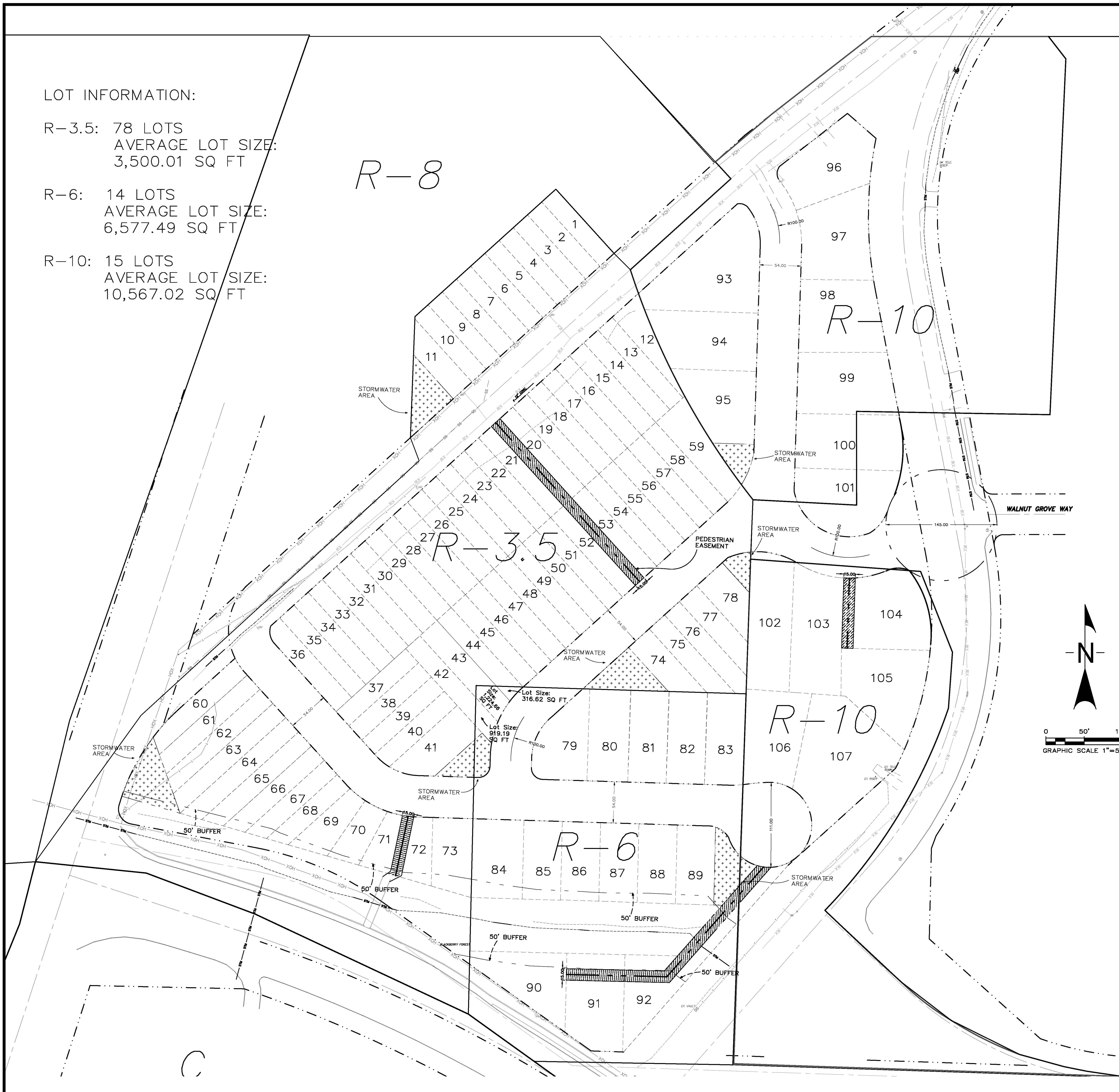


LOT INFORMATION:

R-3.5: 78 LOTS  
AVERAGE LOT SIZE:  
3,500.01 SQ FT

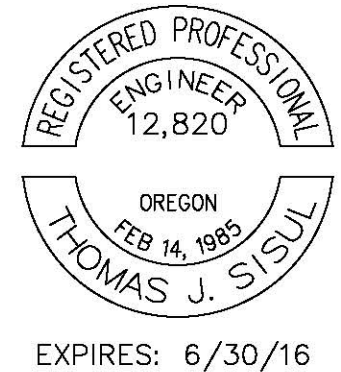
R-6: 14 LOTS  
AVERAGE LOT SIZE:  
6,577.49 SQ FT

R-10: 15 LOTS  
AVERAGE LOT SIZE:  
10,567.02 SQ FT



LOT SIZE PER ZONING		
ZONING	LOT #	AREA (SF)
R3.5	1	2828.25
	2	2828.25
	3	2828.25
	4	2828.25
	5	2828.25
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	17	3500.00
	18	3500.00
	19	3500.00
	20	4200.00
	21	4200.00
R10	22	3500.00
	23	3500.00
	24	3500.00
	25	3500.00
	26	3500.00
	27	3500.00
	28	3500.00
	29	3500.00
	30	3500.00
	31	3500.00
	32	3500.00
	33	3500.00
	34	3500.00
	35	3500.00
	36	3780.38
R8	37	3062.47
	38	3062.48
	39	3062.48
	40	3040.95
	41	5123.66
	42	3046.92*
	43	3155.85*
	44	3196.24*
	45	3500.00
	46	3500.00
	47	3500.00
	48	3500.00
	49	3500.00
	50	3500.00
	51	3500.00
	52	4200.00
	53	4200.00
R10	54	3500.00
	55	3500.00
	56	3500.00
	57	3500.00
	58	3500.00
	59	5224.45
	60	3951.13
	61	3994.70
	62	4255.59
	63	4516.49
	64	4455.17
	65	4071.61
	66	3688.06
	67	3306.36
	68	2919.09
	69	3522.89
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	71	3034.53
	72	3346.63
	73	5027.05
	74	3437.11
	75	3382.84
	76	3656.47
	77	3525.22
	78	3423.60
	79	6615.04
	80	6415.42
	81	5999.88
	82	5999.88
	83	6028.46
	84	6856.24
	85	5143.17
	86	5121.44
R10	87	5130.79
	88	5140.51
	89	5143.50
	90	7632.04
	91	9197.97
	92	11917.25
	93	14195.77
	94	9952.83
	95	8050.85
	96	9542.53
	97	9874.54
	98	9979.79
	99	10071.37
	100	9859.52
	101	9772.03
	102	10046.65
	103	10559.74
R10	104	10873.33
	105	10383.77
	106	9203.48
	107	16039.09

\* AREA DENOTED DOES NOT INCLUDE THE PORTION OF THE SITE INSIDE THE R6 ZONING.



REVISIONS	BY
REVISED 10/19/15	JDM

HILLTOP MASTER PLAN

LOT LAYOUT

**SISUL ENGINEERING**  
375 PORTLAND AVENUE  
GLADSTONE, OREGON 97027  
(503) 657-0188  
DRAWING:

DATE	AUGUST 2015
SCALE	1" = 50'
DRAWN	JDM
JOB	SGL12-045
SHEET	1
OF 1	SHEETS





# OREGON CITY

## **Caufield Neighborhood Association**

### *MEETING AGENDA*

*January 27, 2015*

*Presiding – MIKE MERMELSTEIN, chairman*

*Name tags – Role Sheet – Refreshments – Raffle Tickets*

1. *DAN FOWLER – Maple Lane development (7:00-7:30)*
2. *WES ROGERS, OC School District – New bus yard / Meyers Road extension (7:30-8:00)*
3. *BRAD PAXTON – Clackamas Fire District bond issue*
4. *Business meeting*
  - 4.1. *Minutes from October 28*
  - 4.2. *Election of officers for 2015*
  - 4.3. *CIC report – MIKE MITCHELL*
  - 4.4. *Planning meeting report – MARY JOHNSON*
  - 4.5. *Police activity – Matt Paschell*
  - 4.6. *Other reports*
5. *Community Concerns / Announcements*
6. *Raffle drawings*
7. *NEXT MEETING– April 28, 2015 @ Beaver Creek Telephone Cooperative*





# OREGON CITY

JAN. 27, 2015  
Meeting Date

## Caufield Neighborhood Association

NAME	ADDRESS	PHONE	EMAIL
JOE & MARY JOHNSON	19921 BEAVERCREEK RD		
Gary & Jeannine Davis	20102 Kimberly Rose Rd.		
Mike MERMELSTEIN	20114 Kimberly Rose Dr		
BRANDON PAYTON	CLOCKMANS FEE		
Mary Jo & James Tyler	20006 Mossy Meadows		
Mike Fermindez	19028 Emerson Dr		
RONALD LEE	200 NO. STATE ST. LAKE OSWEGO		
Maggie Grant	14946 Cogswell Ct		
Parker Verhaeghe	2133 NW York, 97210		
Dan Fowler	1300 John Adams St. OC		
LLOYD HILL	1750 BLANKENSHIP RD. #400		
Mike Mitchell	14582 Walnut Grove Way		
Ricardo Becerra	6216 Nicklars Loop N. Keizer OR		
Mark Foley	14725 S. Brunner Rd. OC		
Way Rogers	906 Summit St O.C.		
Kurt & Jane Radtke	20023 Quinlet Dr. O.C.		

DEAR MR. FOWLER,

HERE IS A COPY OF THE  
CNA ATTENDANCE REGISTER  
USED THE NIGHT OF YOUR  
GROUP'S PRESENTATION. THERE  
WERE ACTUALLY 30 NEIGHBORS  
PRESENT, AS SOME DID NOT GET  
A CHANCE TO SIGN THE REGISTER.  
THANK YOU FOR LETTING US KNOW  
YOUR IDEAS FOR THE MAPLE LAKE/  
BEAVERCREEK JUNCTION DEVELOPMENT  
PROPOSAL.

CORDIALLY,

ROBERT MALCHOW  
CNA SECRETARY



# Caufield Neighborhood Association

Meeting Date

[illegible]

Caufield Neighborhood Association  
20114 Kimberly Rose Drive  
Oregon City, OR 97045

Mike Mermelstein – Chairman  
Gary Davis – Co-Chairman  
Robert Malchow – Secretary

February 10, 2015

Dan Fowler, Owner  
Historic Properties, LLC  
524 Main Street  
Oregon City, OR 97045

Dear Dan:

The Caufield Neighborhood Association and I want to thank you for your presentation at our association meeting on January 27, 2015. Your presentation was excellent and very informative.

Although you answered our questions about the Mapelane project, we believe that it is too early in the process to give the project blanket support or rejection. Additionally, this was the first time we have seen the project and we do not know all of the implications at this time. As you know, projects have a way of changing from time to time and giving support or rejecting the project is not appropriate.

We would like to see what the Oregon City Planning Commission has to say about the Mapelane project. Then we would like to review the completed plans and studies before a decision.

Sincerely,

Mike Mermelstein

HILLTOP NEIGHBORHOOD  
MEETING MINUTES  
January 27, 2015

See Agenda

Meeting begin at 7:00 pm

Attendees: Dan Fowler, Mark Foley, Lloyd Hill and Mike ??

Dan Presentation:

- Intro to our business entities

- Property assembly over eight years

- Lloyd Hill to describe project

  - Topography

  - Aerial photography

  - Sunrise – Sunset

  - Newell Creek – Redevelopment

  - View Description

  - Walking paths w/Metro Newell Creek walk path

  - Traffic engineer here to answer questions

  - Traffic creeks circle city idea

  - Zone change to mixed use corridor zone

  - First time shown – solicit public input

  - Office hotel office – 2-4 stories tall

  - Senior housing – independent

  - Multi-family housing 3-story

  - Senior housing – assisted living – 100 beds – 2 to 3 story

  - 6-7 month process

  - 1-5 years from now development start

  - Trail master plan description

Question: Parking for trail users

Answer: On street parking and small lot for trailhead

Question: Traffic redirected Thayer right turn

- Westbound – 213 Beaver Creek

- Back-up on 213 at pm

Answer: Make a forced right – describe circle impact

- Analysis for 20-years out

Question: Widen Beaver Creek for a free right turn lane

Answer: Uses as per traffic – best case and worst case – we plan on maybe do a trip ??

Question: One way in – any one way out?

Answer: Yes on existing intersection

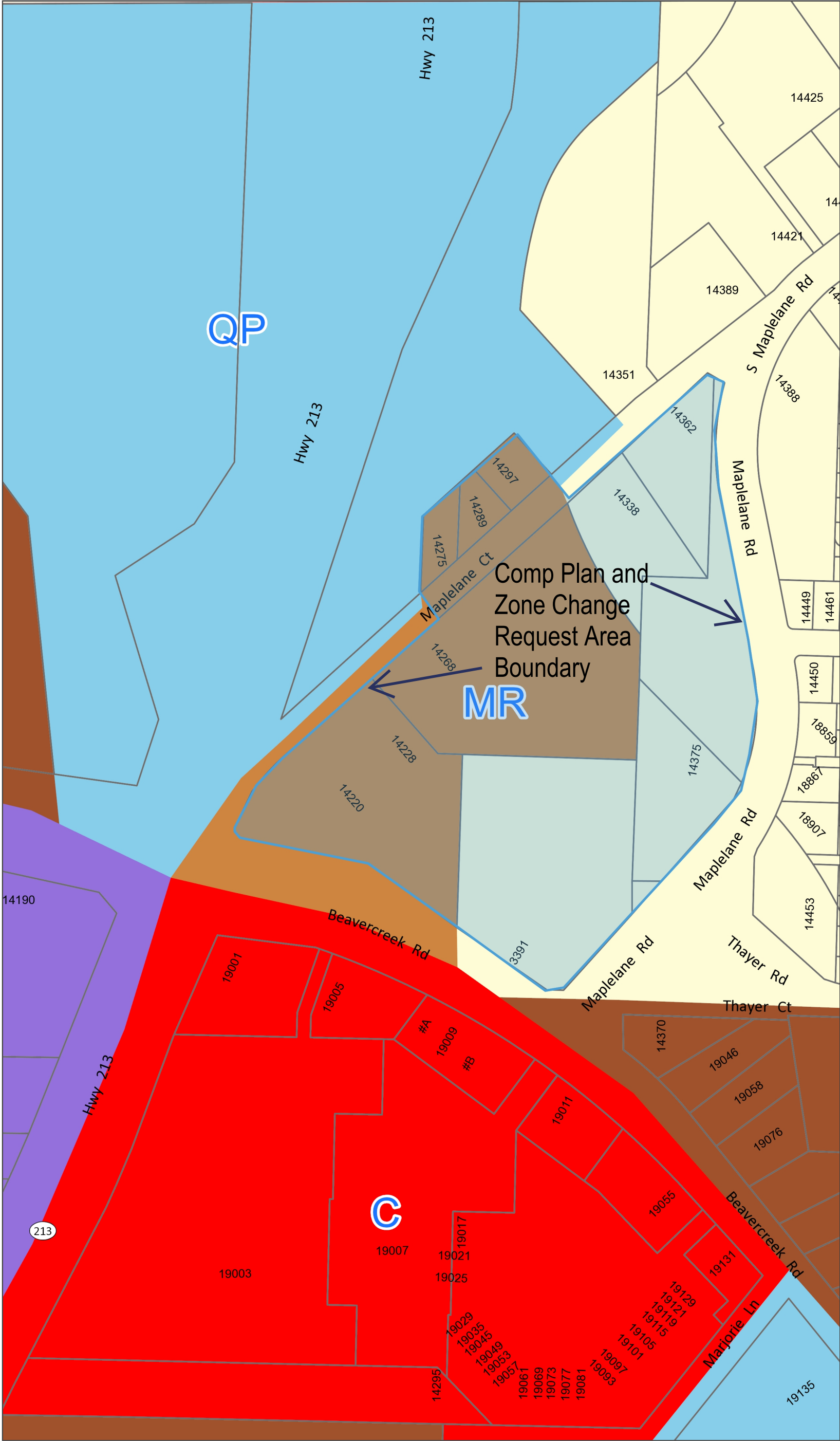
Question: Property outside UGB

Answer: Would have to go north

Meeting ended at 7:30



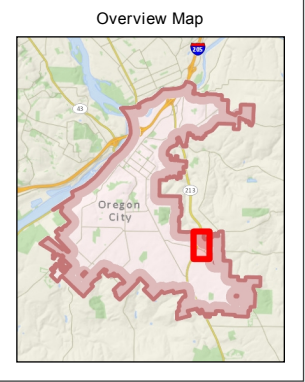
Oregon City GIS Map



**Legend**

- Taxlots
- Unimproved ROW
- Comprehensive Plan
  - LR - Low Density Residential
  - MR - Medium Density Reside
  - HR - High Density Residentia
  - Mixed Use-Corridor
  - Mixed Use-Downtown
  - C - Commercial
  - Mixed Use-Employment
  - I - Industrial
  - QP - Public/Quasi Public
  - P - Parks
  - Future Urban
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 200 400 600 Feet

1: 2,400

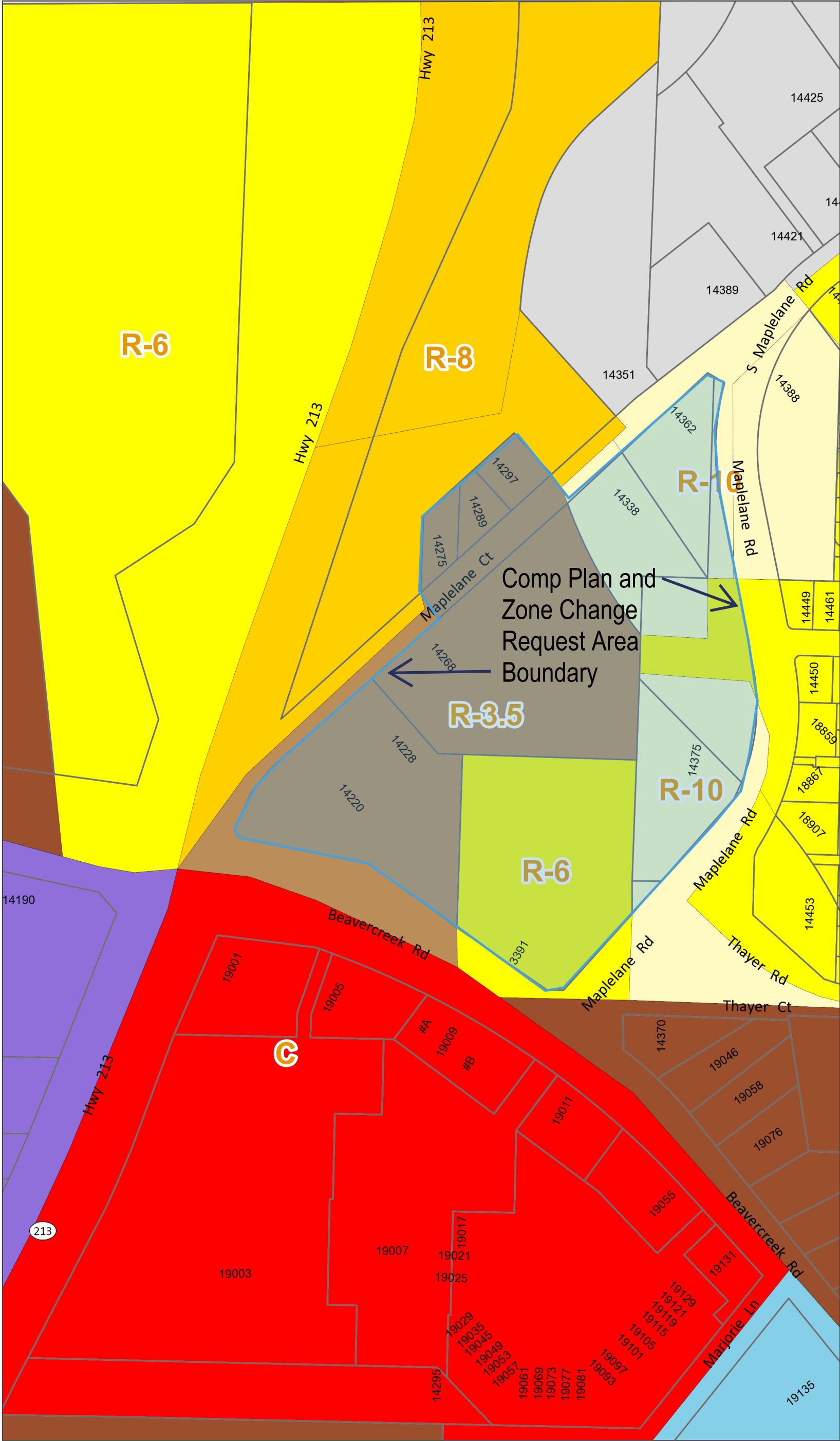
Map created 7/24/2015

CPA-ZC Boundary Area overlaid on Existing Comp Plan Designations

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
www.orecity.org



Oregon City GIS Map



**Legend**

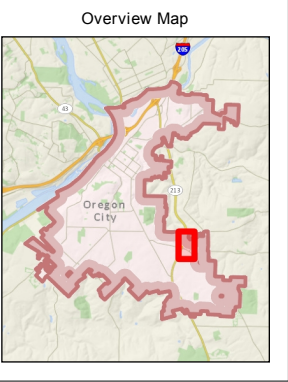
Taxlots

Unimproved ROW

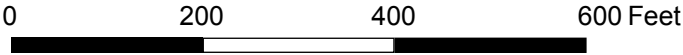
**Zoning**

- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- RC-4 - McLoughlin Condition
- RD4-MDP - Manufactured Dw
- R-3.5 - Medium Density Resi
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor
- MUC-1 - Mixed Use Corridor
- LO - Limited Office
- NC - Neighborhood Commer
- HC - Historic Commercial
- WFDD - Willamette Falls Dow
- MUD - Mixed Use Downtown
- MUE - Mixed Use Employer
- GI - General Industrial
- CI - Campus Industrial
- I - Institutional
- FU-10 - County Zoning
- County
- City Limits
- UGB
- Basemap

Notes



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1: 2,400

CPA-ZC Boundary Area overlaid on Existing Zoning Designations

Map created 7/24/2015

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
www.orecity.org







**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 8/6/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : \*no Site Address\*  
Mail Address : 914 Madison St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04CD05900  
Parcel Number : 05026487  
T: 03S R: 02E S: 04 Q: QQ:  
County : Clackamas (OR)  
Telephone :

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : Block:  
Improvement Type : \*unknown Improvement Code\*  
Subdivision/Plat :  
Neighborhood :  
Land Use : \*unknown Use Code\*  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER CD TAX LOT 5900  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land :  
Mkt Structure :  
Mkt Total :  
% Improved :  
14-15 Taxes :  
Exempt Amount :  
Exempt Type :  
Levy Code :  
Millage Rate :  
M50AssdValue :

**PROPERTY CHARACTERISTICS**

Bedrooms :	Building SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres :
Full Baths :	Upper Finished SF :	Lot SqFt :
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built :
Heat Type :	Upper Total SF :	School Dist :
Floor Cover :	UnFinUpperStorySF :	Foundation :
Stories :	Basement Fin SF :	Roof Type :
Int Finish :	Basement Unfin SF :	Roof Shape :
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:



**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 8/6/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : \*no Site Address\*  
Mail Address : 914 Madison St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04CD06000  
Parcel Number : 05026488  
T: 03S R: 02E S: 04 Q: QQ:  
County : Clackamas (OR)  
Telephone :

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : Block:  
Improvement Type : \*unknown Improvement Code\*  
Subdivision/Plat :  
Neighborhood :  
Land Use : \*unknown Use Code\*  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER CD TAX LOT 6000  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land :  
Mkt Structure :  
Mkt Total :  
% Improved :  
14-15 Taxes :  
Exempt Amount :  
Exempt Type :  
Levy Code :  
Millage Rate :  
M50AssdValue :

**PROPERTY CHARACTERISTICS**

Bedrooms :	Building SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres :
Full Baths :	Upper Finished SF :	Lot SqFt :
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built :
Heat Type :	Upper Total SF :	School Dist :
Floor Cover :	UnFinUpperStorySF :	Foundation :
Stories :	Basement Fin SF :	Roof Type :
Int Finish :	Basement Unfin SF :	Roof Shape :
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:



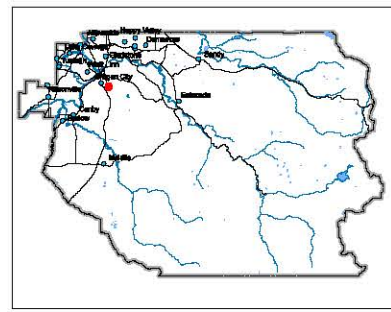
S.E.1/4 S.W.1/4 SEC.4 T.3S. R.2E. W.M.  
CLACKAMAS COUNTY  
1" = 100'

Cancelled Taxlots

1300  
3200  
3200  
3400



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLine
- Map Index
- WaterLine
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



**RECORDING COVER SHEET**  
(Per ORS 205.234 or ORS 205.244)

This cover sheet has been prepared by the person  
presenting the attached instrument for recording.  
Any errors in this cover sheet do not effect the  
Transaction(s) contained in the instrument itself

Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-062225**

12/04/2014 11:20:56 AM

D-D Cnt=1 Stn=8 CINDY  
\$40.00 \$16.00 \$10.00 \$22.00

**\$88.00**

This space reserved for use by  
the County Recording Office

**After recording return to:**  
**Historic Properties, LLC**  
**914 Madison**  
**Oregon City, OR 97045**

- 1) **Title(s) of Transaction(s)** ORS 205.234(a)  
**Statutory Quitclaim Deed**
- 2) **Direct Party/Grantor(s)** ORS 205.125(1)(b) and ORS 205.160  
**City of Oregon City**
- 3) **Indirect Party/Grantee(s)** ORS 205.125(1)(a) and ORS 205.160  
**Historic Properties, LLC**
- 4) **True and Actual Consideration** ORS 93.030  
**\$302,500.00**
- 5) **Send Tax Statements to:**  
**Same as above return to**

☒ : If this box is checked, the below applies:

If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "Rerecorded at the request of First American Title to correct the legal description .  
Previously recorded as Fee Number 2014-059930."

(Legal description if corrected is attached to included certified document of the original.)

FATCO NO. 2345700-SS



After recording return to:  
Historic Properties, LLC  
914 Madison  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to:  
Same as above

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records **2014-059930**  
Sherry Hall, County Clerk  
11/20/2014 10:32:13 AM  
D-D Cnt=1 Stn=8 CINDY  
\$25.00 \$16.00 \$10.00 \$22.00 **\$73.00**

File No.: 7072-2345708 (DJC)  
Date: November 14, 2014

### STATUTORY QUITCLAIM DEED

**City of Oregon City, a municipal corporation of the State of Oregon**, Grantor, releases and quitclaims to **Historic Properties, LLC, an Oregon limited liability company**, all rights and interest in and to the following described real property:

Except as set forth in Exhibit "B" attached hereto.


See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$302,500.00**. (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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

FIRST AMERICAN - 2345708-85

Dated this 17<sup>th</sup> day of November, 2014.

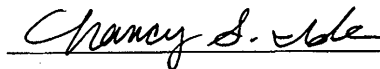
  
David W. Frasher, City Manager

  
John M. Lewis, Public Works Director

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 17<sup>th</sup> day of November, 2014  
by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**

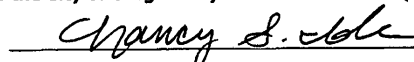


  
Notary Public for Oregon  
My commission expires: 11-12-2017

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 17<sup>th</sup> day of November, 2014  
by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**



  
Notary Public for Oregon  
My commission expires: 11-12-2017



**EXHIBIT A**

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

**PARCEL 1**

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.**

**PARCEL 2**

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.**

After recording return to:

Oregon City Recorder  
Oregon City Hall  
P. O. Box 3040  
Oregon City, OR 97045

**DECLARATION OF COVENANT AND RESTRICTION**

**THIS DECLARATION OF COVENANT AND RESTRICTION** (this "Declaration") is made this \_\_\_\_ day of November, 2014, by **HISTORIC PROPERTIES, LLC**, an Oregon limited liability company ("Declarant").

A. Declarant is the owner of that property legally described as follow (the "Property"):

Parcel 1 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being those properties designated as Parcel 2 and described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 30, 1981 as Recorder's Fee No. 81-44150 and recorded February 8, 1982 as Recorder's Fee No. 82-3617, Film Records of Clackamas County.

This parcel of land contains 1.85 acres, more or less.

Parcel 2 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being that property designated as Parcel 2 and described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 17, 1982 as Recorder's Fee No. 82-34364, Film Records of Clackamas County.

This parcel of land contains 0.03 acre, more or less.

B. Declarant and the City desire that the Property be subject to certain covenants and restrictions hereafter described, which covenants and restrictions shall inure to the benefit of and bind the parcel for the benefit of the City of Oregon City (the "City") and its successors and assigns.

**NOW, THEREFORE**, for and in consideration of the foregoing Recitals which are deemed a material and substantive part of this Declaration, as well as the terms and conditions of the Purchase and Sale Agreement between the declarant and the City and other good and valuable consideration, Declarant hereby declares, grants, covenants and agrees as follows:

1. **Covenant and Restriction.**

(a) Declarant hereby declares that the future development of the Property shall include a transportation system that is designed to support the build out capacity of the area and

resolves the transition problem associated with the proximity of Thayer Road to Beaver Creek Road consistent with City standards.

(b) Declarant hereby declares that it covenants to seek no additional compensation from the City for the dedication of roadway on the Property.

2. **Binding.** This Declaration and the covenants within this declaration are intended to be a restriction running with and binding upon the land and shall be binding upon and inure to the benefit of the City, and its respective personal or legal representatives, successors and assigns.

3. **Governing Law.** This Declaration shall be governed by the laws of the State of Oregon.

4. **Severability.** If any term or provision of this Declaration or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

5. **Mortgages.** Any mortgages, trust deeds or other liens encumbering all or any portion of the Parcels shall at all times be subordinate to the terms of this Declaration and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this Declaration.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand as of the date first written above.

**HISTORIC PROPERTIES, LLC,**  
An Oregon limited liability company

By: \_\_\_\_\_  
\_\_\_\_\_, Manager

State of Oregon                    )  
  ) ss.  
County of \_\_\_\_\_)

This instrument was acknowledged before me \_\_\_\_\_, 2014, by  
\_\_\_\_\_, Manager of HISTORIC PROPERTIES, LLC, An Oregon limited liability  
company, on behalf of the company.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON  
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the  
State of Oregon for the County of Clackamas,  
do hereby certify that the foregoing copy of

Quia Rueda  
2014-059930 SP95

has been by me compared with the original, and  
that it is a correct transcript therefrom, and the  
whole of such original, as the same appears on the  
file and record in my office and under my care,  
custody and control.

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and affixed my official seal

this 26<sup>th</sup> day of

November 20 2014

By Sherry Hall Sherry Hall, County Clerk  
Deputy



## **EXHIBIT A**

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

### **PARCEL 1**

---

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 81-44150 AND RECORDED FEBRUARY 8, 1982 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.**

### **PARCEL 2**

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.**

---

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**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 3391 Beavercreek Rd Oregon City 97045  
Mail Address : 606 15th St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 01300  
Parcel Number : 00842351  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Part/James Swafford Homestead  
Improvement Type : 132 Sgl Family,R1-3,1-Story (Basement)  
Land Use : 401 Tract,Tract Land,Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 01300  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$242,161  
Mkt Structure : \$139,230  
Mkt Total : \$381,391  
% Improved : 37  
M50AssdValue : \$194,810  
Levy Code : 062088  
14-15 Taxes : \$3,541.65  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

**PROPERTY CHARACTERISTICS**

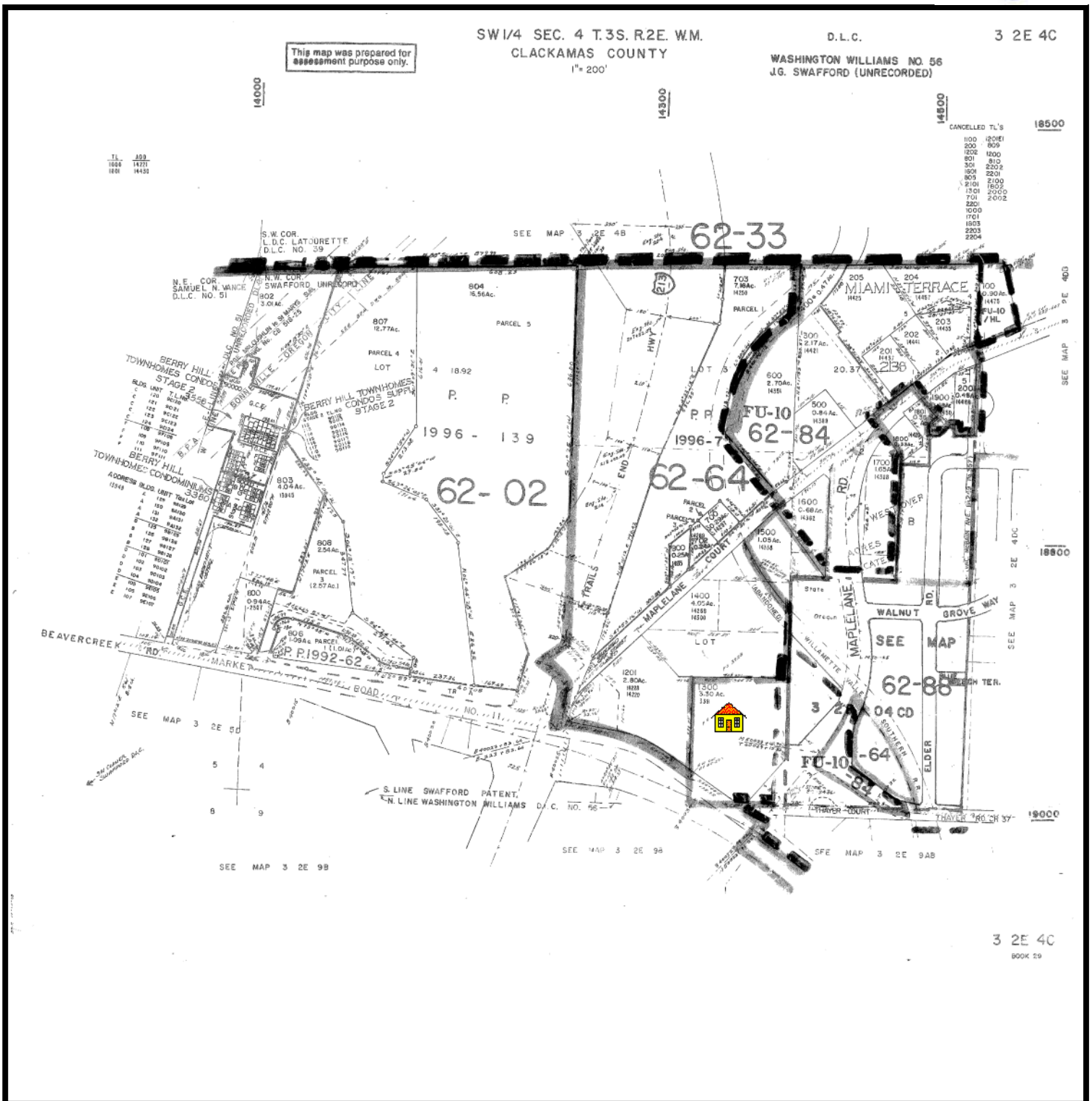
Bedrooms	: 2	Building Living SF	: 2,094	BldgTotSqFt	: 1,278
Bathrooms	: 2.00	1st Floor SF	: 972	Lot Acres	: 3.33
Full Baths	: 2	Upper Finished SF	: 306	Lot SqFt	: 145,268
Half Baths	:	Finished SF	: 1,278	Garage SF	:
Fireplace	: Single Fireplace	Above Ground SF	: 1,278	Year Built	: 1938
Heat Type	: Forced Air-Oil	Upper Total SF	: 306	Foundation	: Concrete
Floor Cover	: Carpet	UnFinUpperStorySF	:	Roof Type	: Wd Shingle
Stories	: 1 Story-Bsmt	Basement Fin SF	:	Roof Shape	:
Int Finish	: Drywall	Basement Unfin SF	: 816		
Ext Finsh	: Shake	Basement Total SF	: 816		

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:12/20/2007	007-105344	:\$899,000	:Warranty	:\$449,000	:Construct
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:



# Reference Parcel #: 32E04C 01300



**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

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Recorded By TICOR TITLE

C881563

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Frieda M. Sanders

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:

Historic Properties LLC  
606 15th Street  
Oregon City OR 97045

After Recording return to:

Historic Properties LLC  
606 15th Street  
Oregon City OR 97045

Escrow No. 881563 DIA  
Title No. 881563

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-105344



\$31.00

01172521200701053440010015

12/20/2007 10:27:47 AM

D-D Cnt=1 Stn=4 KANNA  
\$5.00 \$16.00 \$10.00

FRIEDA M. SANDERS, Grantor, conveys and warrants to HISTORIC PROPERTIES LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Clackamas County, Oregon, to wit:

A tract of land located in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a part of the James Swafford Homestead and being a part of the Frank T. and Anna Douglas Streight tract, as described in Book 397, Page 87, record of deed for Clackamas County, Oregon, as set forth by Parcel A thereof. The tract herein conveyed being more particularly described as follows:

Beginning at the one-quarter section corner on the South boundary of said Section 4; thence following said South boundary, North 89° 28' West 659.34 feet to a 2 inch iron pipe located at the Southwest corner of WESTOVER ACRES, a townplat recorded in Book 14, Page 24, record of Townplats and being the Southeast corner of said Streight tract and the true point of beginning; thence following the East boundary of said Streight tract, North 488.02 feet to an iron pipe; thence parallel with the North boundary of said Streight tract, West 354.05 feet to an iron pipe; thence parallel with the East boundary of said Streight tract, South 388.22 feet to an intersection with the center line of Market Road No. 11; thence following said center line South 55° 44' East 173.92 feet to an intersection with the center line of Thayer Road; thence following the center line of said Thayer Road (the South boundary of Section 4) South 89° 28' East 210.30 feet to the point of beginning.

EXCEPTING THEREFROM that portion described in Warranty Deed from Charley E. Sanders and Frieda M. Sanders to the State of Oregon, by and through its Department of Transportation, recorded February 22, 1982 as Fee No. 82 5040, re-recorded April 12, 1982 as Fee No. 82 10052.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (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 APPROVED USES, 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (BALLOT MEASURE 49 (2007)).

The true consideration for this conveyance is \$899,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 19 day of Dec, 2007.

*Frieda M. Sanders by Deborah E. Johnson as*  
Frieda M. Sanders  
*Attg in fact*

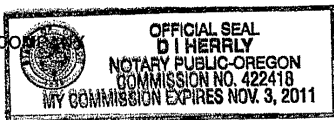
State: OR  
County: Clackamas

The foregoing instrument was acknowledged before me this 19 day of Dec, 2007 by:

Deborah Johnson as Power of Attorney for Frieda M. Sanders

*Deborah Johnson*

TICOR TITLE INSURANCE CO.  
STATUTORY WARRANTY DEED (CL04)





**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14228 Maplelane Ct Oregon City 97045  
Mail Address : 1300 John Adams St #100 Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 01201  
Parcel Number : 00842342  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 230.01 Block: 1  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat :  
Improvement Type : 600 Churches  
Land Use : 101 Res, Residential Land, Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 01201  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$236,830  
Mkt Structure : \$392,560  
Mkt Total : \$629,390  
% Improved : 62  
M50AssdValue : \$588,808  
Levy Code : 062064  
14-15 Taxes :  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount : \$588,808  
Exempt Type : Religious

**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres : 2.84
Full Baths :	Upper Finished SF :	Lot SqFt : 123,713
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built : 1972
Heat Type :	Upper Total SF :	Foundation :
Floor Cover :	UnFinUpperStorySF :	Roof Type :
Stories :	Basement Fin SF :	Roof Shape :
Int Finish :	Basement Unfin SF :	
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

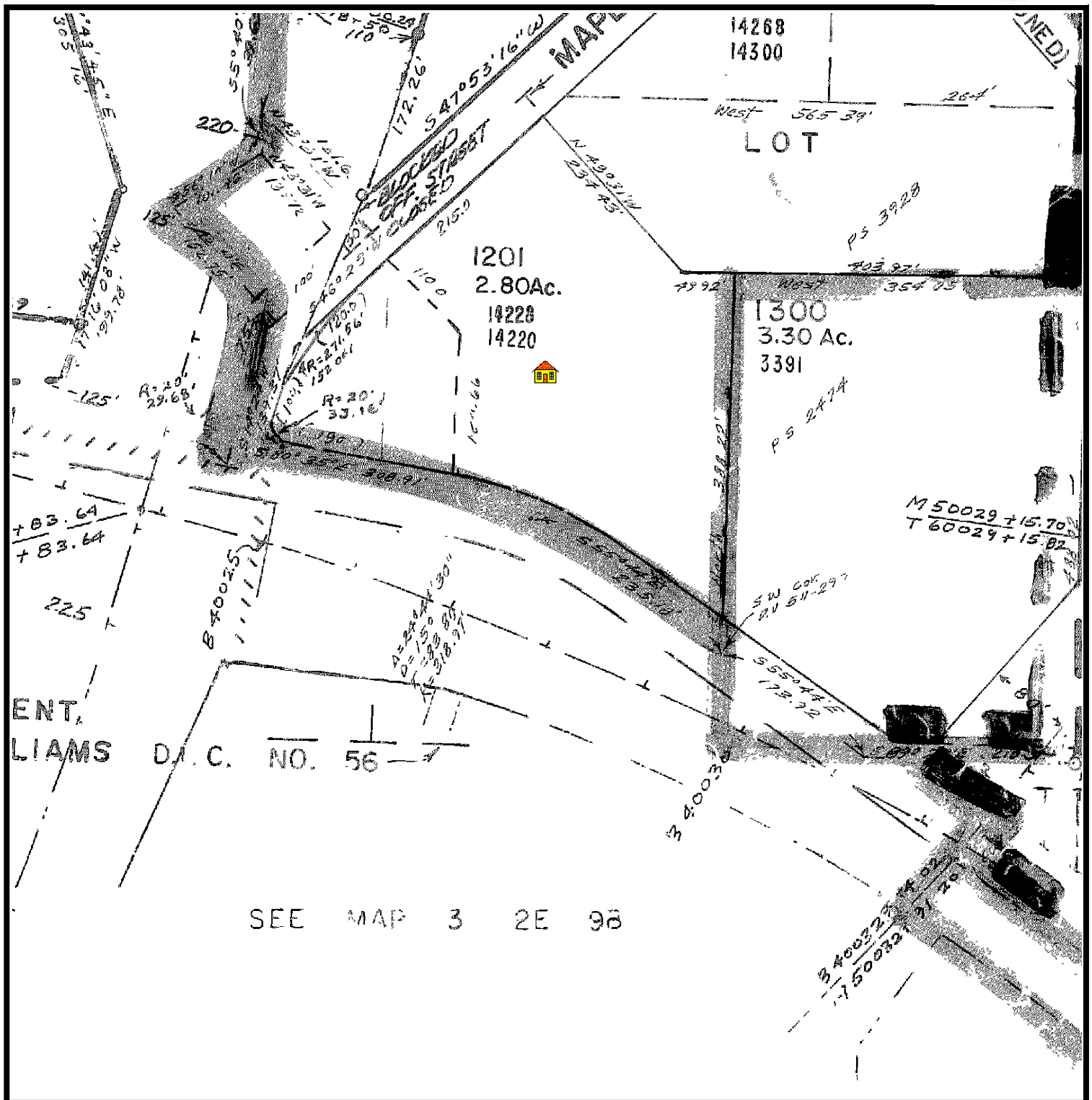
Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:03/01/2012	012-012014	:\$1,100,000	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:





Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
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**RECORDING COVER SHEET** (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE

**AFTER RECORDING RETURN TO:**

Historic Properties, LLC, an Oregon Limited Liability Company  
1300 John Adams St #100  
Oregon City, OR 97045

**1) TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)

Statutory Warranty Deed

**2) DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160

Hilltop Fellowship Bible Church, a Non Profit Corporation

P.O. Box 1987  
Oregon City, OR 97045

**3) INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160

Historic Properties, LLC, an Oregon Limited Liability Company

1300 John Adams St #100  
Oregon City, OR 97045

**4) TRUE AND ACTUAL CONSIDERATION**  
ORS 93.030(5) – Amount in dollars or other

\$ 1,100,000.00

☐ Other

**5) SEND TAX STATEMENTS TO:**

Historic Properties, LLC, an Oregon  
Limited Liability Company  
1300 John Adams St #100  
Oregon City, OR. 97045

**6) SATISFACTION of ORDER or WARRANT**  
ORS 204.125(1)(e)

CHECK ONE.  
(If applicable)

☐ FULL  
☐ PARTIAL

**7) The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125 (1)(c)

\$

**8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF**

\_\_\_\_\_ TO CORRECT

PREVIOUSLY RECORDED IN BOOK \_\_\_\_\_ AND PAGE

\_\_\_\_\_, OR AS FEE NUMBER

Clackamas County Official Records  
Sherry Hall, County Clerk

**2012-012014**

03/01/2012 08:33:55 AM

D-D Cnt=1 Stn=25 LESLIEFLY  
\$15.00 \$16.00 \$10.00 \$16.00

**\$57.00**

Recorded by TICOR TITLE 3440890791 deed

---

**RECORDING REQUESTED BY:**

**GRANTOR'S NAME.**

Hilltop Fellowship Bible Church, a Non Profit  
Corporation

**GRANTEE'S NAME.**

Historic Properties, LLC, an Oregon Limited  
Liability Company

**SEND TAX STATEMENTS TO:**

---

Historic Properties, LLC, an Oregon Limited  
Liability Company  
1300 John Adams St #100  
Oregon City, OR. 97045

**AFTER RECORDING RETURN TO:**

Historic Properties, LLC, an Oregon Limited  
Liability Company  
1300 John Adams St #100  
Oregon City, OR 97045

Escrow No: 890791-TTPOR44

14220 & 14228 S. Mapelane Court  
Oregon City, OR 97045

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Hilltop Fellowship Bible Church, an Oregon non-profit corporation, which acquired title as Maple Lane Baptist Church, an Oregon Corporation, Grantor, conveys and warrants to

Historic Properties, LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A tract of land situated in the J.G Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the one-quarter Section corner on the south line of said Section 4; thence North 89°28' West along the South line of said Section 4, a distance of 659.34 feet to the Southwest corner of Westover Acres, recorded in Volume 14, Page 24, Plat Records; thence North along the West line of said plat, 488.02 feet to the Northeast corner of that certain tract described in deed to Harold F. Peeples, et ux, recorded May 23, 1956 in book 511, Page 297, Fee No. 8011; thence West along the North line of said Peeples tract 354.02 feet to the Northwest corner of said Peeples tract and the true point of beginning of the tract herein to be described; thence continuing on a Westerly extension of the North line of said Peeples tract, 49.92 feet, more or less, to the Southwest corner of that certain tract described in deed to School district No. 62 recorded June 11, 1956 in Book 512, Page 79, Fee No. 9015; thence North 43° 31' West along the West line of said School District tract, 234.43 feet, more or less, to the center line of said Maple Lane Road; thence South 46° 29' West along the center line of said Maple Lane Road, 349.03 feet to an angle corner therein; thence continuing along said centerline, South 14° 24' West 139.37 feet to the intersection with the centerline of Market Road No. 11; thence tracing the last mentioned centerline South 80° 35' East 308.91 feet to an angle corner therein; thence continuing along said centerline South 55° 44' East 235.18 feet to the Southwest corner of said Peeples tract; thence North along the West line of said Peeples tract, 388.22 feet to the true point of beginning.

EXCEPT THEREFROM those portions lying within Market Road No. 11 and Maple Lane Court.

890791-TTPOR44  
Deed (Warranty-Statutory)

ALSO EXCEPT THEREFROM those portions described in deed to Clackamas County recorded August 10, 1976, Fee No. 7627298.

**Subject to and excepting:**

Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

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, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,100,000.00. (See ORS 93.030)

DATED: 2/28/2012

Hilltop Fellowship Bible Church, a Non Profit Corporation

BY: Phil Dilsaver  
Phil Dilsaver, Board Member

State of OREGON

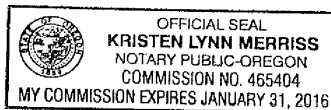
COUNTY of Clackamas

This instrument was acknowledged before me on 2/28, 20 12

by Phil Dilsaver, Board Member of Hilltop Fellowship Bible Church.

Kristen Lynn Merriss  
Notary Public - State of Oregon

My commission expires: 1-31-16





**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14268 Maplelane Ct Oregon City 97045  
Mail Address : 1300 John Adams St #100 Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 01400  
Parcel Number : 00842360  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat :  
Improvement Type : 601 Schools  
Land Use : 401 Tract,Tract Land,Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 01400  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$251,220  
Mkt Structure : \$674,360  
Mkt Total : \$925,580  
% Improved : 73  
M50AssdValue : \$845,741  
Levy Code : 062064  
14-15 Taxes :  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

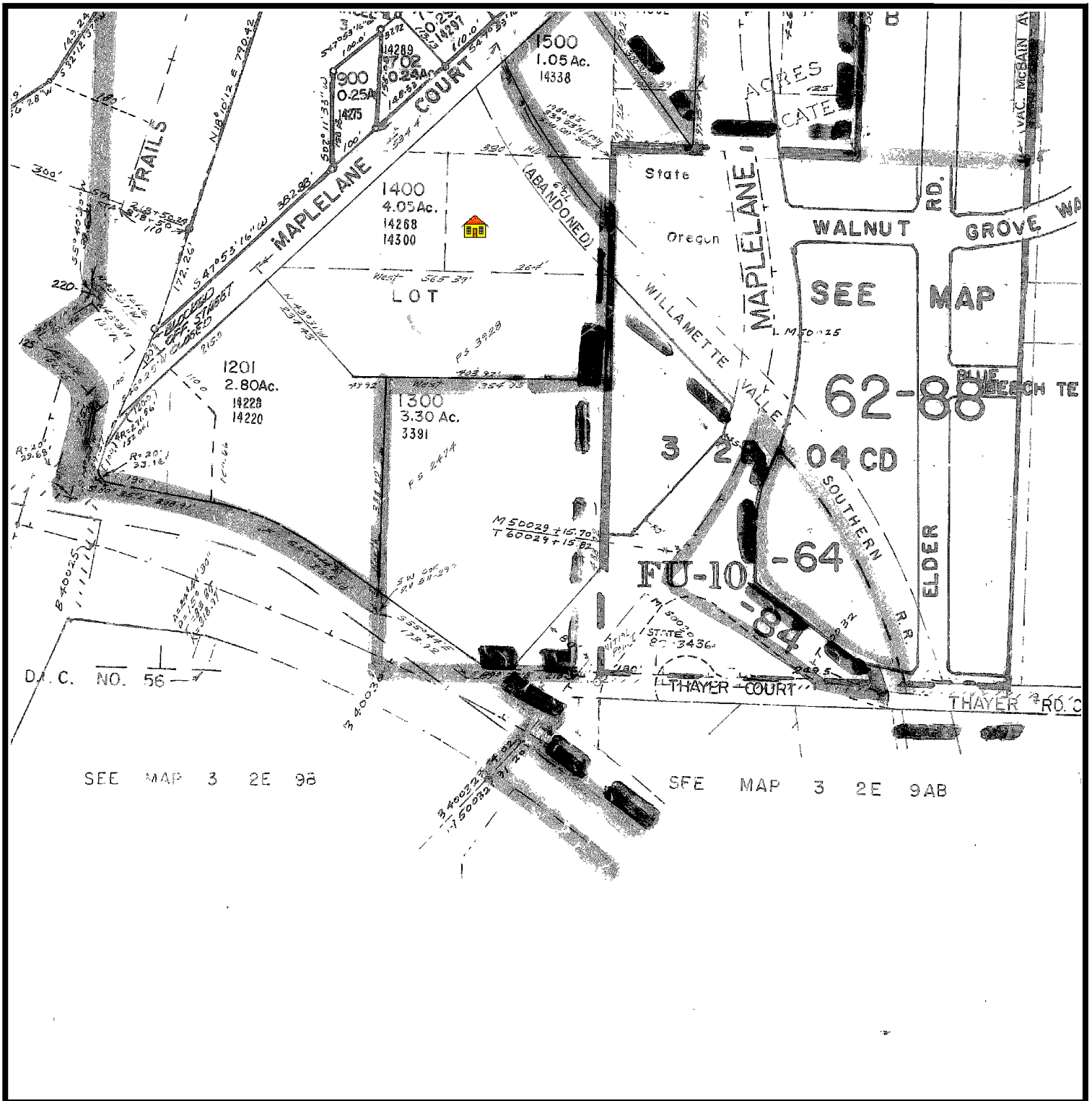
**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres : 4.04
Full Baths :	Upper Finished SF :	Lot SqFt : 176,136
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built : 1930
Heat Type :	Upper Total SF :	Foundation :
Floor Cover :	UnFinUpperStorySF :	Roof Type :
Stories :	Basement Fin SF :	Roof Shape :
Int Finish :	Basement Unfin SF :	
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:11/25/2014	014-060957	:\$1,700,000	:Warranty	:\$1,500,000	:Conventi
:Oregon City Sch Dist #62	:	000512-079	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

Reference Parcel #: 32E04C 01400



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

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After recording return to:  
Historic Properties, LLC  
1300 John Adams, Suite 100  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Historic Properties, LLC  
1300 John Adams, Suite 100  
Oregon City, OR 97045

File No.: 7072-2334912 (sh)  
Date: October 15, 2014

Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-060957**

11/25/2014 03:13:19 PM

D-D Cnt=1 Stn=2 LESLIE  
\$20.00 \$16.00 \$10.00 \$22.00

**\$68.00**

### STATUTORY WARRANTY DEED

**School District No. 62, nka Oregon City School District No 62 as to Parcel I and School District No. 27, nka Oregon City School District No. 62, as to Parcels II, III and IV**, Grantor, conveys and warrants to **Historic Properties, LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**See attached exhibit "A"-----**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

This deed fulfills the terms and provisions contained in the recorded First Purchase Option Recorded November 2, 2012 as Fee No. 2012-072445.

The true consideration for this conveyance is **\$1,700,000.00**. (Here comply with requirements of ORS 93.030)

2334912-SS  
FIRST AMERICAN

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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

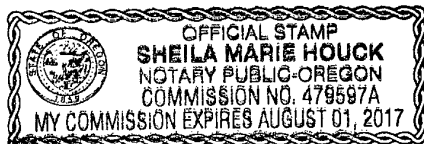
Dated this 24<sup>th</sup> day of November, 2014.

Oregon City School District No. 62

X *Larry Didway*  
By: Larry Didway, Superintendent

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 24<sup>th</sup> day of November, 2014  
by Larry Didway as Superintendent of Oregon City School District No. 62, on behalf of the School District.



*Sheila Marie Houck*  
Notary Public for Oregon  
My commission expires: 8/1/17

**EXHIBIT A**

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

**PARCEL I:**

**A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND BEING A PART OF THE JAMES SWAFFORD HOMESTEAD. THE TRACT HEREIN CONVEYED PARTICULAR DESCRIBED AS FOLLOWS, TO WIT:**

**BEGINNING AT THE ONE-QUARTER SECTION CORNER ON THE SOUTH BOUNDARY OF SAID SECTION 4; THENCE FOLLOWING SAID SOUTH BOUNDARY, NORTH 89 DEGREES 2' WEST 659.34 FEET TO A 2 INCH IRON PIPE LOCATED AT THE SOUTHWEST CORNER OF WESTOVER ACRES, A TOWNPLAT RECORDED IN BOOK 14 ON PAGE 24, RECORDS OF TOWNPLATS FOR CLACKAMAS COUNTY, OREGON; THENCE FOLLOWING THE WEST BOUNDARY OF SAID TOWNPLAT, NORTH 488.02 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN CONVEYED. FROM SAID TRUE POINT OF BEGINNING THENCE, CONTINUING NORTH 170.00 FEET TO THE NORTHEAST CORNER OF THE FRANK T. AND ANN DOUGLAS STREIGHT TRACT, AS DESCRIBED IN BOOK 397 ON PAGE 87, RECORDS OF DEEDS FOR CLACKAMAS COUNTY, OREGON AS SET FORTH BY PARCEL "B" THEREOF; THENCE FOLLOWING THE NORTH BOUNDARY OF SAID STREIGHT TRACT, WEST 565.39 FEET TO THE MOST NORTHERLY NORTHWEST CORNER OF SAID TRACT LOCATED IN THE CENTER LINE OF MAPLE LANE ROAD; THENCE AT RIGHT ANGLES TO MAPLE LANE ROAD, SOUTH 43 DEGREES 31' EAST 234.43 FEET; THENCE PARALLEL WITH SAID NORTH BOUNDARY OF THE SAID STREIGHT TRACT, EAST 403.97 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED.**

**PARCEL II:**

**A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT 30.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BEING PART OF THE DONATION CLAIM OF WASHINGTON WILLIAMS AND RUNNING THENCE WEST 4.00 CHAINS, THENCE SOUTH 3.75 CHAINS, THENCE EAST 4.00 CHAINS, THENCE NORTH 3.75 CHAINS TO THE PLACE OF BEGINNING.**

**PARCEL III:**

**BEGINNING AT A POINT IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, 30.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN AND A THE NORTHEAST CORNER OF LAND CONVEYED TO SCHOOL DISTRICT 27 OF CLACKAMAS COUNTY, BY DEED RECORDED JUNE 25, 1879, IN BOOK "Q", PAGE 260, DEED RECORDS; THENCE WEST 5.00 CHAINS, MORE OR LESS TO THE CENTER OF COUNTY ROAD; THENCE NORTHEASTERLY IN THE CENTER LINE OF SAID ROAD 8.20 CHAINS, MORE OR LESS TO THE EAST LINE OF LAND CONVEYED TO THOMAS E. POWERS IN BOOK 211, PAGE 170, DEED RECORDS; THENCE SOUTH 5.78 CHAINS, MORE OR LESS TO THE PLACE OF BEGINNING.**

**EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION OF LAND:**

**PART OF THE J.G. SWAFFORD DONATION LAND CLAIM IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, INCLUDING A PART OF LOTS 1 AND 6 IN BLOCK "B" OF WEST OVER ACRES, NOW VACATED AND PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 659.34 FEET WEST AND 822.88 FEET MORE OR LESS NORTH OF THE QUARTER SECTION CORNER ON THE SOUTH LINE OF SAID SECTION 4, AND WHICH POINT IS THE SOUTHWEST CORNER OF SAID LOT 6 IN BLOCK "B", WESTOVER ACRES, VACATED; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 132.38 FEET TO A POINT; THENCE NORTHWEST 300 FEET, MORE OR LESS TO A POINT IN THE SOUTHEASTERLY BOUNDARY OF THE COUNTY ROAD (MAPLE LANE) WHICH IS 75 FEET SOUTHWESTERLY FROM THE NORTHWEST CORNER OF SAID LOT 1, WESTOVER ACRES, VACATED; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY BOUNDARY OF SAID COUNTY ROAD TO THE EASTERLY RIGHT OF WAY LINE OF THE WILLAMETTE VALLEY SOUTHERN RAILWAY COMPANY; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO A POINT DUE SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE PLACE OF BEGINNING.**

**PARCEL IV:**

**THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE, SITUATED IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, TO WIT:**

**COMMENCING AT A POINT 26.10 CHAINS EAST AND 12.72 CHAINS NORTH OF THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 3 SOUTH, RANGE 2 EAST. THENCE SOUTH 2.75 CHAINS, THENCE WEST 3.30 CHAINS TO THE ROAD, THENCE NORTH 50 DEGREES EAST, 4.80 CHAINS TO THE PLACE OF BEGINNING.**



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14275 Maplelane Ct Oregon City 97045  
Mail Address : 1300 John Adams St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 00900  
Parcel Number : 00842315  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Hazel Grove 02  
Improvement Type : 121 Sgl Family,R1-2,1-Story  
Land Use : 101 Res,Residential Land,Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 00900  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$70,669  
Mkt Structure : \$86,990  
Mkt Total : \$157,659  
% Improved : 55  
M50AssdValue : \$120,119  
Levy Code : 062064  
14-15 Taxes : \$2,183.76  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

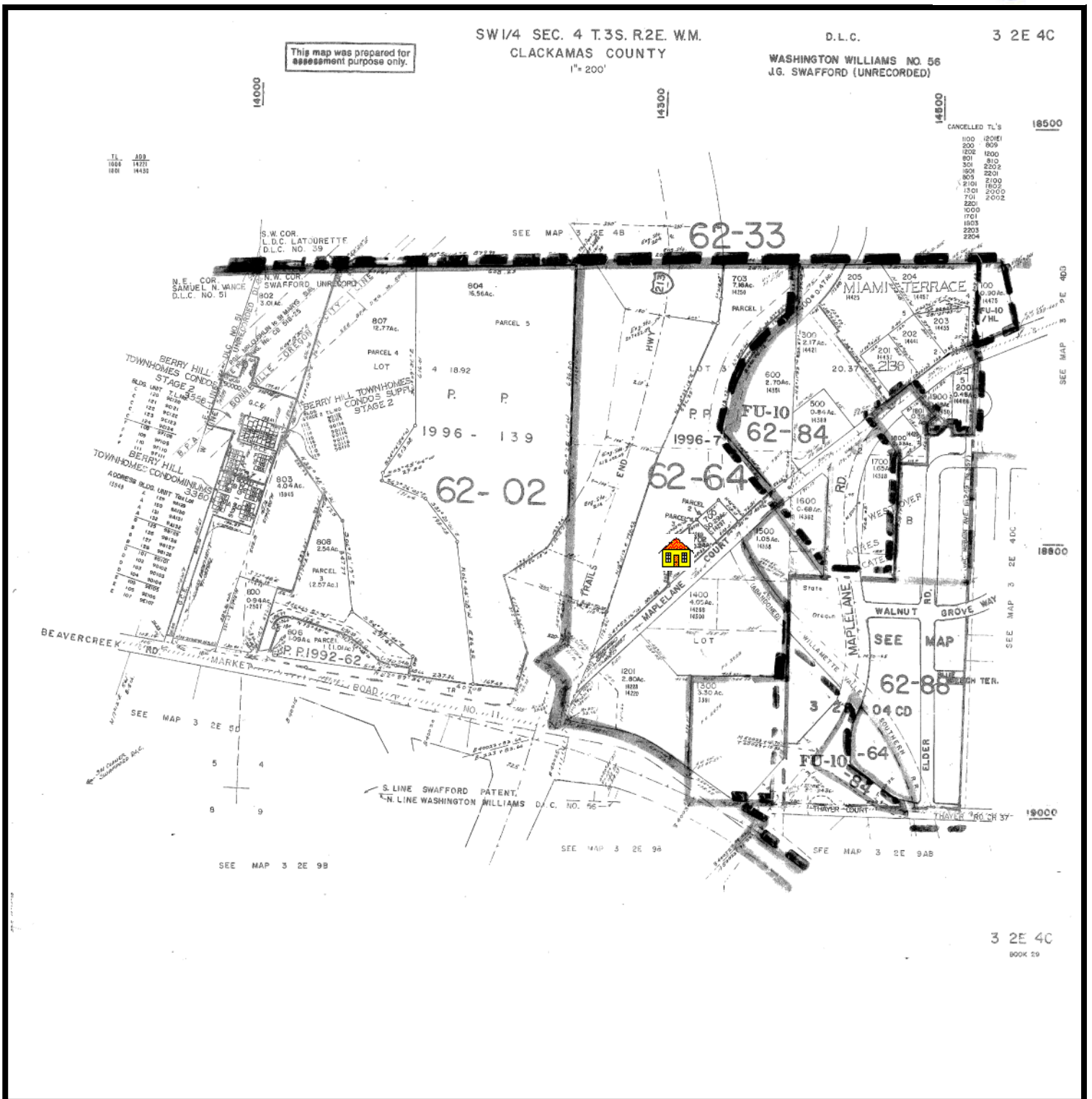
**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF : 2,000	BldgTotSqFt : 2,000
Bathrooms : 1.50	1st Floor SF : 2,000	Lot Acres : .26
Full Baths : 1	Upper Finished SF :	Lot SqFt : 11,313
Half Baths : 1	Finished SF : 2,000	Garage SF :
Fireplace :	Above Ground SF : 2,000	Year Built : 1950
Heat Type : Forced Air-Oil	Upper Total SF :	Foundation : Concrete
Floor Cover : Tile	UnFinUpperStorySF :	Roof Type : Built Up
Stories : 1	Basement Fin SF :	Roof Shape : Flat
Int Finish : Composition	Basement Unfin SF :	
Ext Finsh : Concrete Blk	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:03/12/2014	014-011021	:\$220,000	:Warranty	:\$220,000	:Construct
:Rosenberry Joe	:10/01/1995	0095-66999	:\$12,500	:Warranty	:	:
:Fedracini Larry D	:07/09/1992	0092-42259	:\$7,000	:Bargain &	:	:
:Pedracini Larry D	:07/01/1992	0092-42259	:\$7,000	:Grant De	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

# Reference Parcel #: 32E04C 00900



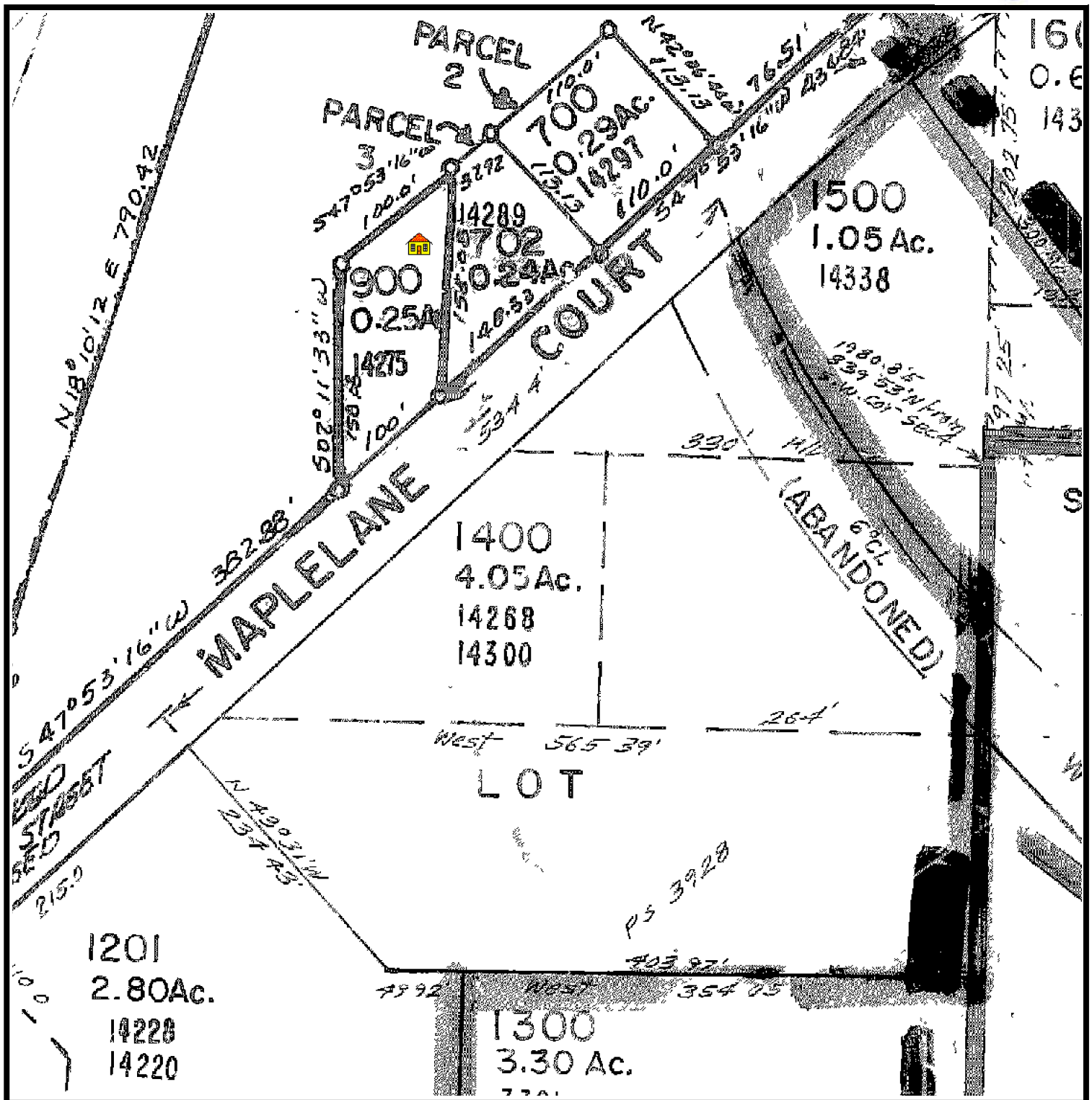
**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.7100 (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY



Reference Parcel #: 32E04C 00900



**First American**  
**Title Company of Oregon**

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121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
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THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY



After recording return to:  
Historic Properties, LLC  
1300 John Adams Street  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Historic Properties, LLC  
1300 John Adams Street  
Oregon City, OR 97045

File No.: 7072-2150827 (CRW)  
Date: September 10, 2013

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-011021**

03/12/2014 09:37:05 AM

D-D Cnt=1 Stn=6 KARLYN  
\$15.00 \$16.00 \$10.00 \$22.00

**\$63.00**

### STATUTORY WARRANTY DEED

**Joe Rosenberry**, Grantor, conveys and warrants to **Historic Properties, LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**See Attached Exhibit "A"**

**Subject to:**

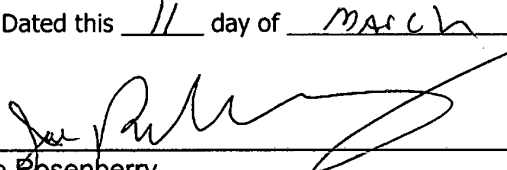
1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$220,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN 2150827 55

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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 11 day of March, 2014.

  
Joe Rosenberry

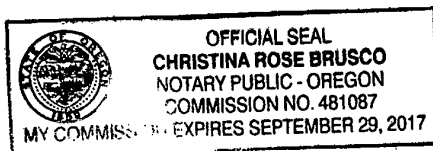
STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 11 day of March, 2014  
by **Joe Rosenberry**.



Notary Public for Oregon

My commission expires: 9-29-17



## **EXHIBIT A**

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

**A tract of land located in the J.G. Swafford Patent No. 613 (unrecorded) in the Southwest one-quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, more particularly described as follows:**

---

Commencing at a 7/8 inch diameter iron rod at the Southwest corner of the L.D.C. Latourette DLC No. 39; thence along the South line thereof, North 89° 44' 18" East 2001.89 feet to a point, from which a 3/4 inch diameter iron pipe bears North 02° 11' 33" East, 0.80 feet; thence South 02° 11' 33" West, 830.37 feet to a 2" iron pipe on the centerline of Maple Lane (County Road No. 398, 60.00 feet wide) said 2" iron pipe being the Northwest corner of the vacated plat of "WESTOVER ACRES"; thence along the centerline of Maple Lane South 47° 53' 16" West, 516.65 feet; thence leaving said centerline North 02° 11' 33" East 41.92 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp." on the Northwestern right of way line of Maple Lane and the true point of beginning of the tract of land to be described; thence from the point of beginning North 02° 11' 33" East 158.08 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp."; thence parallel with the Northwestern right of way of Maple Lane South 47° 53' 16" West, 100.00 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp."; thence South 02° 11' 33" West, 158.08 feet to a 5/8 inch diameter iron rod with a yellow plastic cap stamped "Compass Corp." on the Northwestern right of way line of Maple Lane; thence Northeasterly along said right-of-way line to the true point of beginning.

**NOTE:** This legal description was created prior to January 1, 2008.

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**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14289 Maplelane Ct Oregon City 97045  
Mail Address : 1300 John Adams St #100 Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 00702  
Parcel Number : 01689676  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Many Oaks  
Improvement Type : \*unknown Improvement Code\*  
Land Use : 100 Vacant,Residential Land  
Legal : 1996-7 PARTITION PLAT PARCEL 3  
:  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$58,509  
Mkt Structure :  
Mkt Total : \$58,509  
% Improved :  
M50AssdValue : \$36,409  
Levy Code : 062064  
14-15 Taxes : \$661.91  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

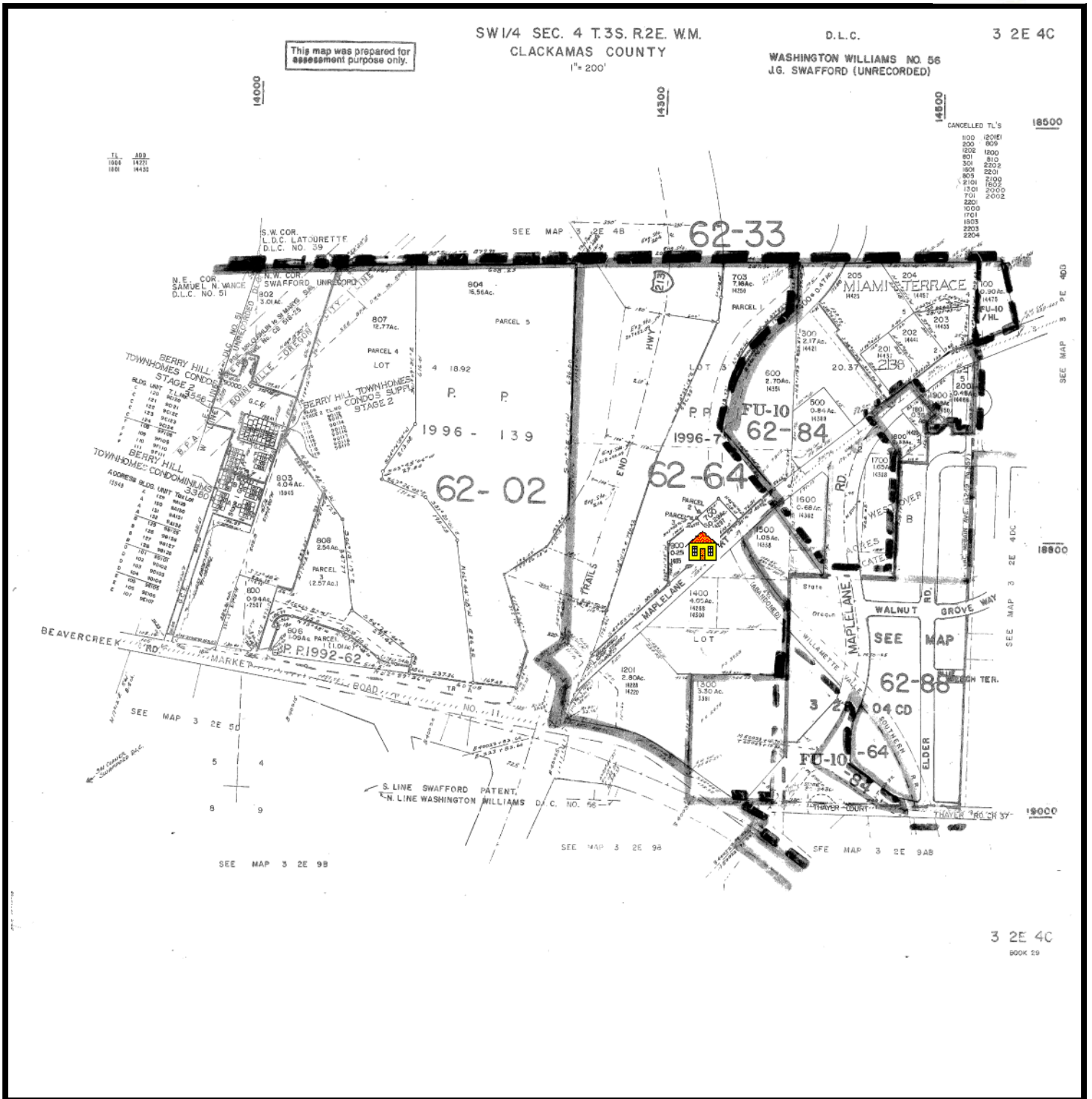
**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres : .24
Full Baths :	Upper Finished SF :	Lot SqFt : 10,535
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built :
Heat Type :	Upper Total SF :	Foundation :
Floor Cover :	UnFinUpperStorySF :	Roof Type :
Stories :	Basement Fin SF :	Roof Shape :
Int Finish :	Basement Unfin SF :	
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

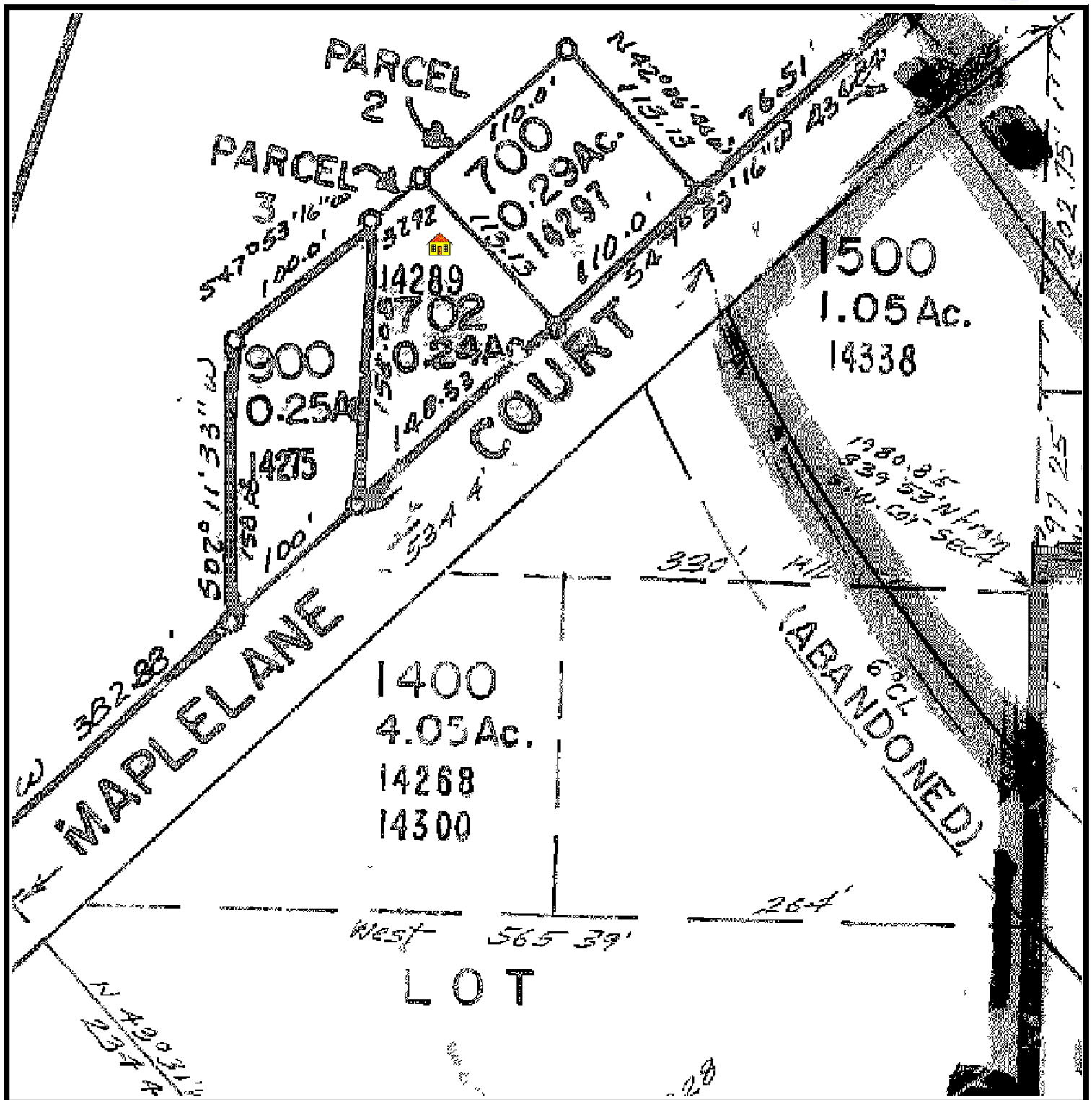
Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:12/21/2012	012-084284	:\$80,000	:Warranty	:	:
:Rasch Thomas R	:09/10/1997	0097-69930	:\$33,500	:Warranty	:\$22,800	:Seller
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

# Reference Parcel #: 32E04C 00702





Reference Parcel #: 32E04C 00702



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY



After recording return to:  
Historic Properties, LLC  
c/o Dan Fowler, 1300 John Adams St  
Ste 100  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Historic Properties, LLC  
c/o Dan Fowler, 1300 John Adams St  
Ste 100  
Oregon City, OR 97045

File No.: 7072-1989553 (se)  
Date: November 19, 2012

Clackamas County Official Records  
Sherry Hall, County Clerk

**2012-084284**

12/21/2012 10:47:08 AM

D-D Cnt=1 Stn=6 KARLYNWUN  
\$10.00 \$16.00 \$10.00 \$17.00

**\$53.00**

### STATUTORY WARRANTY DEED

**Thomas R. Rasch**, Grantor, conveys and warrants to **Historic Properties, LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**PARCEL 3, PARTITION PLAT NO. 1996-7, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.**


**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$80,000.00**. (Here comply with requirements of ORS 93.030)

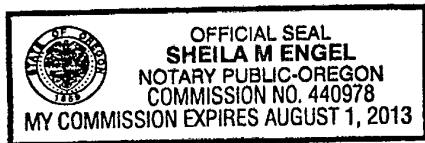
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 3<sup>rd</sup> day of December, 20 12.

  
Thomas R. Rasch

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 3<sup>rd</sup> day of December, 20 12  
by **Thomas R. Rasch**.



  
Notary Public for Oregon  
My commission expires: 8/1/13



**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14297 Maplelane Ct Oregon City 97045  
Mail Address : 1300 John Adams St #100 Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 00700  
Parcel Number : 00842262  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Partition 1996-7  
Improvement Type : 132 Sgl Family,R1-3,1-Story (Basement)  
Land Use : 101 Res,Residential Land,Improved  
Legal : 1996-7 PARTITION PLAT PARCEL 2  
:  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$74,310  
Mkt Structure : \$107,940  
Mkt Total : \$182,250  
% Improved : 59  
M50AssdValue : \$151,481  
Levy Code : 062064  
14-15 Taxes : \$2,753.93  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

**PROPERTY CHARACTERISTICS**

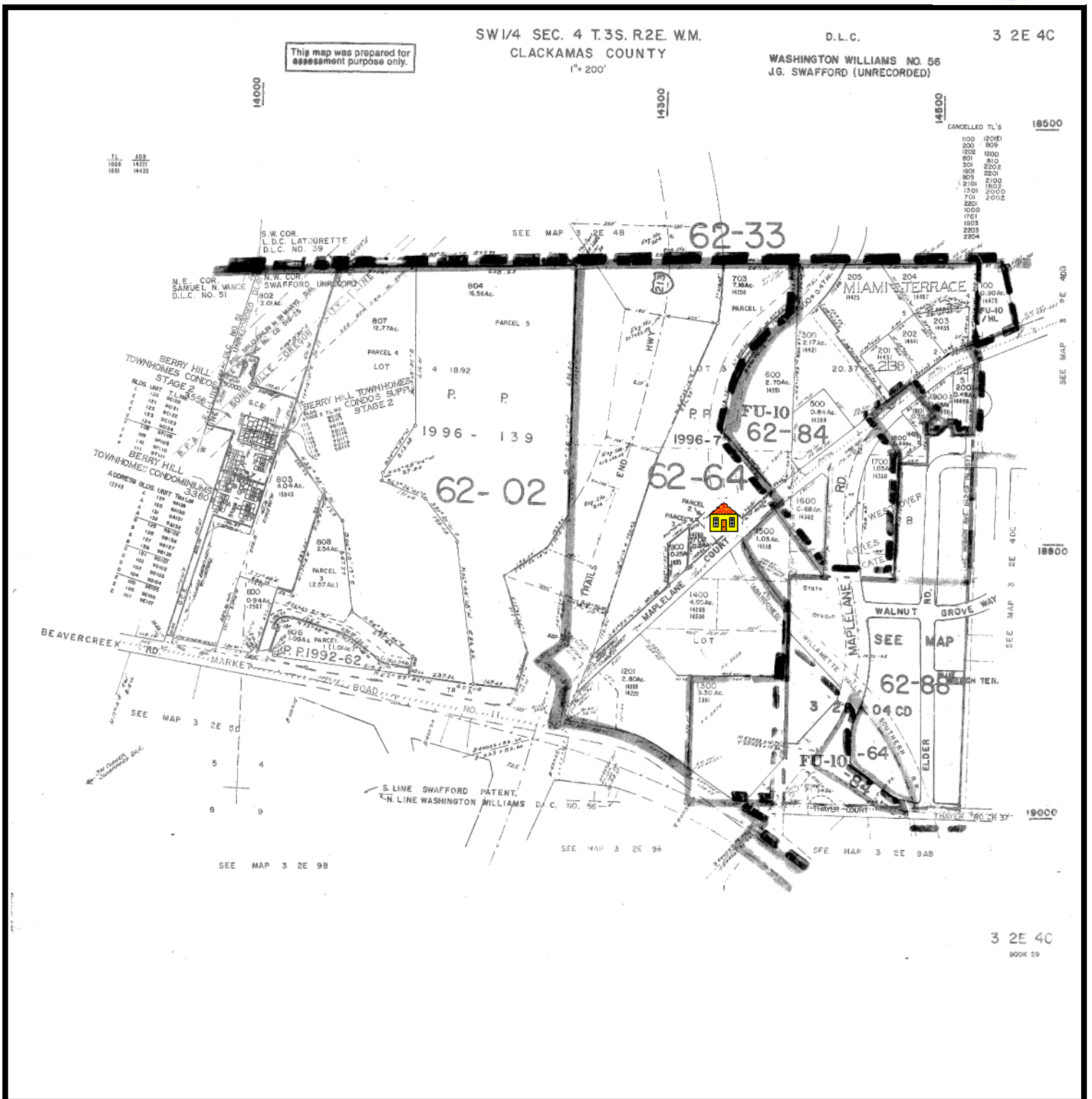
Bedrooms	: 2	Building Living SF	: 2,144	BldgTotSqFt	: 1,552
Bathrooms	: 1.00	1st Floor SF	: 1,072	Lot Acres	: .29
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 12,444
Half Baths	:	Finished SF	: 1,552	Garage SF	: 294
Fireplace	: Stacked	Above Ground SF	: 1,072	Year Built	: 1960
Heat Type	: Elec Baseboard	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Hardwd	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1 Story-Bsmt	Basement Fin SF	: 480	Roof Shape	: Gable
Int Finish	: Drywall	Basement Unfin SF	: 592		
Ext Finsh	: Bevel Siding	Basement Total SF	: 1,072		

**TRANSFER INFORMATION**

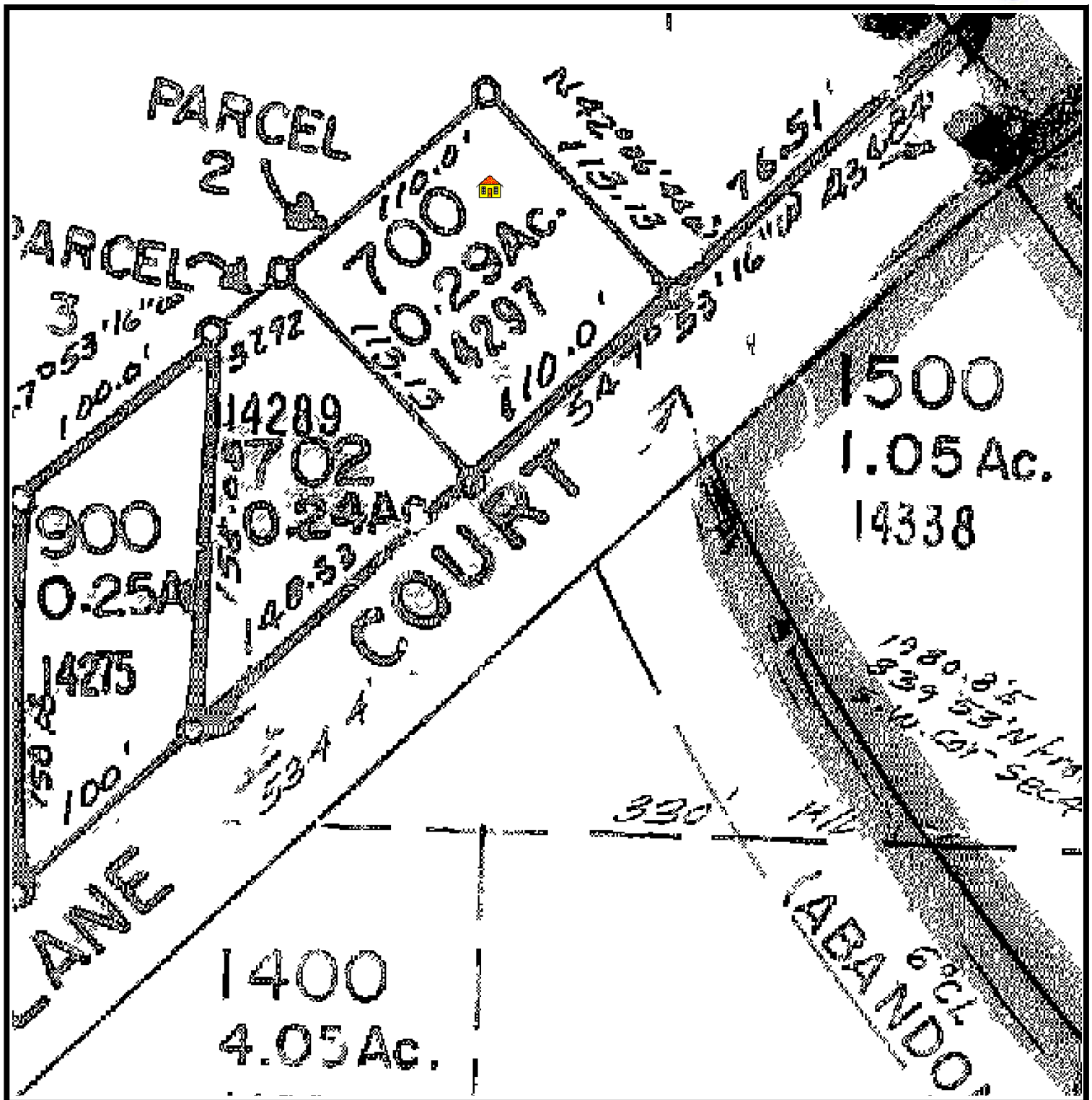
Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:10/31/2014	014-056424	:\$350,000	:Warranty	:\$300,000	:Aitd
:Cameron Jordan S	:01/31/2008	008-007048	:\$245,000	:Warranty	:\$232,750	:Conven
:Walker Curtis D	:03/01/1996	0096-25445	:\$122,000	:Warranty	:	:
:CI7 Development Inc	:07/28/1995	0095-43857	:	:Bargain &	:	:
:CI7 Development Inc	:07/01/1995	0095-43858	:	:Grant De	:	:
:Twenge Jeffrey D	:04/01/1995	0095-28755	:\$91,400	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

# Reference Parcel #: 32E04C 00700



Reference Parcel #: 32E04C 00700



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: [cs.portland@firstam.com](mailto:cs.portland@firstam.com)

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY





Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-056424**

10/31/2014 02:10:01 PM

D-D Cnt=1 Stn=2 LESLIE  
\$10.00 \$16.00 \$10.00 \$22.00

**\$58.00**

After recording return to:  
Historic Properties, LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Historic Properties, LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045

File No.: 7072-2332455 (DJC)  
Date: October 10, 2014

### STATUTORY WARRANTY DEED

**Jordan S. Cameron**, Grantor, conveys and warrants to **Historic Properties, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

**PARCEL 2, PARTITION PLAT NO. 1996-7, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON.**

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$350,000.00, paid by an accomodator pursuant to an IRC 1031 Exchange.** (Here comply with requirements of ORS 93.030)

2. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor: Jordon S. Cameron, a married man, also known as Jordan S. Cameron

Grantee/Beneficiary: Mortgage Electronic Registration Systems, Inc., MERS solely as a nominee for Quicken Loans Inc., its successors and assigns

Trustee: Pacific Northwest Company of Oregon, Inc.

Amount: \$207,725.00

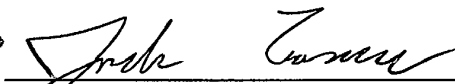
Recorded: December 12, 2012

Recording Information: Fee No. 2012 081753

FIRST AMERICAN - 23324555

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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

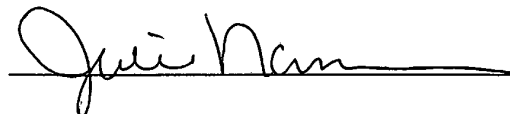
Dated this 30 day of October, 2014.

  
Jordan S. Cameron



STATE OF Oregon )  
County of Josephine ) ss.

This instrument was acknowledged before me on this 30 day of Oct, 2014  
by **Jordan S. Cameron.**



Notary Public for Oregon

My commission expires: Aug 12, 17



**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14338 Maple Lane Rd Oregon City 97045  
Mail Address : 606 15th St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 01500  
Parcel Number : 00842379  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Westover Acres  
Improvement Type : 141 Sgl Family,R1-4,1-Story  
Land Use : 101 Res,Residential Land,Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 01500  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$148,884  
Mkt Structure : \$191,340  
Mkt Total : \$340,224  
% Improved : 56  
M50AssdValue : \$248,135  
Levy Code : 062088  
14-15 Taxes : \$4,511.10  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

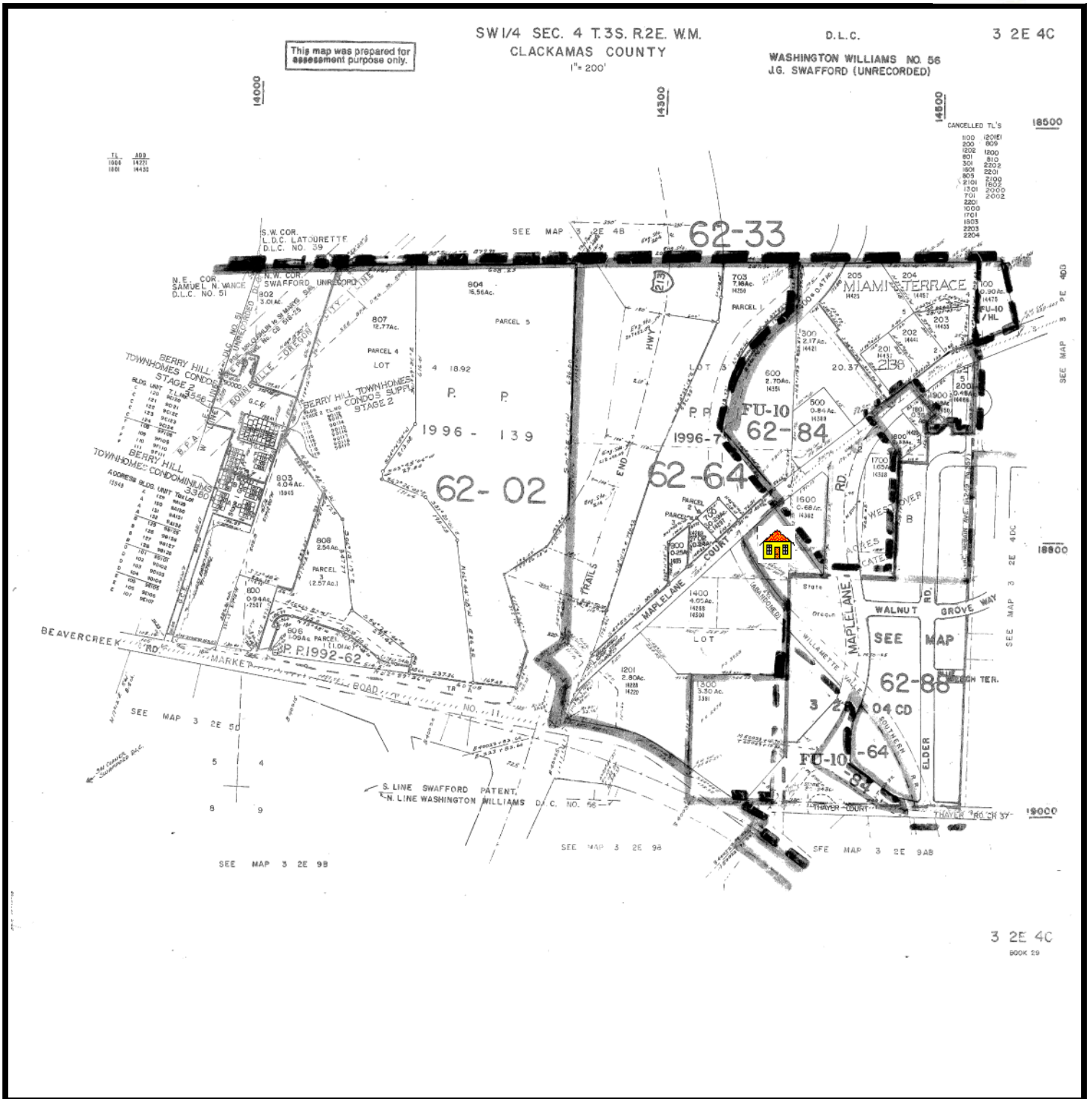
**PROPERTY CHARACTERISTICS**

Bedrooms	: 3	Building Living SF	: 1,869	BldgTotSqFt	: 1,869
Bathrooms	: 2.50	1st Floor SF	: 1,869	Lot Acres	: 1.02
Full Baths	: 2	Upper Finished SF	:	Lot SqFt	: 44,315
Half Baths	: 1	Finished SF	: 1,869	Garage SF	: 940
Fireplace	: Single Fireplace	Above Ground SF	: 1,869	Year Built	: 1963
Heat Type	: Elec Baseboard	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Carpet	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1	Basement Fin SF	:	Roof Shape	: Hip
Int Finish	:	Basement Unfin SF	:		
Ext Finsh	: Rustic	Basement Total SF	:		

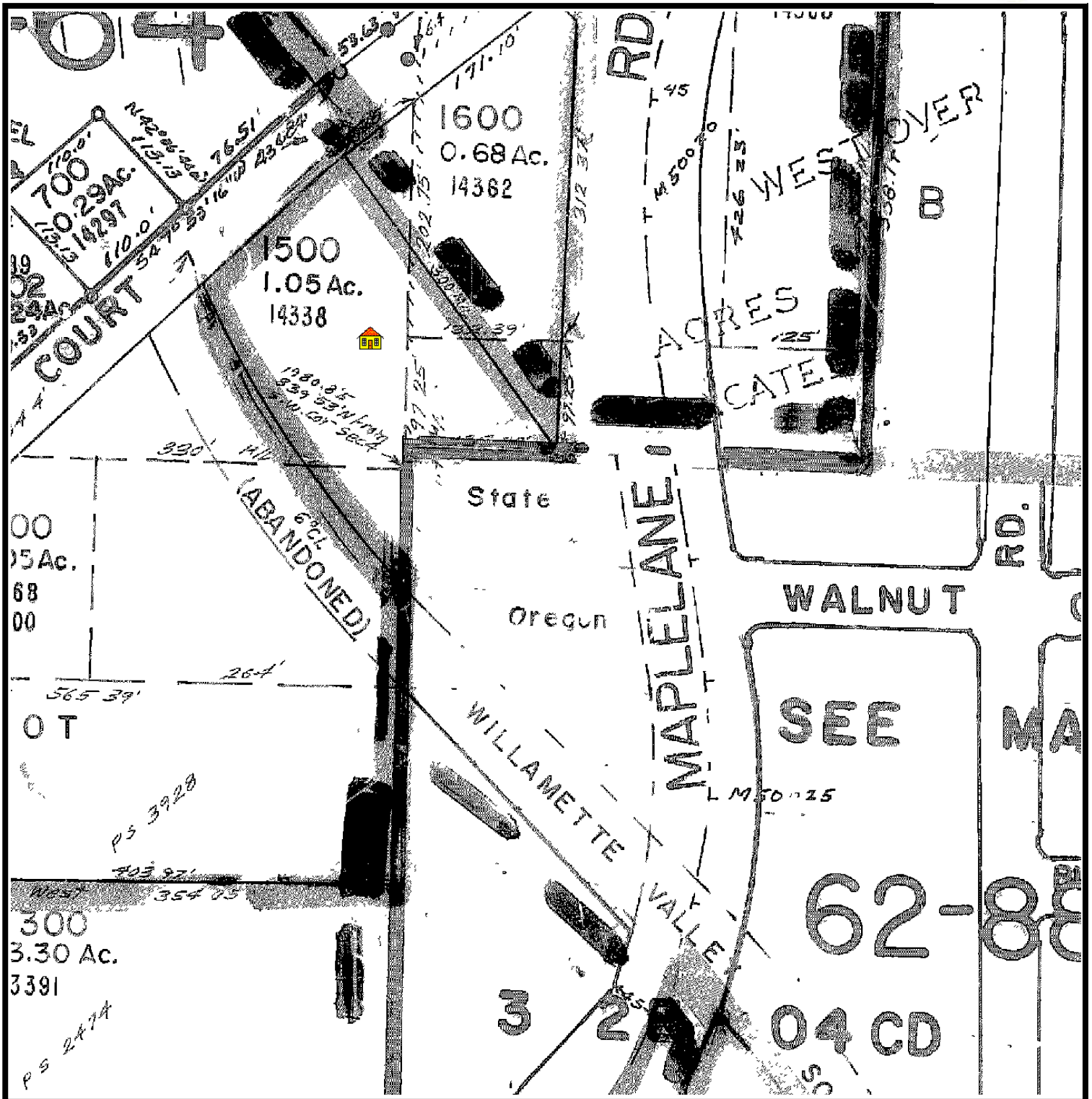
**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:09/05/2007	07-076917	:\$650,000	:	:	:
:St Claire Leonard/Jo Ellen	:12/27/1993	0093-97758	:\$134,900	:Warranty	:\$15,500	:Private
:Stclair Leonard & Jo Ellen	:12/01/1993	0093-97758	:\$134,900	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

# Reference Parcel #: 32E04C 01500



Reference Parcel #: 32E04C 01500



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: [cs.portland@firstam.com](mailto:cs.portland@firstam.com)

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

50

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Leonard St. Claire

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:

Historic Properties LLC  
606 15TH Street  
Oregon City OR 97045

After Recording return to:  
Historic Properties LLC  
606 15TH Street  
Oregon City OR 97045

Escrow No. 905066 DIA  
Title No. 905066

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-076917



\$31.00

01141493200700769170010012 09/06/2007 10:27:56 AM

D-D Cnt=1 Stn=6 KARLYNWUN  
\$5.00 \$16.00 \$10.00

Recorded By TICOR TITLE

C905066

LEONARD ST. CLAIRE and JO ELLEN ST. CLAIRE, Grantor, conveys and warrants to HISTORIC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Clackamas County, Oregon, to wit:

Part of the J. G. Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, including a part of Lots 1 and 6 in Block "B" of Westover Acres, now vacated, and more particularly described as follows:

Beginning at a point which is 659.34 feet West and 822.88 feet, more or less, North of the quarter section corner on the South line of said Section 4, and which point is the Southwest corner of said Lot 6 in Block "B", Westover Acres, vacated; thence East along the South line of said Lot 6, a distance of 132.38 feet to a point; thence Northwesterly 300 feet, more or less, to a point in the Southeasterly boundary of the County Road (Maple Lane) which is 75 feet Southwesterly from the Northwest corner of said Lot 1, West Over Acres, vacated; thence Southwesterly along the Southeasterly boundary of said County Road to the Easterly right of way line of the Willamette Valley Southern Railway Company; thence Southeasterly along said Easterly right of way line to a point due South of the point of beginning; thence North to the place of beginning.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.  
2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$650,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 5 day of Sept, 2007.

*Leonard St. Claire*  
Leonard St. Claire

*Jo Ellen St. Claire*  
Jo Ellen St. Claire

State: OR  
County: Clackamas

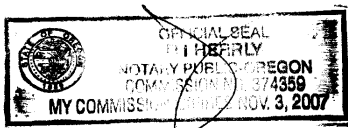
The foregoing instrument was acknowledged before me this 5 day of Sept, 2007 by:

Leonard St. Claire and Jo Ellen St. Claire

*[Signature]*  
Notary Public

My Commission Expires:

DI HERRLY



TICOR TITLE INSURANCE COMPANY  
STATUTORY WARRANTY DEED (CLO4)





**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14362 Maple Lane Rd Oregon City 97045  
Mail Address : 1300 John Adams St #100 Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04C 01600  
Parcel Number : 00842388  
T: 03S R: 02E S: 04 Q: SW QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Westover Acres  
Improvement Type : 121 Sgl Family,R1-2,1-Story  
Land Use : 101 Res,Residential Land,Improved  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER C TAX LOT 01600  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$126,001  
Mkt Structure : \$42,860  
Mkt Total : \$168,861  
% Improved : 25  
M50AssdValue : \$114,139  
Levy Code : 062088  
14-15 Taxes : \$2,075.05  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

**PROPERTY CHARACTERISTICS**

Bedrooms	: 1	Building Living SF	: 886	BldgTotSqFt	: 886
Bathrooms	: 1.00	1st Floor SF	: 886	Lot Acres	: .90
Full Baths	: 1	Upper Finished SF	:	Lot SqFt	: 38,985
Half Baths	:	Finished SF	: 886	Garage SF	:
Fireplace	:	Above Ground SF	: 886	Year Built	: 1943
Heat Type	: Elec Wall Unit	Upper Total SF	:	Foundation	: Concrete
Floor Cover	: Fir	UnFinUpperStorySF	:	Roof Type	: Composition
Stories	: 1	Basement Fin SF	:	Roof Shape	: Gable
Int Finish	: Drywall	Basement Unfin SF	:		
Ext Finsh	: Avg Plywood	Basement Total SF	:		

**TRANSFER INFORMATION**

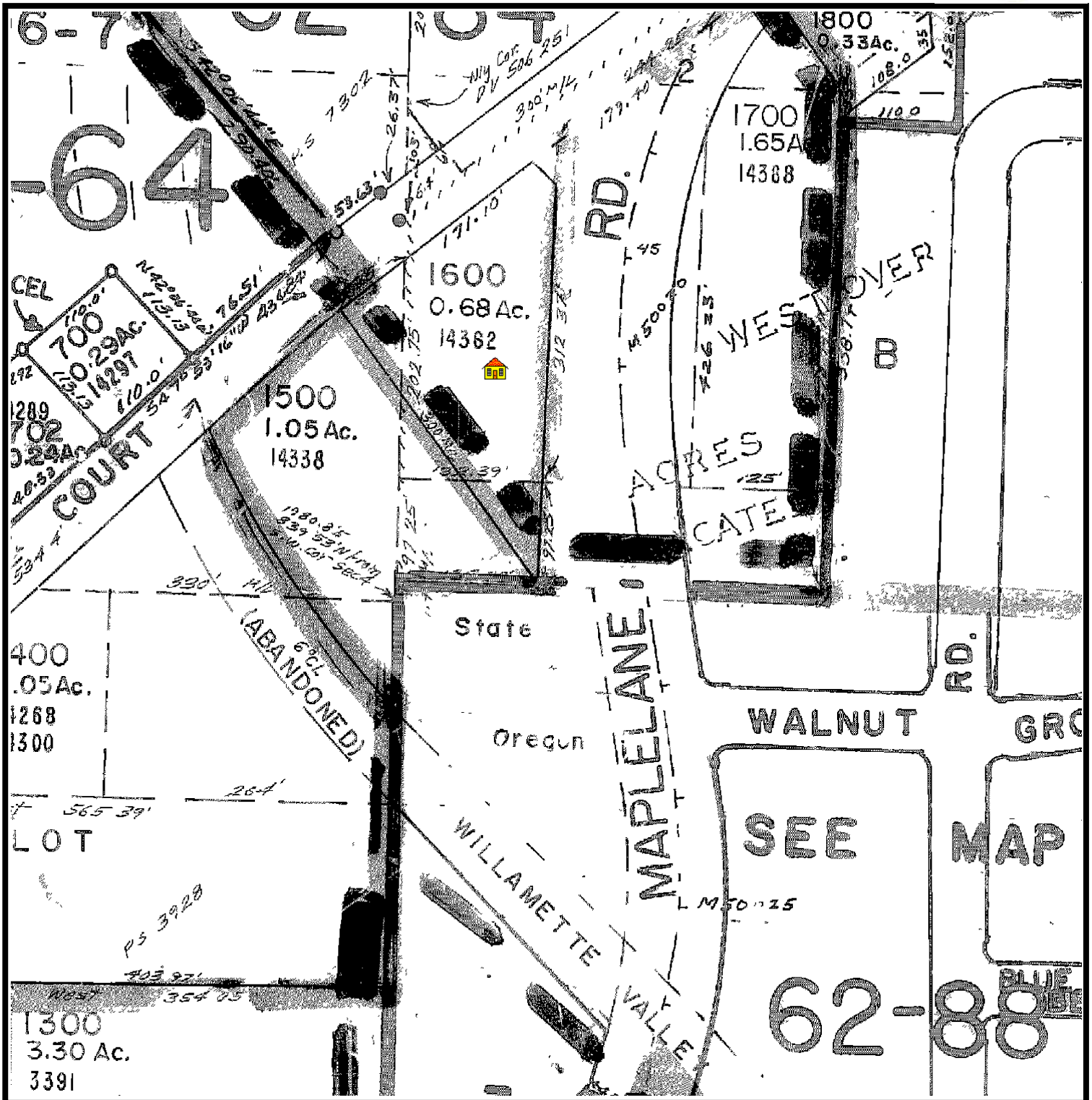
Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:09/16/2013	013-065534	:\$410,000	:Warranty	:	:
:Bowles Gary R	:	0078-21128	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:



Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: [cs.portland@firstam.com](mailto:cs.portland@firstam.com)

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04C 01600



**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

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FATCO NO. 2026343-SS



After recording return to:  
Historic Properties LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Historic Properties LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045

File No.: 7072-2026343 (DJC)  
Date: September 05, 2013

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records  
Sherry Hall, County Clerk

**2013-065534**

09/16/2013 02:17:10 PM

D-D Cnt=1 Stn=1 KARLYN  
\$15.00 \$16.00 \$10.00 \$17.00

**\$58.00**

### STATUTORY WARRANTY DEED

**Gary R. Bowles**, Grantor, conveys and warrants to **Historic Properties LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
2. The **2013/2014** Taxes, a lien not yet payable.

The true consideration for this conveyance is **\$410,000.00**. (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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

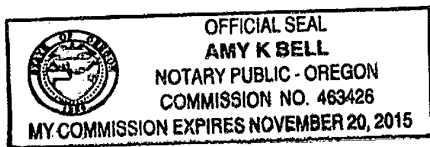
Dated this 12<sup>th</sup> day of September, 2013.

Gary R. Bowles  
Gary R. Bowles

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 12<sup>th</sup> day of September, 2013  
by **Gary R. Bowles**.

Amy K. Bell



Notary Public for Oregon  
My commission expires: 11TV.20.2015

**EXHIBIT A**

---

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

**A TRACT OF LAND IN THE J.G. SWAFFORD DONATION LAND CLAIM IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, INCLUDING A PART OF LOTS 1 AND 6, IN BLOCK "B" OF WESTOVER ACRES, A VACATED PLAT, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT WHICH IS 659.34 FEET WEST AND 822.88 FEET, MORE OR LESS, NORTH OF THE ONE-QUARTER SECTION ON THE SOUTH LINE OF SAID SECTION 4, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 6, BLOCK "B", WESTOVER ACRES, VACATED; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 132.58 FEET TO A POINT ON THE WEST LINE OF THAT TRACT CONVEYED TO IRWIN WRESE, ET UX, BY DEED RECORDED FEBRUARY 9, 1967 IN BOOK 685, PAGE 584, CLACKAMAS COUNTY DEED RECORDS AND THE TRUE POINT OF BEGINNING; THENCE NORTH ALONG SAID WEST LINE, 312.37 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF MAPLE LANE; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY ROAD LINE, 246.10 FEET TO THE MOST NORTHERLY CORNER OF THAT TRACT CONVEYED TO JOSEPH W. WOOLEY, ET UX, BY DEED RECORDED SEPTEMBER 30, 1969 AS FEE NO. 69-20556, CLACKAMAS COUNTY RECORDS; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID WOOLEY TRACT, 300 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.**

**EXCEPT THAT PORTION CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION BY DEED RECORDED JUNE 8, 1981 AS FEE NO. 81-19692.**

**NOTE: This legal description was created prior to January 1, 2008.**





**First American**  
**Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : 14375 Maple Lane Rd Oregon City 97045  
Mail Address : 606 15th St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04CD03300  
Parcel Number : 00842501  
T: 03S R: 02E S: 04 Q: SW QQ: SE  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : 223.02 Block: 3  
Neighborhood : Oregon City Newer  
School District : 062  
Subdivision/Plat : Westover Acres  
Improvement Type : 141 Sgl Family,R1-4,1-Story  
Land Use : 100 Vacant,Residential Land  
Legal : TOWNSHIP 3S RANGE 2E SECTION 04  
: QUARTER CD TAX LOT 03300  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$153,565  
Mkt Structure :  
Mkt Total : \$153,565  
% Improved :  
M50AssdValue : \$142,734  
Levy Code : 062088  
14-15 Taxes : \$2,562.59  
Millage Rate : 18.1800  
Zoning :  
Exempt Amount :  
Exempt Type :

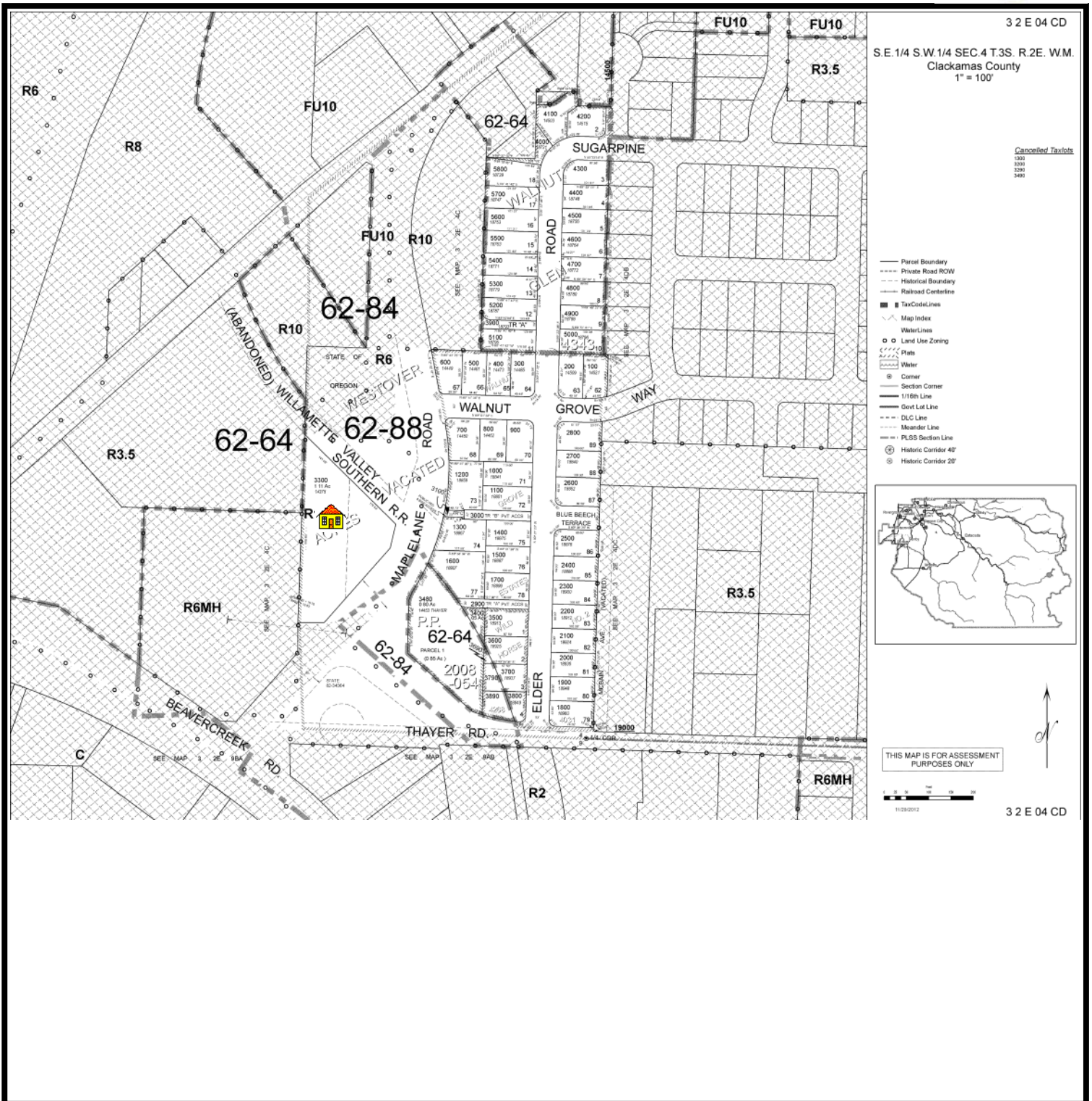
**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF : 1,224	Lot Acres : 1.24
Full Baths :	Upper Finished SF : 936	Lot SqFt : 53,974
Half Baths :	Finished SF : 2,160	Garage SF : 552
Fireplace : Single Fireplace	Above Ground SF : 2,160	Year Built : 1978
Heat Type : Forced Air-Elec	Upper Total SF : 936	Foundation : Concrete
Floor Cover : Carpet	UnFinUpperStorySF :	Roof Type : Wood Shake Med
Stories : 1	Basement Fin SF :	Roof Shape : Gable
Int Finish : Drywall	Basement Unfin SF :	
Ext Finsh : Bevel Siding	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:01/04/2011	011-000600	:\$570,000	:Warranty	:	:
:Younger Letha A	:10/28/2004	004-099534	:\$300,000	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
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:	:	:	:	:	:	:

# Reference Parcel #: 32E04CD03300

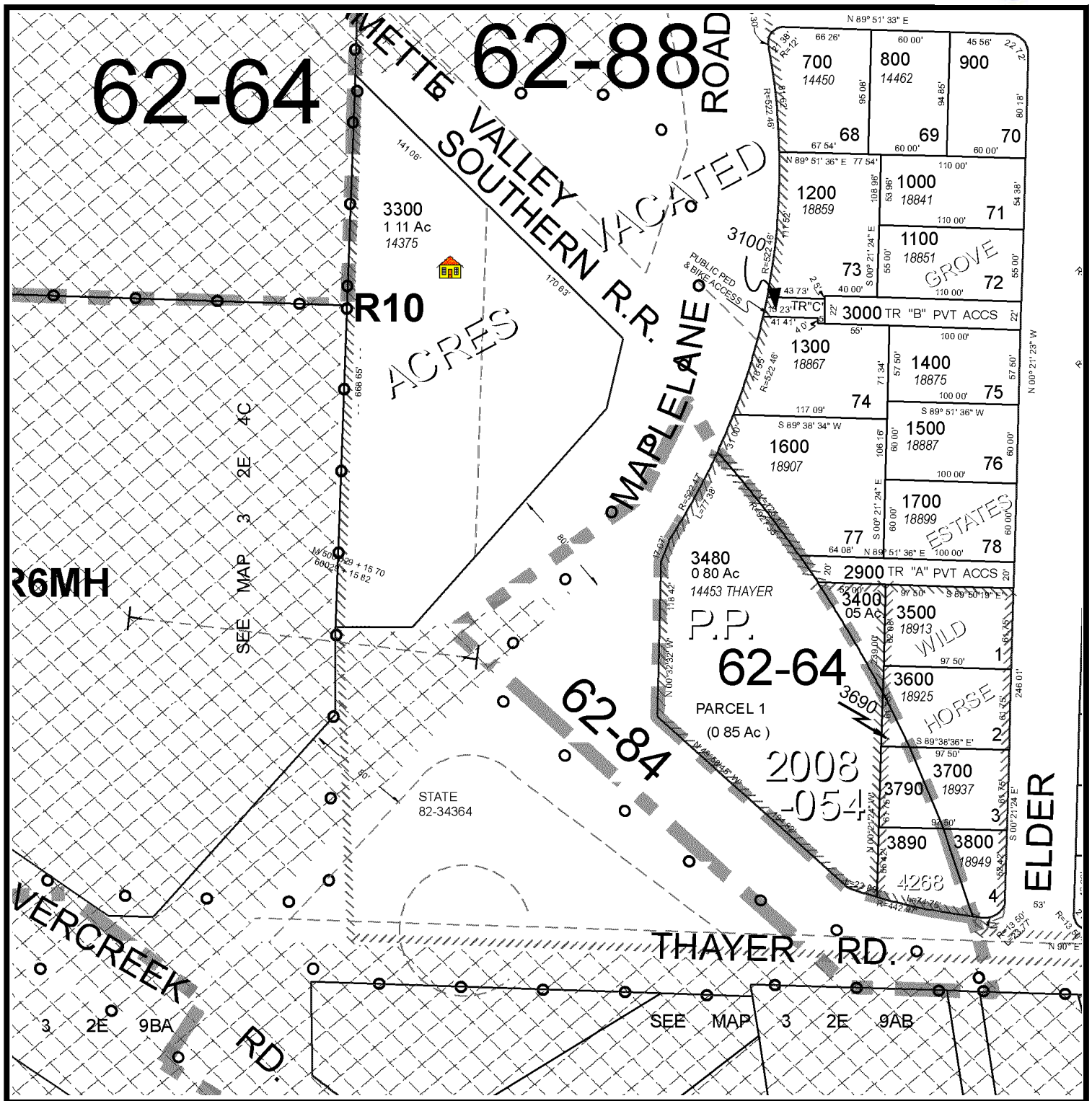


**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY

Reference Parcel #: 32E04CD03300



**First American**  
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50

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Leonard St. Claire

Grantee: Historic Properties LLC

Until a change is requested, all tax statements shall be sent to the following address:

Historic Properties LLC  
606 15TH Street  
Oregon City OR 97045

After Recording return to:

Historic Properties LLC  
606 15TH Street  
Oregon City OR 97045

Escrow No. 905066 DIA  
Title No. 905066

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-076917



\$31.00

01141493200700769170010012

09/06/2007 10:27:56 AM

D-D Cnt=1 Stn=6 KARLYNWUN  
\$5.00 \$16.00 \$10.00

Recorded By TICOR TITLE

C905066

LEONARD ST. CLAIRE and JO ELLEN ST. CLAIRE, Grantor, conveys and warrants to HISTORIC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Clackamas County, Oregon, to wit:

Part of the J. G. Swafford Donation Land Claim in Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, including a part of Lots 1 and 6 in Block "B" of Westover Acres, now vacated, and more particularly described as follows:

Beginning at a point which is 659.34 feet West and 822.88 feet, more or less, North of the quarter section corner on the South line of said Section 4, and which point is the Southwest corner of said Lot 6 in Block "B", Westover Acres, vacated; thence East along the South line of said Lot 6, a distance of 132.38 feet to a point; thence Northwesterly 300 feet, more or less, to a point in the Southeasterly boundary of the County Road (Maple Lane) which is 75 feet Southwesterly from the Northwest corner of said Lot 1, West Over Acres, vacated; thence Southwesterly along the Southeasterly boundary of said County Road to the Easterly right of way line of the Willamette Valley Southern Railway Company; thence Southeasterly along said Easterly right of way line to a point due South of the point of beginning; thence North to the place of beginning.

The said property is free from encumbrances except: COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.  
2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$650,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 5 day of Sept, 2007.

*Leonard St. Claire*  
Leonard St. Claire

*Jo Ellen St. Claire*  
Jo Ellen St. Claire

State: OR  
County: Clackamas

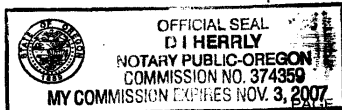
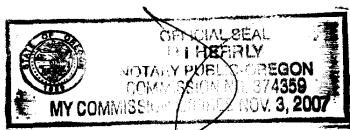
The foregoing instrument was acknowledged before me this 5 day of Sept, 2007 by:

Leonard St. Claire and Jo Ellen St. Claire

*[Signature]*  
Notary Public

My Commission Expires:

DI HERRLY



TICOR TITLE INSURANCE COMPANY  
STATUTORY WARRANTY DEED (CLO4)



**First American  
Title Company of Oregon**

Customer Service Department  
121 SW Morrison Street Suite 300 - Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Today's Date : 7/21/2015

**OWNERSHIP INFORMATION**

Owner : **Historic Properties LLC**  
Co Owner :  
Site Address : \*no Site Address\*  
Mail Address : 914 Madison St Oregon City Or 97045  
Taxpayer : Historic Properties LLC

Ref Parcel Number : 32E04CD06000  
Parcel Number : 05026488  
T: 03S R: 02E S: 04 Q: QQ:  
County : Clackamas (OR)

**PROPERTY DESCRIPTION**

Map Page & Grid :  
Census Tract : Block:  
Neighborhood :  
School District :  
Subdivision/Plat :  
Improvement Type : \*unknown Improvement Code\*  
Land Use : \*unknown Use Code\*  
Legal : SECTION 04 TOWNSHIP 3S RANGE 2E  
: QUARTER CD TAX LOT 6000  
:

**ASSESSMENT AND TAX INFORMATION**

Mkt Land :  
Mkt Structure :  
Mkt Total :  
% Improved :  
M50AssdValue :  
Levy Code :  
14-15 Taxes :  
Millage Rate :  
Zoning :  
Exempt Amount :  
Exempt Type :

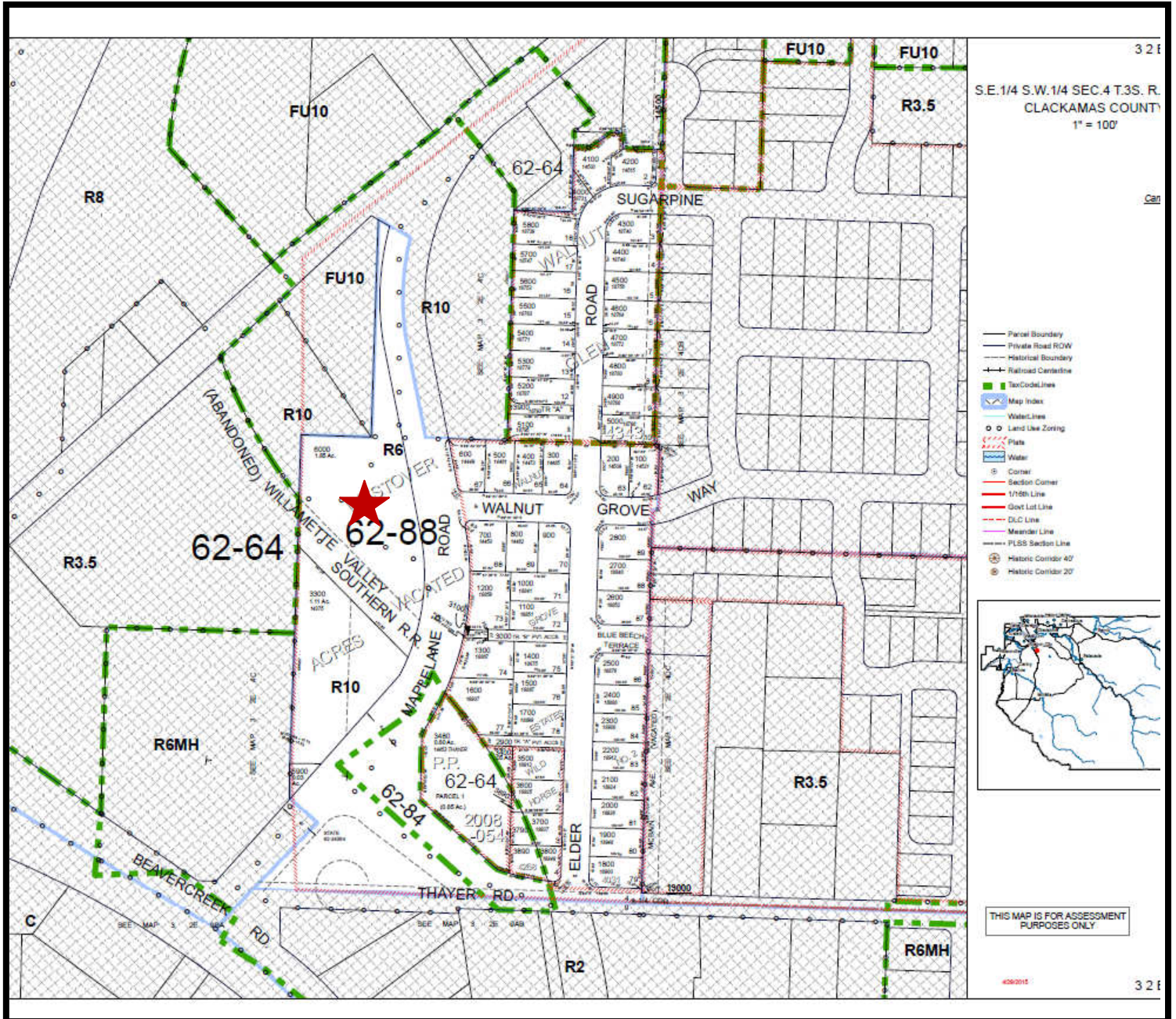
**PROPERTY CHARACTERISTICS**

Bedrooms :	Building Living SF :	BldgTotSqFt :
Bathrooms :	1st Floor SF :	Lot Acres :
Full Baths :	Upper Finished SF :	Lot SqFt :
Half Baths :	Finished SF :	Garage SF :
Fireplace :	Above Ground SF :	Year Built :
Heat Type :	Upper Total SF :	Foundation :
Floor Cover :	UnFinUpperStorySF :	Roof Type :
Stories :	Basement Fin SF :	Roof Shape :
Int Finish :	Basement Unfin SF :	
Ext Finsh :	Basement Total SF :	

**TRANSFER INFORMATION**

Owner Name(s)	Sale Date	Doc#	Sale Price	Deed Type	Loan Amount	Loan Type
:Historic Properties LLC	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

Reference Parcel Number 32E04CD 06000



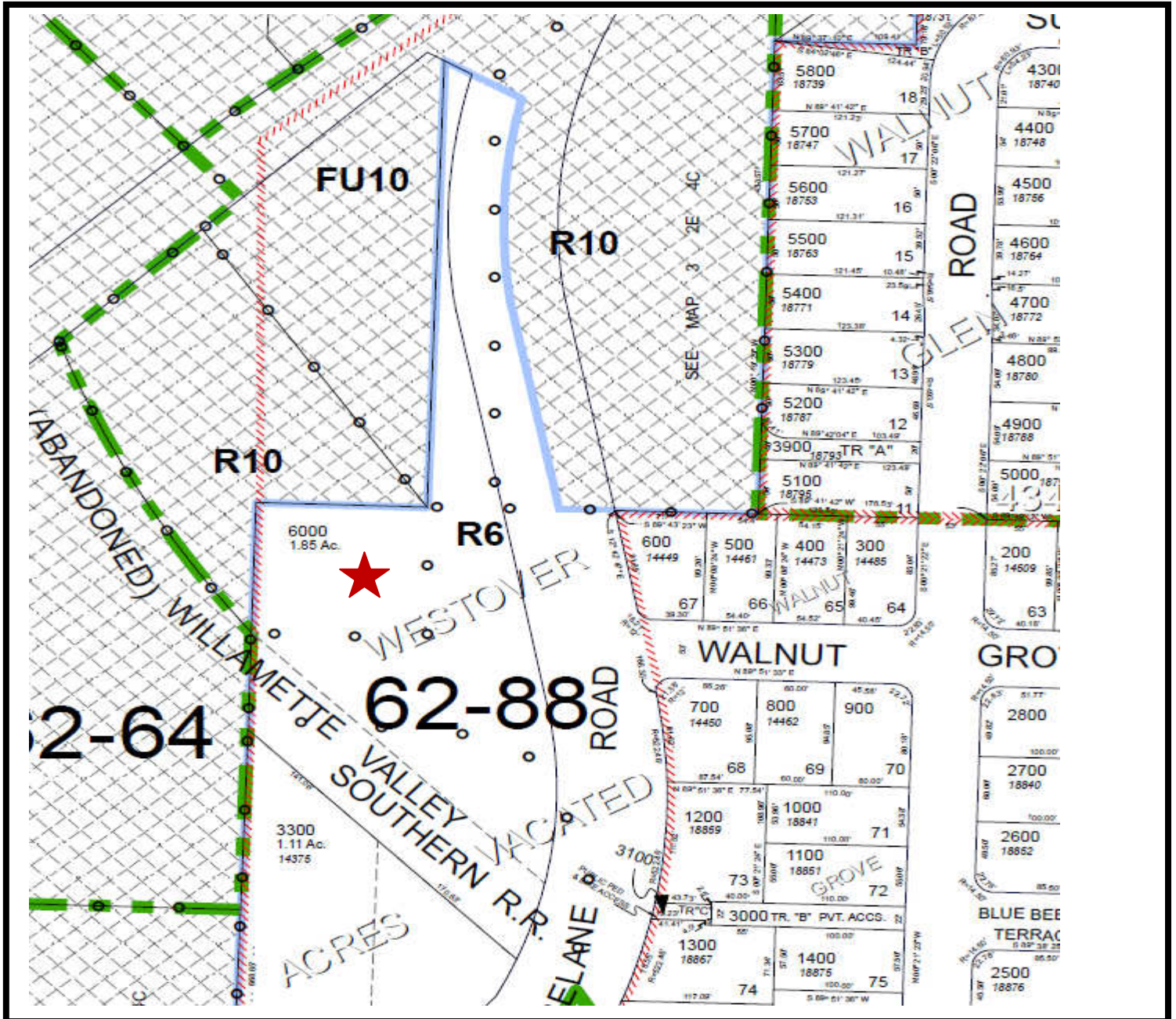
**First American**  
**Title Company of Oregon**

Property Information Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: pid.portland@firstam.com

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY



Reference Parcel Number 32E04CD 06000



**First American**  
**Title Company of Oregon**

Property Information Department  
121 SW Morrison Street Suite 300 Portland, OR 97204  
Phone: 503.219.TRIO (8746) Fax: 503.790.7872  
Email: [pid.portland@firstam.com](mailto:pid.portland@firstam.com)

THIS MAP IS PROVIDED AS A CONVENIENCE IN LOCATING PROPERTY. FIRST AMERICAN TITLE COMPANY OF OREGON ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DISCLOSED BY AN ACTUAL SURVEY



After recording return to:  
Historic Properties, LLC  
914 Madison  
Oregon City, OR 97045

Until a change is requested all tax  
statements shall be sent to:  
Same as above

File No.: 7072-2345708 (DJC)  
Date: November 14, 2014

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records  
Sherry Hall, County Clerk

**2014-059930**

11/20/2014 10:32:13 AM

D-D Cnt=1 Stn=8 CINDY  
\$25.00 \$16.00 \$10.00 \$22.00

**\$73.00**

## STATUTORY QUITCLAIM DEED

**City of Oregon City, a municipal corporation of the State of Oregon, Grantor, releases and quitclaims to Historic Properties, LLC, an Oregon limited liability company, all rights and interest in and to the following described real property:**

Except as set forth in Exhibit "B" attached hereto.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$302,500.00**. (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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

FIRST AMERICAN - 2345708-88





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Historic Properties, LLC  
914 Madison  
Oregon City, OR 97045

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Same as above

File No.: 7072-2345708 (DJC)  
Date: November 14, 2014

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FIRST AMERICAN - 2345708-88

APN:

Statutory Quitclaim Deed  
- continued

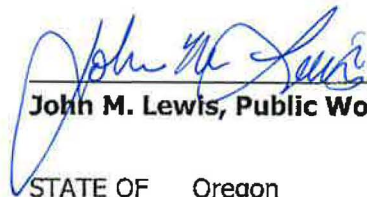
File No.: 7072-2345708 (DJC)

Date: 11/14/2014

Dated this 17<sup>th</sup> day of November, 2014.



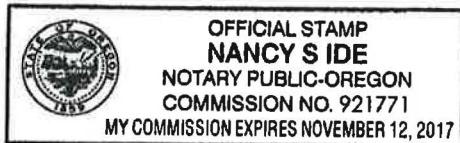
David W. Frasher, City Manager



John M. Lewis, Public Works Director

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 17<sup>th</sup> day of November, 2014  
by **John M. Lewis, Public Works director of the City of Oregon City on behalf of the corporation.**



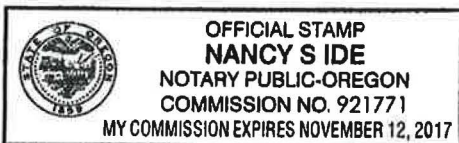


Notary Public for Oregon

My commission expires: 11-12-2017

STATE OF Oregon )  
 )ss.  
County of Clackamas )

This instrument was acknowledged before me on this 17<sup>th</sup> day of November, 2014  
by **David W. Frasher as City Manager of the City of Oregon City on behalf of the corporation.**





Notary Public for Oregon

My commission expires: 11-12-2017

APN:

Statutory Quitclaim Deed  
- continued

File No.: **7072-2345708 (DJC)**  
Date: **11/14/2014**

### **EXHIBIT A**

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

#### **PARCEL 1**

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THOSE PROPERTIES DESIGNATED AS PARCEL 2 AND DESCRIBED IN THOSE WARRANTY DEEDS TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 30, 1981 AS RECORDERS FEE NO. 82-3617, FILM RECORDS OF CLACKAMAS COUNTY.**

#### **PARCEL 2**

**A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, RECORDED DECEMBER 17, 1982 AS RECORDERS FEE NO. 82-34364.**

After recording return to:

Oregon City Recorder  
Oregon City Hall  
P. O. Box 3040  
Oregon City, OR 97045

First American Title Accommodation  
Recording Assumes No Liability

### DECLARATION OF COVENANT AND RESTRICTION

THIS DECLARATION OF COVENANT AND RESTRICTION (this "Declaration") is made this 14 day of November, 2014, by HISTORIC PROPERTIES, LLC, an Oregon limited liability company ("Declarant").

A. Declarant is the owner of that property legally described as follow (the "Property"):

Parcel 1 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being those properties designated as Parcel 2 and described in those Warranty Deeds to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 30, 1981 as Recorder's Fee No. 81-44150 and recorded February 8, 1982 as Recorder's Fee No. 82-3617, Film Records of Clackamas County.

This parcel of land contains 1.85 acres, more or less.

Parcel 2 - A parcel of land lying in Section 4, Township 3 South, Range 2 East, W.M., Clackamas County, Oregon and being that property designated as Parcel 2 and described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, Highway Division, recorded December 17, 1982 as Recorder's Fee No. 82-34364, Film Records of Clackamas County.

This parcel of land contains 0.03 acre, more or less.

B. Declarant and the City desire that the Property be subject to certain covenants and restrictions hereafter described, which covenants and restrictions shall inure to the benefit of and bind the parcel for the benefit of the City of Oregon City (the "City") and its successors and assigns.

NOW, THEREFORE, for and in consideration of the foregoing Recitals which are deemed a material and substantive part of this Declaration, as well as the terms and conditions of the Purchase and Sale Agreement between the declarant and the City and other good and valuable consideration, Declarant hereby declares, grants, covenants and agrees as follows:

1. Covenant and Restriction.

(a) Declarant hereby declares that the future development of the Property shall include a transportation system that is designed to support the build out capacity of the area and

FIRST AMERICAN - 2345708-SS



resolves the transition problem associated with the proximity of Thayer Road to Beavercreek Road consistent with City standards.

(b) Declarant hereby declares that it covenants to seek no additional compensation from the City for the dedication of roadway on the Property.

2. **Binding**. This Declaration and the covenants within this declaration are intended to be a restriction running with and binding upon the land and shall be binding upon and inure to the benefit of the City, and its respective personal or legal representatives, successors and assigns.

3. **Governing Law**. This Declaration shall be governed by the laws of the State of Oregon.

4. **Severability**. If any term or provision of this Declaration or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

5. **Mortgages**. Any mortgages, trust deeds or other liens encumbering all or any portion of the Parcels shall at all times be subordinate to the terms of this Declaration and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this Declaration.

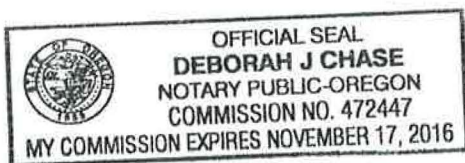
IN WITNESS WHEREOF, the undersigned has hereunto set its hand as of the date first written above.

**HISTORIC PROPERTIES, LLC,**  
An Oregon limited liability company

By: Mark E. Foley *man mgr.*  
Mark E. Foley, Manager

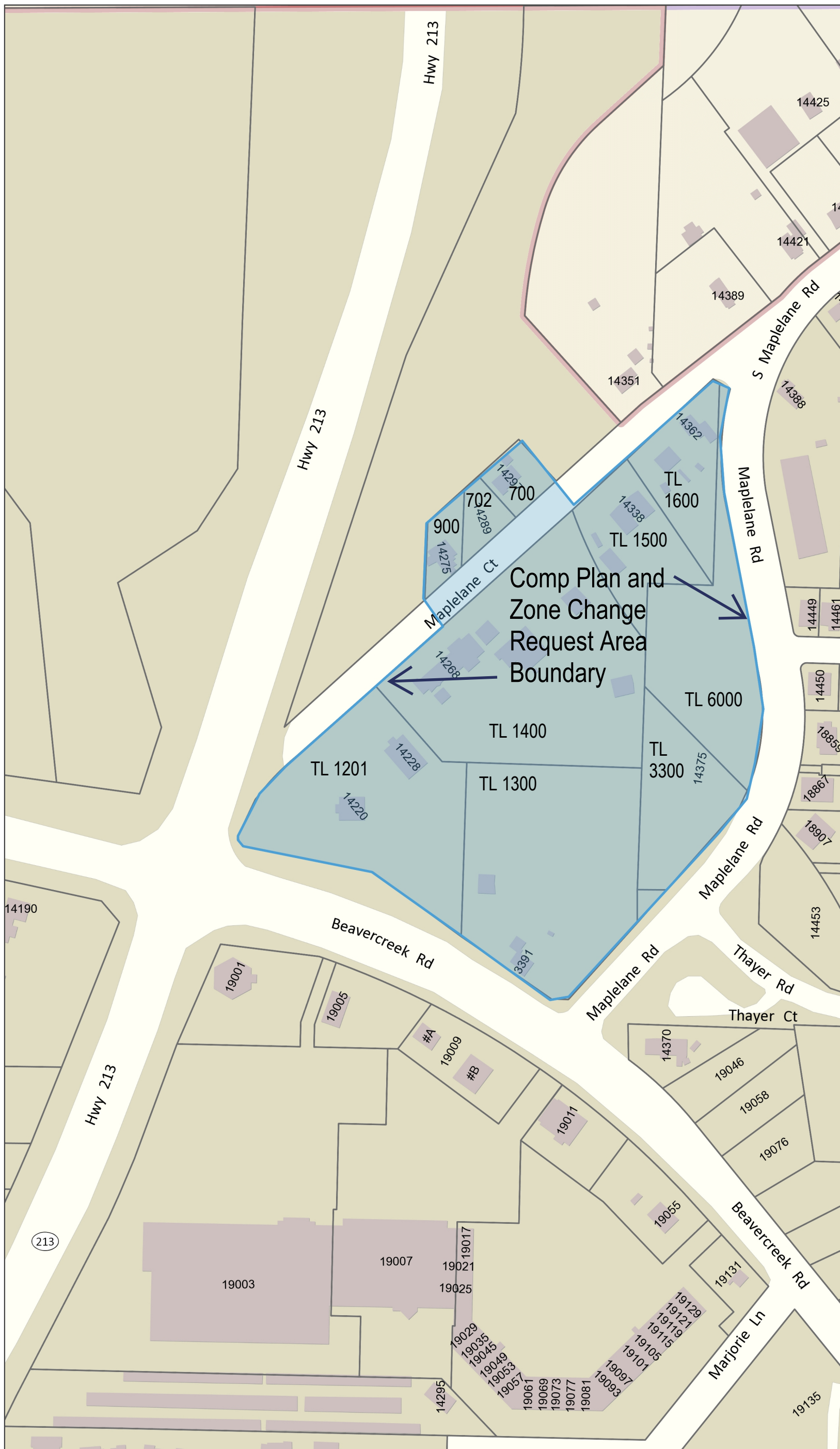
State of Oregon )  
County of Clackamas ) ss.

This instrument was acknowledged before me Nov. 14, 2014, by  
Mark E. Foley, Manager of HISTORIC PROPERTIES, LLC, An Oregon limited liability company, on behalf of the company.



D. Chase  
Notary Public for Oregon  
My Commission Expires: 11/17/16

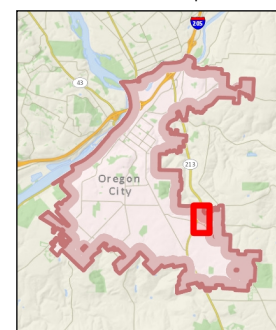
# Oregon City GIS Map



- Legend
- Taxlots
  - Unimproved ROW
  - City Limits
  - UGB
  - Basemap

## Notes

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0                      200                      400                      600 Feet

1: 2,400

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.orcity.org](http://www.orcity.org)



## CPA-ZC Boundary Area and Tax Lot Numbers of Parcels Involved

Map created 7/24/2015

August 28, 2015

Dan Fowler  
Historic Properties, LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045



321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Mapelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

**R3.5 Zoning**

14297 Mapelane Road – 0.28 acres  
14289 Mapelane Road - 0.24 acres  
14275 Mapelane Road – 0.25 acres  
14268 Mapelane Court – 4.03 acres  
14228 Mapelane Court – 2.84 acres

**Total R3.5 = 7.64 acres**

**R6 Zoning**

3391 Beavercreek Road – 3.33 acres  
Tax Lot 06000 – 0.62 acres

**Total R6 = 3.95 acres**

**R10 Zoning**

Tax Lot 06000 – 1.21 acres  
Tax Lot 05900 – 0.04 acres  
14375 Mapelane Court – 1.17 acres  
14338 Mapelane Court – 1.02 acres  
14362 Mapelane Court – 0.89 acres

**Total R10 = 4.33 acres**





Dan Fowler  
August 28, 2015  
Page 2 of 4

A shadow plat was prepared for the subject properties in order to accurately assess the development potential under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

### Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9<sup>TH</sup> EDITION*, published by the Institute of Transportation Engineers. For each lot, development of one single-family dwelling and one accessory dwelling unit was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. Trip rates for the single-family dwellings were assessed based on data for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and it therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

#### WEEKDAY TRIP GENERATION SUMMARY

##### Existing Development Potential

	Units	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	107	20	60	80	67	40	107	509	509	1018
Accessory Dwelling Unit	107	10	30	40	34	20	54	255	255	510
<b>Total</b>		<b>30</b>	<b>90</b>	<b>120</b>	<b>101</b>	<b>60</b>	<b>161</b>	<b>764</b>	<b>764</b>	<b>1,528</b>

The reasonable worst case development of the subject properties would result in a total of 120 site trips during the morning peak hour, 161 site trips during the evening peak hour, and 1,528 daily trips.

Based on the analysis, a trip cap of 161 PM peak hour trips is recommended for the subject properties.



Dan Fowler  
August 28, 2015  
Page 3 of 4

### ***TRANSPORTATION PLANNING RULE ANALYSIS***

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

#### **660-012-0060**

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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);*

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

*(b) Change standards implementing a functional classification system; or*

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.



Dan Fowler  
August 28, 2015  
Page 4 of 4

Based on the analysis, the proposed zone change will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. No additional mitigations are necessary or recommended in conjunction with the proposed zone change and trip cap.

Sincerely,



Michael Ard, PE  
Senior Transportation Engineer



## APPENDIX

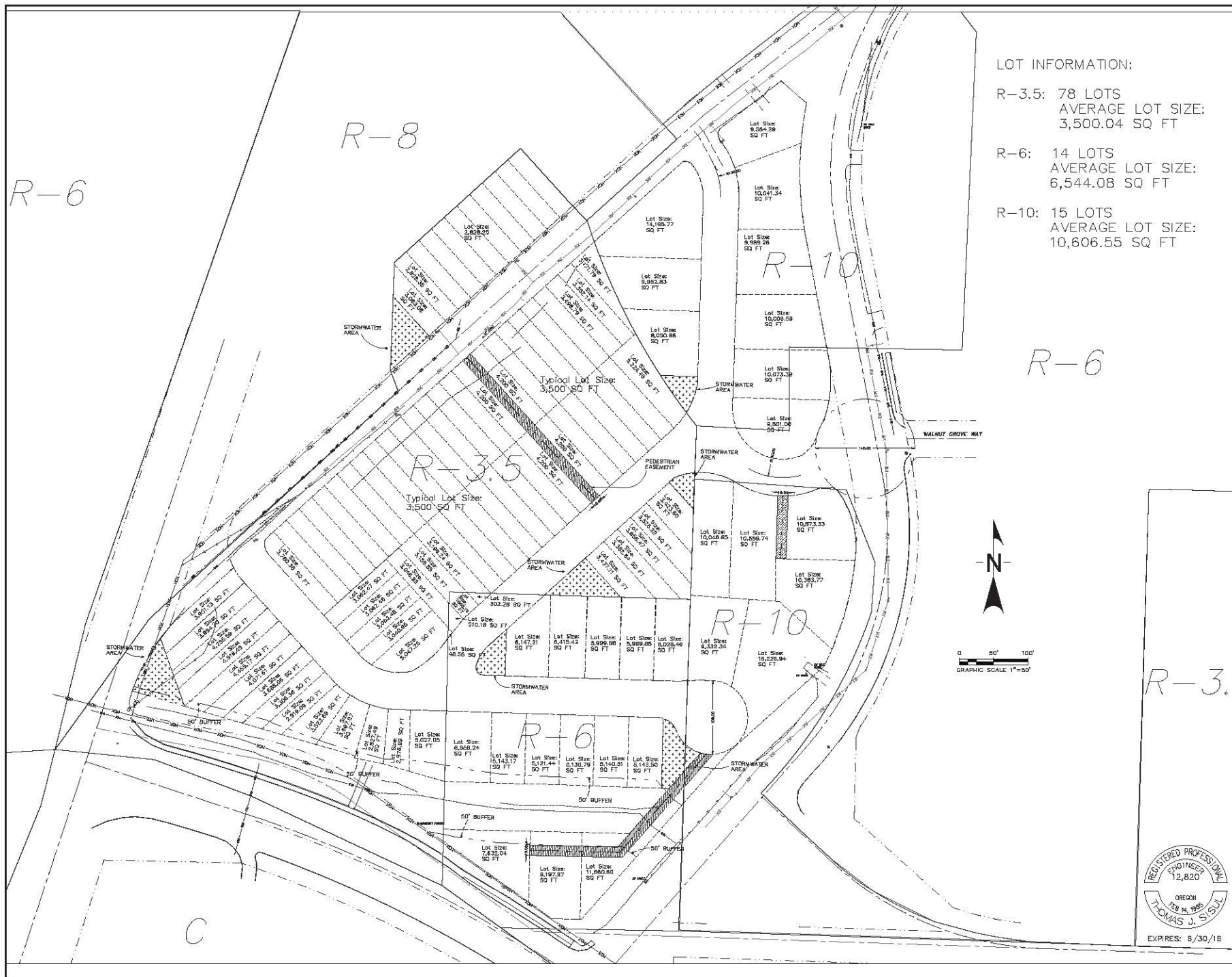
HILLTOP MASTER PLAN

## LOT LAYOUT

**ISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0186  
 DRAWING

<b>DATE</b>	AUGUST 2015
<b>SCALE</b>	1" = 50'
<b>DRAWN</b>	JDM
<b>JOB</b>	SGL12-045
<b>SHEET</b>	1

OF 1
SHEETS





## TRIP GENERATION CALCULATIONS

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Variable:* Dwelling Units  
*Variable Value:* 107

### AM PEAK HOUR

*Trip Rate:* 0.75

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>20</b>	<b>60</b>	<b>80</b>

### PM PEAK HOUR

*Trip Rate:* 1.00

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>67</b>	<b>40</b>	<b>107</b>

### WEEKDAY

*Trip Rate:* 9.52

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>509</b>	<b>509</b>	<b>1,018</b>

### SATURDAY

*Trip Rate:* 9.91

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>530</b>	<b>530</b>	<b>1,060</b>

Source: TRIP GENERATION, Ninth Edition



## TRIP GENERATION CALCULATIONS

*Land Use:* Apartment  
*Land Use Code:* 220  
*Variable:* Dwelling Units  
*Variable Value:* 107

### AM PEAK HOUR

*Trip Rate:* 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	11	44	55

### PM PEAK HOUR

*Trip Rate:* 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	43	23	66

### WEEKDAY

*Trip Rate:* 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	356	356	712

### SATURDAY

*Trip Rate:* 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	342	342	684

October 28, 2015

Dan Fowler  
Historic Properties, LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045



321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change, however the zone change will be proposed with a trip cap limiting site traffic to a level that would be permitted under the existing zoning.

The subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

**R3.5 Zoning**

14297 Maplelane Road – 0.28 acres  
14289 Maplelane Road - 0.24 acres  
14275 Maplelane Road – 0.25 acres  
14268 Maplelane Court – 4.03 acres  
14228 Maplelane Court – 2.84 acres

**Total R3.5 = 7.64 acres**

**R6 Zoning**

3391 Beavercreek Road – 3.33 acres  
Tax Lot 06000 – 0.62 acres

**Total R6 = 3.95 acres**

**R10 Zoning**

Tax Lot 06000 – 1.21 acres  
Tax Lot 05900 – 0.04 acres  
14375 Maplelane Court – 1.17 acres  
14338 Maplelane Court – 1.02 acres  
14362 Maplelane Court – 0.89 acres

**Total R10 = 4.33 acres**



Dan Fowler  
October 28, 2015  
Page 2 of 4

A shadow plat was prepared for the subject properties in order to accurately assess the development potential under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

### Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9<sup>TH</sup> EDITION*, published by the Institute of Transportation Engineers. For each lot, development of one single-family dwelling and one accessory dwelling unit was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. The trip generation estimate for the single-family dwellings was prepared based on the equations provided for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and is therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

#### WEEKDAY TRIP GENERATION SUMMARY

##### Existing Development Potential

	Units	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	107	21	64	85	71	41	112	553	553	1106
Accessory Dwelling Unit	107	11	32	43	35	21	56	276	276	552
<b>Total</b>		<b>32</b>	<b>96</b>	<b>128</b>	<b>106</b>	<b>62</b>	<b>168</b>	<b>829</b>	<b>829</b>	<b>1,658</b>

The reasonable worst case development of the subject properties would result in a total of 128 site trips during the morning peak hour, 168 site trips during the evening peak hour, and 1,658 daily trips.

Based on the analysis, a trip cap of 168 PM peak hour trips is recommended for the subject properties.





Dan Fowler  
October 28, 2015  
Page 3 of 4

### **TRANSPORTATION PLANNING RULE ANALYSIS**

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

#### **660-012-0060**

(1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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);*

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

(b) *Change standards implementing a functional classification system; or*

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

(c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

(A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

(B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

(C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.



Dan Fowler  
October 28, 2015  
Page 4 of 4

Based on the analysis, the proposed zone change will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. No additional mitigations are necessary or recommended in conjunction with the proposed zone change and trip cap.

Sincerely,



Michael Ard, PE  
Senior Transportation Engineer

## APPENDIX

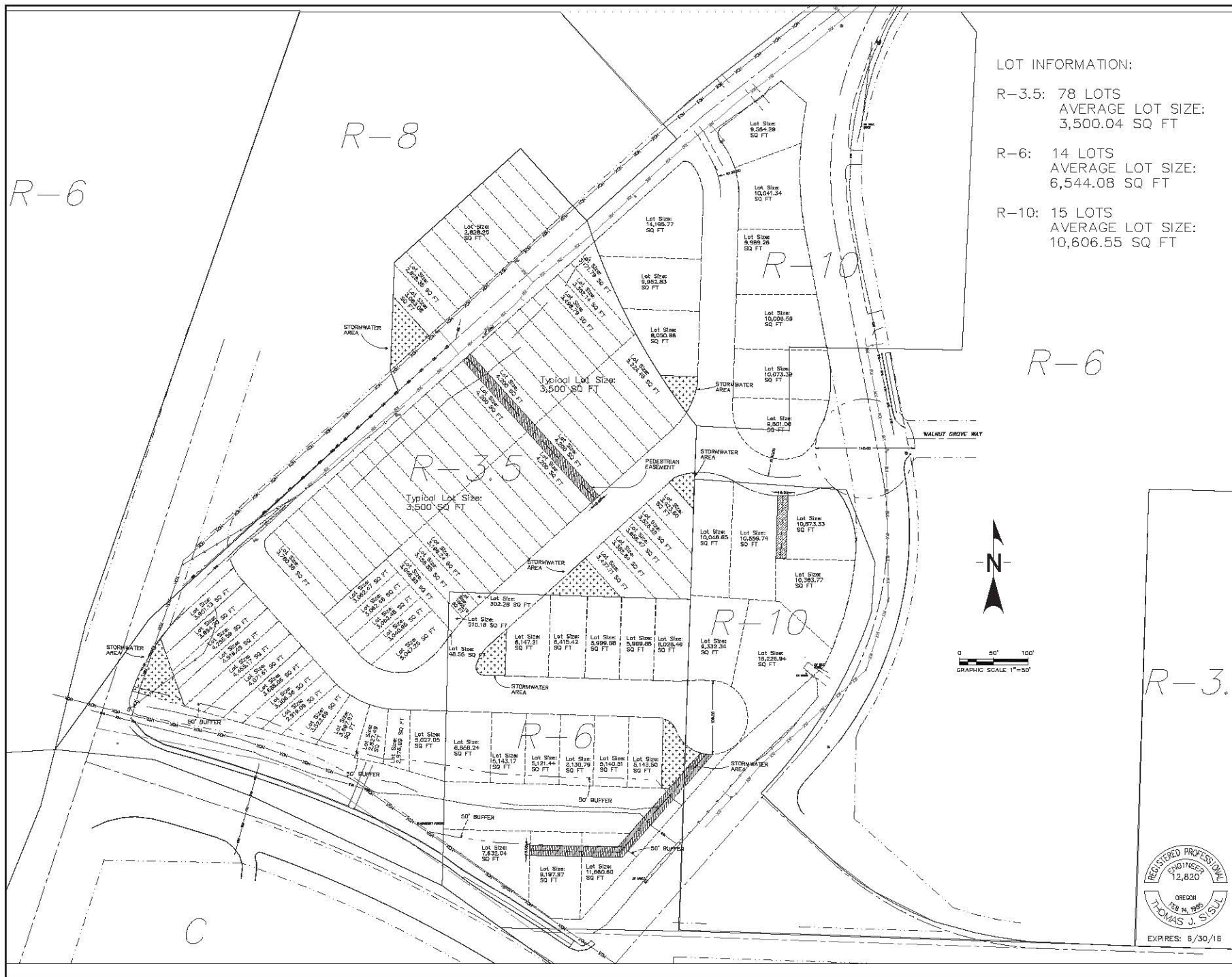
HILLTOP MASTER PLAN

## LOT LAYOUT

**ISUL ENGINEERING**  
 375 PORTLAND AVENUE  
 GLADSTONE, OREGON 97027  
 (503) 657-0186  
 DRAWING

<b>DATE</b>	AUGUST 2015
<b>SCALE</b>	1" = 50'
<b>DRAWN</b>	JDM
<b>JOB</b>	SGL12-045
<b>SHEET</b>	1

OF 1
SHEETS





## TRIP GENERATION CALCULATIONS

*Land Use:* Single-Family Detached Housing  
*Land Use Code:* 210  
*Variable:* Dwelling Units  
*Variable Value:* 107

### AM PEAK HOUR

*Trip Equation:*  $T = 0.70(X) + 9.74$

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	<b>21</b>	<b>64</b>	<b>85</b>

### PM PEAK HOUR

*Trip Equation:*  $\ln(T) = 0.90\ln(X) + 0.51$

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	<b>71</b>	<b>41</b>	<b>112</b>

### WEEKDAY

*Trip Equation:*  $\ln(T) = 0.92\ln(X) + 2.72$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>553</b>	<b>553</b>	<b>1,106</b>

### SATURDAY

*Trip Equation:*  $\ln(T) = 0.93\ln(X) + 2.64$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>565</b>	<b>565</b>	<b>1,130</b>



## TRIP GENERATION CALCULATIONS

*Land Use:* Apartment  
*Land Use Code:* 220  
*Variable:* Dwelling Units  
*Variable Value:* 107

Note: These trip generation calculations are provided for reference only. Actual trip generation for the accessory dwelling units was conservatively calculated as half the trip rate for single-family homes.

### AM PEAK HOUR

*Trip Rate:* 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	11	44	55

### PM PEAK HOUR

*Trip Rate:* 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	43	23	66

### WEEKDAY

*Trip Rate:* 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	356	356	712

### SATURDAY

*Trip Rate:* 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	342	342	684



January 11, 2016

Dan Fowler  
Historic Properties, LLC  
1300 John Adams Street, Suite 100  
Oregon City, OR 97045



**LANCASTER**  
ENGINEERING

321 SW 4<sup>th</sup> Ave., Suite 400  
Portland, OR 97204  
phone: 503.248.0313  
fax: 503.248.9251  
lancasterengineering.com

Dear Dan,

This letter is written to provide information regarding a proposed zone change for several properties located on the west side of S Maplelane Road north of Beavercreek Road in Oregon City, Oregon. The properties have been proposed for a zone change from residential zoning to MUC-2 (Mixed-Use Corridor) zoning.

Specifically, the subject properties currently fall under a mixture of R3.5, R6 and R10 zoning as follows:

**R3.5 Zoning**

14297 Maplelane Road – 0.28 acres  
14289 Maplelane Road - 0.24 acres  
14275 Maplelane Road – 0.25 acres  
14268 Maplelane Court – 4.03 acres  
14228 Maplelane Court – 2.84 acres

**Total R3.5 = 7.64 acres**

**R6 Zoning**

3391 Beavercreek Road – 3.33 acres  
Tax Lot 06000 – 0.62 acres

**Total R6 = 3.95 acres**

**R10 Zoning**

Tax Lot 06000 – 1.21 acres  
Tax Lot 05900 – 0.04 acres  
14375 Maplelane Court – 1.17 acres  
14338 Maplelane Court – 1.02 acres  
14362 Maplelane Court – 0.89 acres

**Total R10 = 4.33 acres**

ENTERED INTO THE RECORD  
DATE RECEIVED: 1/16/16  
SUBMITTED BY: Applicant  
SUBJECT: ZC15-03  
PZ15-01



Dan Fowler  
January 11, 2016  
Page 2 of 4

A shadow plat was prepared for the subject properties in order to accurately assess the maximum development potential of the site under the existing zoning. The shadow plat is attached to this letter. Based on the plat, a total of 107 residential lots could be developed on the subject properties.

Under the current proposal, the full 15.92 acres will be rezoned to MUC-2 zoning.

### Trip Generation Analysis

In order to assess the traffic impacts of full development under the existing and proposed zonings, an estimate of trip generation was prepared for the reasonable worst case development scenario. The trip estimates were calculated using data from the *TRIP GENERATION MANUAL, 9<sup>TH</sup> EDITION*, published by the Institute of Transportation Engineers.

Under the existing zoning, development of one single-family dwelling and one accessory dwelling unit per lot was assumed, since both primary and accessory dwelling units are permitted outright under the existing zonings. The trip generation estimate for the single-family dwellings was prepared based on the equations provided for land use code 210, *Single-Family Detached Housing*. Although initially trip generation for the accessory dwelling units was intended to be calculated using trip rates for land use code 220, *Apartments*, it was noted that Oregon City requires payment of system development charges for accessory dwelling units at half the rate of single-family dwellings. This approach yields slightly lower trip estimates than utilization of apartment trip rates for the accessory dwelling units, and is therefore conservative as well as consistent with prior decisions related to trip generation of accessory dwelling units within Oregon City.

A summary of the trip generation estimate is provided in the tables below. Detailed trip generation worksheets are provided in the attached technical appendix.

### WEEKDAY TRIP GENERATION SUMMARY

#### Existing Development Potential

	Units	AM Peak Hour			PM Peak Hour			Weekday		
		In	Out	Total	In	Out	Total	In	Out	Total
Single-Family Residential Home	107	21	64	85	71	41	112	553	553	1106
Accessory Dwelling Unit	107	11	32	43	35	21	56	276	276	552
<b>Total</b>		<b>32</b>	<b>96</b>	<b>128</b>	<b>106</b>	<b>62</b>	<b>168</b>	<b>829</b>	<b>829</b>	<b>1,658</b>

The reasonable worst case development of the subject properties would result in a total of 128 site trips during the morning peak hour, 168 site trips during the evening peak hour, and 1,658 daily trips.

Development under the proposed MUC-2 zoning can include child care centers, health and fitness clubs, medical and dental clinics, libraries, offices, post offices, restaurants, retail stores, and residential care facilities. Many of these uses, such as restaurants and day care centers, have maximum sizes that would not effectively utilize the entire site. However, these uses could fit within the context of a shopping cen-





Dan Fowler  
January 11, 2016  
Page 3 of 4

ter that would use the full area of the site. Accordingly, the highest trip generation rates for the site under the proposed MUC-2 zoning were determined to be associated with land use codes 720, *Medical-Dental Office Building* and 820, *Shopping Center*. Based on the trip generation data for these land uses, a development on 15.92 acres with 25 percent lot coverage can result in up to 414 site trips during the morning peak hour, 572 site trips during the evening peak hour and 8,624 daily trips. These trip estimates account for a 34 percent pass-by trip reduction for the shopping center land use.

Comparing the reasonable worst case development scenarios, the proposed zone change could result in a net increase of 286 site trips during the morning peak hour, 404 trips during the evening peak hour, and 6,966 daily trips.

Based on the potential increase in site trips under the proposed zoning, it is clear that the proposed zone change could have significant impacts on the surrounding transportation system, both in the near future and at the planning horizon. Since the intersection of Highway 213 at Beavercreek Road has previously been projected to fail to meet the performance standards identified by ODOT in the Oregon Highway Plan at the planning horizon, any potential negative impact from the proposed rezone will require identification of appropriate mitigation and/or mechanisms to ensure that the transportation system is not negatively impacted by future development within the property.

### **Proposed Mitigation**

In order to ensure that the proposed zone change will not have a significant effect on the surrounding transportation system, a trip cap is proposed in conjunction with the requested zone change. The trip cap is to be established at a level commensurate with the development permissible under the existing zoning, thereby ensuring that traffic levels cannot increase in the site vicinity as a result of the zone change when compared to the traffic levels permitted under the current zoning.

Based on the analysis, a trip cap of 128 morning peak hour trips and 168 evening peak hour trips is recommended for the subject properties.

### ***TRANSPORTATION PLANNING RULE ANALYSIS***

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable portions of the TPR are quoted in *italics* below, with responses directly following.

#### **660-012-0060**

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*



Dan Fowler  
January 11, 2016  
Page 4 of 4

- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

The proposed zone change will not necessitate changes to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

- (b) *Change standards implementing a functional classification system; or*

The proposed zone change will not change any standards implementing the functional classification system. Accordingly, this section is also not triggered.

- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

- (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

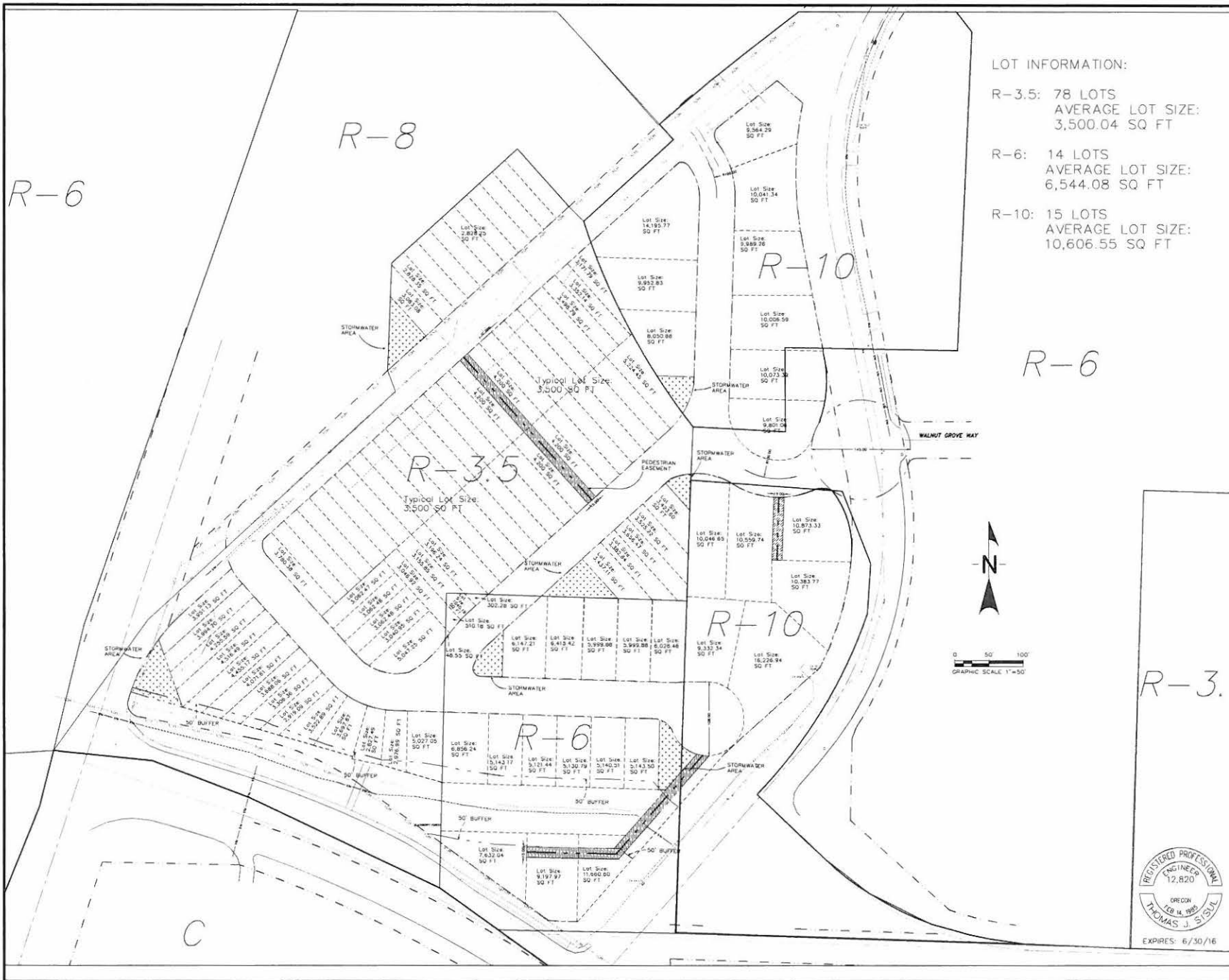
In this instance the proposed zone change cannot result in degradation of performance of area roads and intersections as compared to allowed uses in the existing zones since the proposed trip cap limits traffic levels to no greater than the levels permitted under the existing zoning.

Based on the analysis, the proposed zone change with trip cap will not result in increased traffic volumes in the site vicinity and the Transportation Planning Rule is satisfied. Accordingly, no changes to the City's adopted Transportation System Plan are needed and no additional mitigations are necessary or recommended in conjunction with the proposed plan amendment, zone change and trip cap.

Sincerely,

Michael Ard, PE  
Senior Transportation Engineer

## APPENDIX



REVISIONS	BY

HILLTOP MASTER PLAN

LOT LAYOUT



**S/SUL ENGINEERING**  
 375 PORTLAND AVENUE  
 CLATSOP, OREGON 97027  
 (503) 687-0188

DATE: AUGUST 2015  
 SCALE: 1" = 50'  
 DRAWN: JDM  
 JOB: SQL12-045  
 SHEET: 1  
 OF 1 SHEETS



1e

## TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing  
 Land Use Code: 210  
 Variable: Dwelling Units  
 Variable Value: 107

### AM PEAK HOUR

Trip Equation:  $T = 0.70(X) + 9.74$

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	21	64	85

### PM PEAK HOUR

Trip Equation:  $\ln(T) = 0.90\ln(X) + 0.51$

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	71	41	112

### WEEKDAY

Trip Equation:  $\ln(T) = 0.92\ln(X) + 2.72$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	553	553	1,106

### SATURDAY

Trip Equation:  $\ln(T) = 0.93\ln(X) + 2.64$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	565	565	1,130

Source: TRIP GENERATION, Ninth Edition

1e

## TRIP GENERATION CALCULATIONS

Land Use: Apartment  
 Land Use Code: 220  
 Variable: Dwelling Units  
 Variable Value: 107

### AM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	11	44	55

### PM PEAK HOUR

Trip Rate: 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	43	23	66

### WEEKDAY

Trip Rate: 6.65

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	356	356	712

### SATURDAY

Trip Rate: 6.39

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	342	342	684

Source: TRIP GENERATION, Ninth Edition

1e

## TRIP GENERATION CALCULATIONS

*Land Use:* Medical-Dental Office Building

*Land Use Code:* 720

*Variable:* 1,000 Sq Ft Gross Floor Area

*Variable Quantity:* 173.4

### AM PEAK HOUR

*Trip Rate:* 2.39

	Enter	Exit	Total
Directional Distribution	79%	21%	
Trip Ends	<b>327</b>	<b>87</b>	<b>414</b>

### PM PEAK HOUR

*Trip Equation:*  $\ln(T) = 0.90\ln(X) + 1.53$

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	<b>129</b>	<b>349</b>	<b>478</b>

### WEEKDAY

*Trip Equation:*  $T = 40.89(X) - 214.97$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>3,438</b>	<b>3,438</b>	<b>6,876</b>

### SATURDAY

*Trip Rate:* 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>777</b>	<b>777</b>	<b>1,554</b>

Source: TRIP GENERATION, Ninth Edition

2e

## TRIP GENERATION CALCULATIONS

*Land Use:* Shopping Center

*Land Use Code:* 820

*Variable:* 1,000 Sq Ft Gross Leasable Area

*Variable Value:* 173.4

### AM PEAK HOUR

*Trip Equation:*  $\ln(T) = 0.61\ln(X) + 2.24$

	Enter	Exit	Total
Directional Distribution	62%	38%	
Trip Ends	135	83	218

### PM PEAK HOUR

*Trip Equation:*  $\ln(T) = 0.67\ln(X) + 3.31$

	Enter	Exit	Total
Directional Distribution	48%	52%	
Trip Ends	416	450	866

### WEEKDAY

*Trip Equation:*  $\ln(T) = 0.65\ln(X) + 5.83$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	4,856	4,856	9,712

### SATURDAY

*Trip Equation:*  $\ln(T) = .63\ln(X) + 6.23$

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	6,534	6,534	13,068

Source: TRIP GENERATION, Ninth Edition

# SISUL ENGINEERING

*A Division of Sisul Enterprises, Inc.*

375 PORTLAND AVENUE, GLADSTONE, OREGON 97027

(503) 657-0188

FAX (503) 657-5779

October 17, 2015

City of Oregon City  
Planning Division  
PO Box 3040  
Oregon City, OR 97045

ATTN: Laura Terway

RE: Comprehensive Plan Amendment PZ 15-01- Zone Change Request ZC 15-03 (Maplelane Road at Beaver Creek Road)

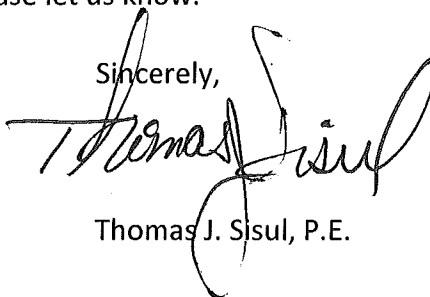
Dear Laura:

While this comprehensive plan amendment and zone change request is predicated on not exceeding the potential current maximum trips based on the present zoning, via a trip cap, we wish for the conditions of decision to allow for the possibility of increasing the trip cap without requiring a comprehensive planning review. If a mobility study or transportation improvements were to find or provide extra capacity to the critical intersections that are impacted by development on the subject site, we wish for consideration of increasing the maximum trip cap. Setting certain conditions with respect to that is acceptable to the applicant.

The applicants of this Comprehensive Plan Amendment and Zone Change request would be willing, and their eventual successors may be as well, to consider contributing to a mobility study or other appropriate studies or measures, once more is known about the costs of such a study and parameters that the study would entail.

If there are questions about this, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Sisul", written over a horizontal line.

Thomas J. Sisul, P.E.



**REPLINGER & ASSOCIATES LLC**  
TRANSPORTATION ENGINEERING

October 29, 2015

Ms. Laura Terway  
City of Oregon City  
PO Box 3040  
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION PLANNING RULE ANALYSIS LETTER  
– HILLTOP MIXED-USE DEVELOPMENT – ZC15-03 & PZ15-01**

Dear Ms. Terway:

In response to your request, I have reviewed the materials submitted in support of the proposed rezoning of property associated with the proposed Hilltop Mixed-Use Development. The relevant materials included Transportation Planning Rule Analysis Letter (AL). The revised AL is dated October 28, 2015 and was prepared under the direction of Michael T. Ard, PE of Lancaster Engineering.

The parcels proposed for rezoning are located in the northwest quadrant of the intersection of Beaver Creek Road and Mapel Lane Road. The property proposed for rezoning totals almost 16 acres and involves twelve tax lots.

Three different residential zoning categories apply for the parcels: R-3.5, R-6, and R-10. The applicant proposes Mixed Use Corridor (MUC-2), but proposes a trip cap to limit the development to the same traffic volumes that would be expected under a reasonable worst case development under current zoning.

**Development under Current Zoning**

The AL includes an example site plan showing the maximum development under the current zoning. The information provided by the applicant appears to indicate that 107 individual lots could be created on the combined parcels under current zoning.

The AL also includes a calculation of trip generation associated with the theoretical development of 107 parcels. This calculation assumes one single-family residence (SFR) and one auxiliary dwelling unit (ADU) on each parcel. Trip generation for each SFR was based on the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, using ITE land use code 210. For the ADUs, the engineer used one-half of the rate associated with SFR. He explains that this was based on the city's transportation system development charge for ADUs.

According to the engineer, the total trip generation potential of 107 SFRs and 107 ADUs would be 128 AM peak hour trips, 168 PM peak hour trips, and 1658 weekday trips. I find this to be a reasonable approximation of the maximum potential trip generation for development under the current zoning.

### **Development under Proposed Zoning**

Under the proposed Mixed Use Corridor zoning, a wide range of uses is allowed with the potential for a much higher number of trips. To alleviate concerns about the impact the rezoning, the applicant proposes a trip cap. The use of a trip cap would allow the applicant greater flexibility with regard to uses of the site while limiting the total development to that specified by the current zoning. Accordingly, the applicant proposes a trip cap of 161 PM peak hour trips.

### **Transportation Planning Rule Analysis**

The AL explains that by proposing a trip cap based on the trip generation allowed under current zoning that the rezoning would result in no net increase in trips. As a result, the engineer explains that the rezoning will not necessitate a change in the functional classification of any existing or planned transportation facilities; will not cause a change in the standards for implementing the functional classification system; and does not cause degradation in the performance of the system relative to the Transportation System Plan.

### **Conclusion**

I think that the AL accurately presents the potential development allowable under current zoning. The assumption that an ADU will be build on each lot is not something that has happened on a large scale in Oregon City, but it appears that it would be permitted. As such, the applicant has provided a realistic basis for the proposed trip cap. I think, also, that the applicant has demonstrated that with a trip cap, there would be no net effect beyond the development of the area as assumed in for the Regional Transportation Plan and Oregon City's Transportation System Plan.

### **Recommendations**

The applicant proposes a trip cap of 161 PM peak hour trips. Because the intersection of Highway 213 and Beaver Creek Road is at or near capacity during both the AM and PM peak hours, I recommend that the trip cap should be measured for both the AM peak and PM peak periods. Development should be limited to uses that generate not more than 168 PM peak hour trips and not more than 128 AM peak hour trips.

The current land use action is for rezoning of the property. Each subsequent land use action associated with specific developments will need to address the applicable

transportation planning requirements including submittal of the transportation analyses consistent with the requirements of the Oregon City Municipal Code and with Oregon City's *Guidelines for Transportation Impact Analyses* available on the Oregon City website.

Because the applicant is proposing a trip cap and because the MUC zoning allows a variety of uses that generate high traffic volumes, it is likely that a portion of the land will remain vacant or underutilized while the trip cap is in place. Also, because the parcels involved in this rezoning are likely to be developed in a piecemeal manner, the extent of the transportation system needs associated with full development under the proposed zoning will need to be verified. In connection with the first development application for a specific development, the applicant should be conditioned to provide a transportation impact analysis showing the effect of full development. A Transportation Impact Analysis for full development of the site should address all geographic areas prescribed the *Guidelines for Transportation Impact Analyses*. The site frontage will be an area requiring special attention. The applicant will need to provide an analysis showing the roadway and intersection configuration for Beaver Creek Road from Highway 213 to Maple Lane Road, inclusive, and along Maple Lane Road from Beaver Creek Road to the applicant's north property boundary. Providing this analysis and a mitigation concept will help identify the needed right of way for these facilities.

With subsequent land use applications, the applicant will need to address the usual requirements specified in the City's *Guidelines for Transportation Impact Analyses*.

For each land use application submitted while the trip cap is in effect, the applicant should be required to provide an accounting of trips generated by previously approved land use actions for the entire property covered by this rezoning and for the subject proposal. These values should be compared with the trip cap approved under this rezoning. Both AM and PM peak hour trip caps (128 and 168, respectively) should be presented in the proposal.

If you have any questions or need any further information concerning this review, please contact me at [replinger-associates@comcast.net](mailto:replinger-associates@comcast.net).

Sincerely,

A handwritten signature in cursive script that reads "John Replinger".

John Replinger, PE  
Principal

**From:** [Wes Rogers](#)  
**To:** [Laura Terway](#)  
**Subject:** RE: ZC 15-03: Zone Change near HWY 213 and Beaver Creek  
**Date:** Thursday, September 10, 2015 6:57:11 PM

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No issues.

..wes

Wes Rogers, Director of Operations  
Oregon City SD  
503-785-8426

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**From:** Laura Terway [mailto:[lterway@ci.oregon-city.or.us](mailto:lterway@ci.oregon-city.or.us)]  
**Sent:** Thursday, September 10, 2015 10:41 AM  
**Subject:** ZC 15-03: Zone Change near HWY 213 and Beaver Creek

Good Afternoon,

Please review the proposed development posted [here](#) and provide your comments by October 9<sup>th</sup>.

COMMENTS DUE BY: **3:30 PM, October 9, 2015**  
HEARING DATE: November 9, 2015  
HEARING BODY: \_\_\_\_ Staff Review; XX PC; \_\_\_\_ CC  
FILE # & TYPE: ZC 15-03: Zone Change from Residential to "MUC-2" Mixed Use Corridor-2  
PZ 15-01: Comprehensive Plan Amendment from Low Density Residential  
and Medium Density Residential to Mixed Use Corridor  
PLANNER: Laura Terway, AICP, Planner (503) 496-1553  
APPLICANT: Historic Properties, Dan Fowler  
REPRESENTATIVE: Sisul Engineering, Tom Sisul  
REQUEST: The applicant is seeking approval for a Zone Change from "R-3.5" Dwelling  
District, "R-6" Single-Family Dwelling District and "R-10" Single-Family  
Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to  
the Oregon city Comprehensive Plan Map from Low Density Residential and  
Medium Density Residential to "MUC" Mixed Use Corridor.  
LOCATION: 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Mapleglane Ct, 14375  
Mapleglane Rd, 3391 Beaver Creek Rd, 32E04C- 700, 702, 900, 1201, 1300,  
1400, 1500, 1600 and 32E04CD- 3300, 5900, 6000  
PA REFERENCE: PA 15-02, 2/10/2015

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**Laura Terway, AICP**  
**Planner**  
**Planning Division**  
City of Oregon City  
PO Box 3040  
221 Molalla Avenue, Suite 200



Oregon City, Oregon 97045  
Direct - 503.496.1553  
Planning Division - 503.722.3789  
Fax 503.722.3880

**Website:** [www.orcity.org](http://www.orcity.org) | [webmaps.orcity.org](http://webmaps.orcity.org) | Follow us on: [Facebook!](#) | [Twitter](#)  
Think **GREEN** before you print.

Please visit us at 221 Molalla Avenue, Suite 200 between the hours of 8:30am-3:30pm Monday through Friday.  
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.





## MEMORANDUM

TO: Laura Terway, City of Oregon City, Planning Division  
FROM: Kenneth Kent, Clackamas County, Land Use Review Coordinator  
Rick Nys, PE, PTOE, Traffic Engineer

DATE: October 8, 2015  
RE: ZC 15-03, PZ 15-01  
32E04C 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and  
32E04CD 3300, 5900 and 6000

This office has the following comments pertaining to this proposal:

1. The project site abuts Beaver Creek Road and Maple Lane Court, which are both roadways under the jurisdiction of Clackamas County. As proposed, the comprehensive plan amendment/zone change includes a trip cap that will limit vehicle trips to a level that will not exceed that allowed under current zoning. At the time a development application is proposed for the project site, the county will evaluate specific traffic impacts and road frontage improvements.
2. Clackamas County has reviewed the July 22, 2015 and August 28, 2015 letters from Lancaster Engineering that provide an evaluation of the Transportation Planning Rule as it relates to this proposed comprehensive plan amendment/zone change. County staff has noted two minor issues with the letters.
  - a. The trip generation estimates relies upon an “accessory dwelling unit” land use. The *ITE Trip Generation Manual* provides no estimate for accessory dwelling units, so it is not clear what this trip generation is based upon. Additional information should be provided to ensure that this trip generation estimate is reliable as 107 units of the “Apartments” land use generates quite a few more trips than does 107 units of accessory dwelling units.

- b. The trip generation estimate relies upon the “average rate” in determining the trip generation for the project when, in some cases, the “fitted curve equation” would result in more appropriate trip generation estimates according to the ITE *Trip Generation Handbook*. In the case of this application, using the fitted curve equation would result in more trips, thereby increasing the trip cap. In order to meet Section 295.14 of the Clackamas County *Roadway Standards*, the appropriate trip generation calculation should be utilized.



# OREGON CITY

## Community Development – Building

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880 | Inspection (503) 496-1551

### **Building Division**

Date: September 15, 2015

Planning Reference: ZC 15-03

Address: 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375  
Maplelane Rd, 3391 Beaver Creek Rd

Map Number: 32E04C- 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and 32E04CD- 3300,  
5900, 6000

Tax Lot:

Project Name: Larry Bennett, KARS

Comment Due Date: September 24, 2015

Reviewer: Mike Roberts – Building Official

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### **GENERAL COMMENTS**

1. The construction documents for building project associated with this land use action shall be reviewed for conformance with the current Oregon Specialty Codes as adopted by the State of Oregon and administered by the City of Oregon City when submitted for permit applications.

#### **Current Oregon Specialty Codes**

Oregon Structural Specialty Code (OSSC) 2014  
Oregon Energy Efficiency Code (OEEC) 2014  
Oregon Fire Code (OFC) 2014  
Oregon Mechanical Specialty Code (OMSC) 2014  
Oregon Plumbing Specialty Code (OPSC) 2014  
Oregon Electrical Specialty Code (OESC) 2014



**From:** [BROOKING Joshua C](#)  
**To:** [Laura Terway](#)  
**Cc:** [TAYAR Abraham \\* Avi](#)  
**Subject:** Hilltop ZC/CPA - Oregon City  
**Date:** Thursday, October 29, 2015 5:16:59 PM  
**Attachments:** [ROW\\_Need\\_10.17.2012\\_v3.pdf](#)

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Laura,

The attached map was forwarded to me regarding previous discussions at the Hilltop zone change and comprehensive plan amendment site. In sum, it is my understanding that there is the potential need and interest for an additional setback and/or easement/donation at the NE corner of OR-213/Beavercreek. Based on my internal discussion, I believe the property owner/developer is already aware. I just wanted to ensure that it stays on everyone's radar.

Avi and I look forward to the staff report tomorrow. Thanks!

Joshua Brooking  
Assistant Planner  
ODOT Region 1, Development Review  
(503)-731-3049  
[joshua.c.brooking@odot.state.or.us](mailto:joshua.c.brooking@odot.state.or.us)

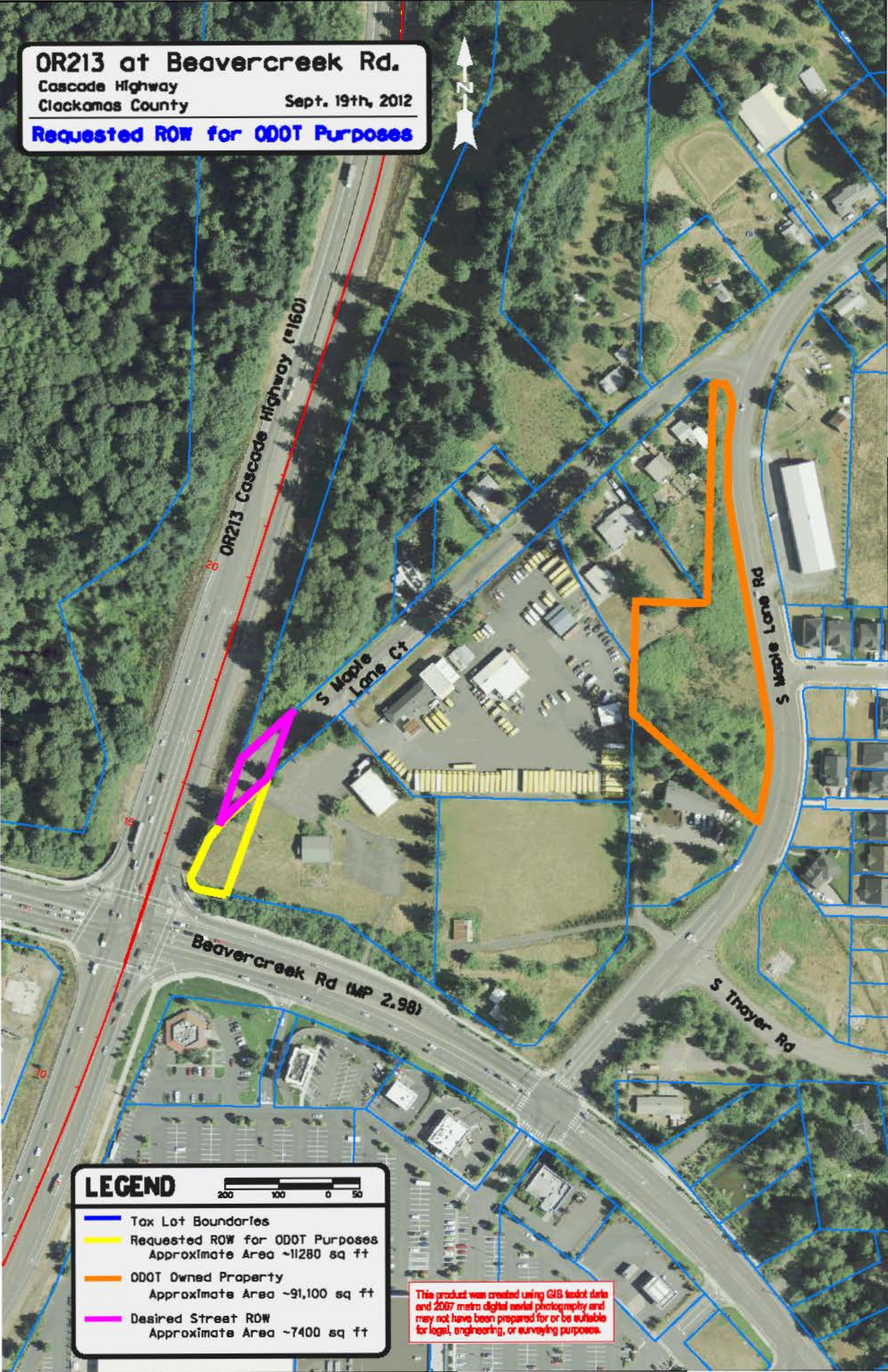


**OR213 at Beaver Creek Rd.**

Cascade Highway  
Clackamas County

Sept. 19th, 2012

**Requested ROW for ODOT Purposes**



OR213 Cascade Highway (#160)

S Maple Lane Ct

S Maple Lane Rd

Beaver Creek Rd (MP 2.98)

S Troyer Rd

**LEGEND**



- Tax Lot Boundaries
- Requested ROW for ODOT Purposes  
Approximate Area ~11,280 sq ft
- ODOT Owned Property  
Approximate Area ~91,100 sq ft
- Desired Street ROW  
Approximate Area ~7,400 sq ft

This product was created using GIS toolkit data and 2007 metro digital aerial photography and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.





**FILE NO.:** Legislative File: L 13-01 - Transportation System Plan  
Legislative File L 13-02 – Associated Oregon City Municipal Code Amendments

**APPLICANT:** Oregon City Public Works Department  
John Lewis  
625 Center Street, Oregon City, Oregon 97045

**REPRESENTATIVE:** DKS Associates, Consulting Engineers  
Carl D. Springer, PE  
720 SW Washington Street, Suite 500, Portland, OR 97205

**REQUEST:** Update the Oregon City Transportation System Plan, an Ancillary Document to the Oregon City Comprehensive Plan and adopt associated amendments to the Oregon City Municipal Code.

**LOCATION:** City-wide.

**REVIEWER:** Laura Terway, AICP  
Christina Robertson-Gardiner, AICP

### *17.50.170 - Legislative hearing process.*

*A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.*

#### *B. Planning Commission Review.*

*1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*

*2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

*3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

#### *C. City Commission Review.*

*1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person*

*may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*

*2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT 503-722-3789.

### **Proposed Project**

The proposed Oregon City Transportation System Plan (TSP) will articulate policy and identify facilities that will guide the development and management of a multi-modal transportation system through 2035. The updated document reflects the changes that have occurred since the current Transportation System Plan was adopted in 2001. Since then new requirements have been integrated into the Oregon Transportation Plan, the Oregon Highway Plan, and the Metro RTP, many key transportation projects have been completed, the local UGB and Urban Reserve areas have changed, and the City's Comprehensive Plan and Municipal Code were updated. These regulatory, land use and transportation system changes informed the resulting TSP update.

The proposed development includes:

- Adoption of the Transportation System Plan as an ancillary document to the Comprehensive Plan
- Amendments to the Oregon City Municipal Code to implement the Transportation System Plan
- Adoption of the Regional Center boundary
- Temporarily exempting permitted and conditional uses from complying with the current mobility standards for three intersections on the state highway system: OR 99E/ I-205 ramps, I-205/OR 213 ramps, and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center.

### **FACTS**

#### **Public Involvement and Public Comment**

The TSP update process provided opportunities for public involvement in the legislative decision making process through the public hearing process, newspaper noticing, meetings, online participation and open houses. The process was informed by a Stakeholder Advisory Team (SAT) which included representatives from the Citizen Involvement Council (CIC), Clackamas Community College, Chamber of Commerce, School District, Clackamas County, Main Street Oregon City, and private development interests as well as a Technical Advisory Team (TAT).

The public involvement process included (3) Technical Advisory Team meetings, four (4) Stakeholder Advisory Team meetings, four (4) Community Meetings and other tools identified in the Transportation System Plan Public Outreach Plan (Exhibit 1). The TSP was available for review on the Oregon City website at the following address: <http://www.octransportationplan.org/>.

Notice of the first Planning Commission public hearing for the proposal was published in the Clackamas Review on, and mailed to the affected agencies, the CIC and all Neighborhood Associations. In accordance with ORS 197.610 and OAR 660-018-000, a Notice of Proposed Amendment to the Oregon City Comprehensive Plan was provided to the Oregon Department of Land Conservation and Development 35 days prior to the first noticed Evidentiary Hearing on February 13, 2013. Notice was mailed to all property owners within the urban growth boundary (over 10,500) on February 13, 2013.

Comments received throughout the process are included in the record and have been provided to the Commission. The comments generally identified deficiencies in the transportation system and suggested opportunities for public improvements. The comments were reviewed and utilized when creating the list of projects identified in the Transportation System Plan. None of comments received were directed to any applicable approval criteria.

## **DECISION-MAKING CRITERIA:**

### **Oregon City Comprehensive Plan**

#### **Section 1 Citizen Involvement**

##### *Goal 1.2 Community and Comprehensive Planning*

*Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

*Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.*

*Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

*Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

*Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.*

*Goal 1.5 Government/Community Relations - Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.*

**Finding: Complies.** Development of the plan included an extensive public involvement effort as documented in the Transportation System Plan Public Outreach Plan (Exhibit 1). Oregon City Public Works Department has presented the project to the public at a series of meetings including the Citizen Involvement Council, Neighborhood Associations, Planning Commission and City Commission. Documentation produced with the TSP update has been posted on the project website throughout the duration of the project and comments have been integrated into the final product. The product was reviewed through the Legislative approval process. Notification of the proposed Legislative action was sent to all property owners within the Urban Growth Boundary.

#### **Section 2: Land Use**

##### *Goal 2.2 Downtown Oregon City*

*Develop the Downtown area, which includes the Historic Downtown Area, the “north end” of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.*

*Policy 2.2.2 - Support multi-modal transportation options throughout the Regional Center and to other Regional and Town Centers.*

*Policy 2.2.8 - Implement the Oregon City Downtown Community Plan and Oregon City Waterfront Master Plan with regulations and programs that support compatible and complementary mixed uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial and retail uses in the Regional Center, all at a relatively concentrated density.*

*Policy 2.2.9 -Improve connectivity for vehicles, bicycles, and pedestrians within the Oregon City Downtown community and waterfront master plan areas and improve links between residential areas and the community beyond.*

*Policy 2.4.3 -Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.*

*Policy 2.6.7 -Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.*

**Finding: Complies.** The Transportation System Plan provides opportunities to facilitate increased travel opportunities for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects will result in a more complete transportation system with a variety of multi-modal travel options. In addition, temporarily exempting permitted and conditional uses from complying with the current mobility standards for three intersections on the state highway system: OR 99E/ I-205 ramps, I-205/OR 213 ramps, and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center will allow the City to continue to allow development as well as adoption of a Regional Center boundary. The plan included an analysis of all previous plans including the Downtown Community Plan and the Waterfront Master Plan. Amendments to the Oregon City Municipal Code implement the concepts identified in the TSP.

## **Section 6: Quality of Air, Water and Land Resources**

*Goal 6.1 Air Quality -Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

*Policy 6.1.2 -Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Finding: Complies.** The share of improvements recommended in the TSP update which result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

The Oregon City Municipal Code amendments are proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update and code amendments are consistent.

## **Section 11: Public Facilities**

### **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.*

**Finding: Complies.** The TSP is necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. As shown in the findings below, the proposed update of the TSP is consistent with Goal 11.1.

#### ***Policy 11.1.1***

*Ensure adequate public funding for the following public facilities and services, if feasible:*

- *Transportation infrastructure*

**Finding: Complies.** The TSP update includes a detailed discussion of funding for proposed transportation improvements, including expenditures expected from the Street Fund, Systems Development Charge (SDC) Fund, and Transportation Utility Fee Fund. In addition, the General Fund, a local fuel tax, an Urban Renewal District, local improvement districts, and debt financing are potential funding and financing resources (TSP Volume 1, Section 6 and TSP Volume 2, Section H). The TSP update establishes both a financially constrained set of proposed transportation improvements that can be funded by expected revenues, as well a planned set of transportation improvements that are not reasonably expected to be funded by 2035, but many of which are important to making progress on the goals and performance targets for the transportation system.

The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan. The proposed TSP is consistent with this policy.

#### ***Policy 11.1.2***

*Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**Finding: Complies.** The TSP update provides guidance for the timely, efficient and economic provision of transportation facilities within the existing city and to new development areas within the UGB consistent with the relevant goals, policies and implementing measures of the Comprehensive Plan. The proposed TSP update is consistent with this policy.

#### ***Policy 11.1.4***

*Support development on underdeveloped or vacant buildable land within the city where public 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.*



**Finding: Complies.** The proposed improvements in the TSP update respond to the transportation demand that is estimated to be generated by development and growth in city households and employment that is projected through 2035. The projected growth is based on land use inventories and plans from Metro and the City. Projects within the TSP include street extensions and expansions of streets and intersections throughout the City (TSP Volume 2, Section I, Figures 2 and 3). In addition, the amendments to Oregon City Municipal Code provide an avenue for context sensitive street design for new development. The proposed TSP update is consistent with this policy.

**Policy 11.1.5**

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

**Finding: Complies.** The TSP update is designed to meet performance standards for existing and future development within the UGB. Investing in the transportation system improvements that are recommended in the TSP (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) and implementing transportation demand management programs in the employment growth areas in the City are expected to accommodate the forecasted travel demand through 2035. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

The City has adopted development code and engineering standards to ensure concurrent provision of public facilities and services at uniform levels. Pursuant to these requirements, street improvements are typically required to be extended to a new development area at the same time as other public facilities such as sewer, storm drainage, water, and emergency services. The proposed TSP update is consistent with this policy.

**Policy 11.1.7**

*Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.*

**Finding: Complies.** The TSP update capital improvement program (CIP) is included in the TSP. The CIP is organized into short-term, medium-term, and long-term projects to be implemented in increments of five years. Funding the proposed transportation solutions is discussed in Section 6 of the TSP and in the findings for Policy 11.1.1 above. The proposed Transportation System Plan is consistent with this policy.

**Goal 11.6 Transportation Infrastructure**

*Optimize the City's investment in transportation infrastructure.*

**Finding: Complies.** As described in Section 2 of the TSP, the approach to developing solutions was to focus on smaller cost-effective solutions rather than larger, more costly ones according to a five-tiered

process that starts with system management measures and ends with those to extend and build new roadways. As a result, as described in Section 5 of the TSP, the recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions and those to driving, about 26% (Figure 10). Further, in Section 7 of the TSP, a financially constrained plan is presented. The projects and programs in this plan are expected to be funded by 2035 and, as such, are prioritized for implementation. The driving-related solutions in the financially constrained plan are classified as management, extension, and expansion projects. Of the almost \$74 million worth of investments in the financially constrained plan, about 80% are eligible for SDC funding. The proposed TSP update is consistent with Goal 11.6.

The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

#### **Policy 11.6.1**

*Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.*

**Finding: Complies.** As cited above, the recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions, as shown in Section 5 of the TSP. The projects are included in both the Financially Constrained Transportation System (likely to be funded list) and Planned Transportation System (unlikely to be funded list) in the updated TSP. The financially constrained plan (Table 5) features pedestrian projects that fill sidewalk gaps throughout the city, including in the Downtown and Regional Center. Biking projects focus on wayfinding signage, shared lane marking, and bike lanes, and transit projects on signal prioritization and bus stop amenity improvements. All of the pedestrian, biking, and transit solutions in the financially constrained plan are reinforced and expanded upon by the family friendly route, shared-use path, and crossing solutions proposed in the plan as well.

A portion of Oregon City is designated as a Regional Center in the Metro 2040 Plan. By officially acknowledging the Regional Center boundary, multi-modal transportation options may be pursued. The proposed TSP update is consistent with this policy.

#### **Policy 11.6.2**

*Advocate for local, state, and regional cooperation in achieving an integrated connected system such as for the Amtrak station, light rail, and bus transit.*

**Finding: Complies.** Goal 6 in Section 2 of the updated TSP establishes that the City will work to “(i)ncrease the convenience and availability of pedestrian, bicycle, and transit modes,” which – in terms of transit facilities and service – entails collaborating with agencies like Metro, TriMet, and the South

Clackamas Transportation District (SCTD). As outlined in the plan and policy review (TSP Volume 2, Appendix A), intercity (high-speed) rail through Oregon City's Regional Center is indicated in Metro's 2035 RTP and 2040 Growth Concept, and TriMet's 2011 Transit Investment Plan (TIP) includes the following projects related to Oregon City.

- Walkability assessment at Molalla Avenue / County Red Soils Campus for pedestrian obstacles and recommendations for any needed projects.
- Portland to Milwaukie Light Rail Project, which will connect downtown Portland to Milwaukie and connect to Frequent Service buses from the Oregon City Regional Center.
- A proposed Bus Rapid Transit (BRT) corridor following I-205 between Clackamas Town Center possibly stretching as far as Beaverton, with service to Oregon City, Tualatin, and Tigard.
- Frequent bus service line expansion to and from Oregon City, primarily around the Oregon City Transit Center.

Transit related projects in the Financially Constrained Transportation System (TSP Volume 1, Table 5) and Planned Transportation System (TSP Volume 2, Section I, Table 2) include signal prioritization, bus amenity improvements, and formation of an Oregon City transportation management association (TMA), which will – at a minimum – involve coordination between the City and TriMet.

A portion of Oregon City is designated as a Regional Center in the Metro 2040 Plan. Acknowledgment of the Regional Center boundary supports an intercity (high-speed) rail through Oregon City's Regional Center is indicated in Metro's 2035 RTP and 2040 Growth Concept. The proposed TSP update is consistent with this policy.

## **Section 12: Transportation**

### **Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

*Policy 12.1.1 - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

*Policy 12.1.4 - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

**Finding: Complies.** The Transportation System Plan provides opportunities to facilitate increased travel options for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects will result in a more complete transportation system with a variety of multi-modal travel opportunities.

### **Goal 12.2 Local and Regional Transit**

*Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.*

**Finding: Complies.** The proposed plan supports mass transit by providing a complete transportation facility which will allow safe access for mass transit users and building and automotive and bicycle parking designs.

### **Goal 12.3 Multi-Modal Travel Options**

*Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.*

*Policy 12.3.1 -Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut through traffic.*

*Policy 12.3.2 -Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.*

*Policy 12.3.3 - Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.*

*Policy 12.3.4 -Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.*

*Policy 12.3.5 -Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.*

*Policy 12.3.6 -Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.*

*Policy 12.3.8 -Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.*

*Policy 12.3.9 -Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.*

**Finding: Complies.** The Transportation System Plan provides opportunities to facilitate increased mobility for vehicles, pedestrians and bicyclists by identifying insufficient facilities and associated prioritized projects. Implementation of the projects and the associated amendments to the Oregon City Municipal Code will result in a more complete transportation system with a variety of connected multi-modal travel options and a truck route network which support one another. The plan was created in conjunction with other affected agencies.

#### **Goal 12.4 Light Rail**

*Promote light rail that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.*

*Policy 12.4.1 -Support light rail development to Oregon City.*

**Finding: Complies.** The proposed plan supports mass transit by providing context sensitive street designs, and a complete transportation facility which will allow safe access for light rail users.

#### **Goal 12.5 Safety**

*Develop and maintain a transportation system that is safe.*

*Policy 12.5.1 -Identify improvements that are needed to increase the safety of the transportation system for all users.*

*Policy 12.5.2 -Identify and implement ways to minimize conflict points between different modes of travel.*

*Policy 12.5.3 -Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.*

**Finding: Complies.** The top-ranked goal of the TSP update is to “(e)nhance the health and safety of residents.” Existing safety concerns include high collision locations, with multiple sites along OR 99E, around Downtown, and along Beavercreek Road and Molalla Avenue (Figure 7, TSP Volume 2, Section D). Based on RTP requirements to establish a range of performance measures in local TSP, the objective of the TSP update is to reduce fatalities and serious injuries by 50% between 2010 and 2035.

Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in the TSP update. These investments include street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections. Even if the target is not achieved, rates of collisions, serious injuries, and fatalities are expected to decrease and implement the TSP safety objective with the implementation of the TSP and associated amendments to the Oregon City Municipal Code.

#### **Goal 12.6 Capacity**

*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

*Policy 12.6.1 - Provide a transportation system that serves existing and projected travel demand.*

*Policy 12.6.2 - Identify transportation system improvements that mitigate existing and projected areas of congestion.*

*Policy 12.6.3 - Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

*Policy 12.6.4 - Identify and prioritize improved connectivity throughout the city street system.*

**Finding: Complies.** Policy and projects in the TSP update are proposed to serve existing and planned uses within the urban growth boundary surrounding Oregon City. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

#### **Goal 12.7 Sustainable Approach**

*Promote a transportation system that supports sustainable practices.*

*Policy 12.7.4 - Promote multi-modal transportation links and facilities as a means of limiting traffic congestion.*

**Finding: Complies.** The proposed Transportation System Plan and associated amendments to the Oregon City Municipal Code allow for a complete transportation network for all modes of transportation.

#### **Goal 12.8 Implementation/Funding**

*Identify and implement needed transportation system improvements using available funding.*

*Policy 12.8.1 - Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.*

*Policy 12.8.2 - Provide transportation system improvements that facilitate the timely implementation of the Oregon City Downtown Community Plan and protect regional and local access to the End of the Oregon Trail Interpretive Center.*

**Finding: Complies.** The proposed projects in the TSP maximize the efficiency of the transportation system by focusing improvements throughout the City and solving transportation problems by employing the following strategy to identify improvements throughout the City.





Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand through 2035 with exception. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

## CONSISTENCY WITH STATEWIDE PLANNING GOALS

### STATEWIDE PLANNING GOAL 1:

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

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. An overview of the public involvement process is provided within this report and demonstrated in the Transportation System Plan Public Outreach Plan (Exhibit 1). Staff finds that the TSP update process is consistent with Statewide Planning Goal 1.

### STATEWIDE PLANNING GOAL 2:

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

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the TSP is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code. The TSP document and its projections, analysis, maps, recommended improvements, and proposed funding plan are based the series of reports that

were prepared as part of developing the TSP update, including the existing conditions report, future conditions report, future needs analysis, and planned and financially constrained systems reports (TSP Volume 2).

In addition to the City's Comprehensive Plan, a review of other existing state, regional, and local plans, policies, standards, and laws that are relevant to local transportation planning was conducted at the beginning of the TSP update process, and is documented in Section A of the TSP Volume 2. The TSP update and associated amendments were developed in coordination with ODOT, Metro, and TriMet and were developed to be consistent with those applicable regulations. The proposed TSP update and associated amendments are consistent with Statewide Planning Goal 2.

#### **STATEWIDE PLANNING GOAL 5:**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 5 of the Oregon City Comprehensive Plan: Open Spaces, Scenic and Historic Areas, and Natural Resources. The Oregon City Municipal Code contains specific review criteria for uses within overlay districts to assure that designated Goal 5 resources are appropriately considered when development is proposed. In particular, the Natural Resource Overlay District designation: "provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District as identified in OCMC 17.49.150.

Within the Historic Overlay District, which includes the Canemah Historic District, McLoughlin Conservation District, designated Landmarks and Historic corridors, proposed public utility projects may be reviewed by the Historic Review Board to determine potential impact historic resources. The Historic Review Board has adopted character guidelines that pertain to improvements in the public right of way, utilities and related equipment to assure compatibility with historic resources. Goal 5 resources outside the city limits within the UGB are reviewed as part of the required Concept Planning for those areas prior to and subsequent with annexation. Concept plans must be implemented through zoning designations and overlay protection zones to assure that Goal 5 resources are protected to the extent required by State law and Metro.

Further, the proposed amendments to the Oregon City Municipal Code allow for a modification to the street design standard to construct context sensitive design. This would allow narrower roads within environmentally sensitive areas and appropriate public improvements in historic areas. Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update is consistent with Statewide Planning Goal 5.

#### **STATEWIDE PLANNING GOAL 6:**

*To maintain and improve the quality of the air, water and land resources of the state.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 6 of the Oregon City Comprehensive Plan: Quality of Air, Water and Land Resources. By planning system improvements based on projected demand and land use patterns, the plan will ensure that land suited for development will be served efficiently.

The share of improvements recommended in the TSP update which result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

The Oregon City Municipal Code amendments are proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update and code amendments are consistent with Statewide Planning Goal 6.

#### **STATEWIDE PLANNING GOAL 7:**

*To protect people and property from natural hazards.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 7 of the Oregon City Comprehensive Plan: Natural Hazards. This goal primarily addresses how the city should plan development to avoid hazard posed by floods, steep slopes, geologically unstable areas and other natural hazards. The projects recommended in the TSP update were established through a “solutions identification process” with evaluation criteria that accounted for environmental hazards and impacts. Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42), US-Geologic Hazards Overlay District (OCMC Chapter 17.44) and Natural Resource Overlay District (OCMC Chapter 17.49) provide development standards for transportation projects in these overlay districts.

All projects within the TSP, whether they are within the Geologic Hazards Overlay District or not, include detailed surveys conducted to identify hydrologic, topographic or other geological constraints that could hinder the widening and future extensions of the planned streets before construction is initiated. All street extensions included in this Plan are shown with conceptual alignments with a planning level illustration that street connectivity enhancements are needed in these areas. Final street alignments will be identified after these surveys have been completed. Based on development standards and review processes defined in the Oregon City Municipal Code, the TSP update is consistent with Statewide Planning Goal 7.

#### **STATEWIDE PLANNING GOAL 9:**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 9 of the Oregon City Comprehensive Plan: Economic Development. Policy and projects in the TSP update are proposed to serve existing and planned commercial and employment uses in the interchange study area. Employment trips were a part of future traffic conditions analyzed in the city. Over 23,000 jobs are expected in 2035, which represents almost 60% growth since 2010 (TSP Volume 1, Section 3). There are areas of commercial, industrial, mixed use commercial, and mixed use employment land designated along arterials and collectors in the city. The future demand projections showed congested and over-capacity conditions on segments of OR 99E in Downtown and around the I-205 interchange

and on a segment of Redland Road south of Anchor Way (TSP Volume 1, Figure 5). Investing in the transportation system improvements that are recommended in the TSP update (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2), including transportation demand management programs, is expected to accommodate the forecasted travel demand through 2035. Operations under implementation of the recommended solutions are projected to meet performance targets throughout the city, with the exception of the interchanges of I-205/99E, I-205/OR 213 and 213/Beavercreek Road. The recommended solutions move these intersections toward compliance with targets (TSP Volume 1, Section 8). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update is consistent with Statewide Planning Goal 9.

#### **STATEWIDE PLANNING GOAL 10:**

*To provide for the housing needs of citizens of the state.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 10 of the Oregon City Comprehensive Plan: Housing. Adoption of the TSP update will address improvements needed to ensure the orderly extension of transportation facilities to accommodate the projected growth envisioned in the City's Comprehensive Plan, which includes a variety of housing types. Policy and projects in the TSP update are proposed to serve existing and planned residential and mixed-use areas in the city. Residential trips were a part of future traffic conditions analyzed in the city. Almost 21,000 households are expected in the city in 2035, which represents over 60% growth since 2010 (TSP Volume 1, Section 3).

#### **STATEWIDE PLANNING GOAL 11:**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the transportation infrastructure in Oregon City is governed by the Oregon City Transportation System Plan (Oregon City TSP), adopted in 2001 and proposed for update in 2013. The relevant Public Facilities goals and policies and findings are discussed in greater detail above.

#### **STATEWIDE PLANNING GOAL 12:**

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

**Finding: Complies.** This goal is implemented at the local level through the applicable Goals and Policies in the updated TSP, Section 2 (The Vision). This goal is also implemented at the state level through the Transportation Planning Rule (TPR), OAR 660-012, which is addressed later in this report and in Exhibit 2. The TSP goals were developed and ranked by TSP update project stakeholders, and were the basis for evaluation criteria used in selecting and assessing the projected performance of the projects and solutions recommended in the TSP update. The goals, in order of importance to the community and project stakeholders, are:

- Enhance the health and safety of residents
- Emphasize effective and efficient management of the transportation system
- Foster a sustainable transportation system
- Provide an equitable, balanced and connected multi-modal transportation system
- Identify solutions and funding to meet system needs
- Increase the convenience and availability of pedestrian, bicycle, and transit modes
- Ensure the transportation system supports a prosperous and competitive economy
- Comply with state and regional transportation plans.

Section I of Volume 2 (Planned and Financially Constrained Transportation Systems) of the updated TSP explains how 360 solutions for the Oregon City transportation system were reduced to a Financially Constrained Transportation System Plan (likely to be funded list) and a Planned Transportation System Plan (unlikely to be funded list). The process relied on the goals, evaluation criteria, and five-tiered solutions hierarchy. The proposed TSP update is consistent with Statewide Planning Goal 12.

**STATEWIDE PLANNING GOAL 13: To conserve energy.**

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

**Finding: Complies.** This goal is implemented through the applicable Goals and Policies in Section 13 of the Oregon City Comprehensive Plan: Energy Conservation.

The multimodal transportation system and improvements proposed in the updated TSP and associated code amendments will support efficient use of land within the city limits and UGB based on existing adopted Comprehensive Plan and zoning designations. With this plan, the City can provide timely, orderly and efficient transportation improvements.

The City promotes the efficient use of land and conservation of energy through its Comprehensive Plan and zoning and development regulations within the Oregon City Municipal Code. Higher density and mixed use zoning, land division, and site plan design standards promote more compact development patterns, and promote bicycling and walking instead of relying on the automobile for routine errands. New annexations are required to show that public utilities can be efficiently extended to new urban areas. Metro-approved Concept Plans are required prior to annexation to the city to assure that urban services and amenities will be developed in logical places as the community develops. The proposed TSP and associated amendments are consistent with Statewide Planning Goal 13.

**Oregon Transportation Plan (2006)**

*The Oregon Transportation Plan (OTP) is the state's long-range multimodal transportation plan. The OTP is the overarching policy document among a series of plans that together form the state transportation system plan (TSP). A TSP must be consistent with applicable OTP goals and policies. Findings of compatibility will be part of the basis for TSP approval. The most pertinent OTP goals and policies for city transportation system planning are provided below.*

**POLICY 1.2 – Equity, Efficiency and Travel Choices**

*It is the policy of the State of Oregon to promote a transportation system with multiple travel choices that are easy to use, reliable, cost-effective and accessible to all potential users, including the transportation disadvantaged.*

**Finding: Complies.** The proposed TSP establishes design criteria for streets based on their functional classification and the designation within the Comprehensive Plan, resulting in a context sensitive development. The context zone, walking zone, and biking/on-street parking zone are important to establishing a reliable, accessible, and inviting environment for those walking, biking, and taking transit. The design criteria establish a minimum of five to ten and a half sidewalk width. Bike lanes that are six-foot-wide are required for most of the street design types. Maximum block sizes of 530 feet are provided and pedestrian access every 330 feet is required unless a modification is approved through a Type II process.



The recommended solutions in the plan related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions (Figure 10). In the financially constrained plan, walking improvements consist largely of filling in sidewalk gaps as well as widening existing sidewalks and making ADA accessibility improvements. Biking improvements consist largely of providing bike lanes. The addition of shared-use paths add both walking and biking facilities. Transit improvements are focused on signal priority and enhancing transit stop amenities (See Table 5 in Section 7 (The Plan)).

Recommended code amendments reinforce many of these elements of the TSP in establishing clear zones for unobstructed travel on sidewalks, requiring pedestrian accessways every 330 feet on long blocks, strengthening access to and amenities at transit facilities, and expanding bicycle parking requirements to address long-term parking (TSP Volume 2, Section K). The proposed TSP and associated amendments are consistent with Policy 1.2.

#### **POLICY 2.1 - Capacity and Operational Efficiency**

**It is the policy of the State of Oregon to manage the transportation system to improve its capacity and operational efficiency for the long term benefit of people and goods movement.**

**Finding: Complies.** The TSP update will result in increased mobility for vehicles, bicyclists and pedestrians. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

#### **POLICY 2.2 – Management of Assets**

*It is the policy of the State of Oregon to manage transportation assets to extend their life and reduce maintenance costs.*

**Finding: Complies.** The Financially Constrained (likely to be funded list) and Planned Transportation System (unlikely to be funded list) were developed based on the five-tiered solutions hierarchy that starts with system management measures and ends with those to extend and build new roadways. As a result, the number of cost-effective management recommendations and those related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for the majority of projects and solutions in the updated. TSP (Table 5 in the TSP Volume 1 and Table 2 in the TSP Volume 2, Section I).

The TSP update is designed to meet performance standards for existing and future development within the UGB. Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand

through 2035, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

### **POLICY 3.1 – An Integrated and Efficient Freight System**

*It is the policy of the State of Oregon to promote an integrated, efficient and reliable freight system involving air, barges, pipelines, rail, ships and trucks to provide Oregon a competitive advantage by moving goods faster and more reliably to regional, national and international markets.*

**Finding: Complies.** The freight system in Oregon City is focused on truck freight. The TSP objective envisions decreasing truck delay by approximately 10% through 2035, to just over three minutes per truck trip during the evening peak period, based on freight mobility targets developed from the RTP.

### **POLICY 3.2 – Moving People to Support Economic Vitality**

*It is the policy of the State of Oregon to develop an integrated system of transportation facilities, services and information so that intrastate, interstate and international travelers can travel easily for business and recreation.*

**Finding: Complies.** The freight system in Oregon City is focused on truck freight. The TSP objective envisions decreasing truck delay by approximately 10% through 2035, to just over three minutes per truck trip during the evening peak period, based on freight mobility targets developed from the RTP. High general traffic demand on regional transportation routes including I-205, OR 213, OR 99E, and OR 43 pose a challenge to meeting this performance measure. Truck delay in the city during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035, from about three and a half minutes to four minutes per person. However, the City is moving in the direction of this performance measure by decreasing truck delay 15% from what would be expected without the implementation of recommended planned transportation system investments. (See Section 8 (Outcomes) of TSP Volume 1.) The proposed TSP is consistent with Policies 3.1 and 3.2.

### **POLICY 4.1 - Environmentally Responsible Transportation System**

*It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation and protection of natural resources.*

**Finding: Complies.** Implementation of the Financially Constrained (likely to be funded) and Planned Transportation System (unlikely to be funded) recommendations serves an area within the city's UGB that is planned for efficient urban development, as guided by state planning goals and regulations. Development of this land was assumed for projecting future transportation conditions and the transportation needs and solutions that were then determined based on those conditions.

The Oregon City Municipal Code contains review criteria for uses within the natural resource overlay district to assure that resources are appropriately considered when development is proposed. The Natural Resource Overlay District (NROD) "implements the Oregon City Comprehensive Plan Natural

Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis.” Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District. The restrictions are established in OCMC 17.49.150 (Standards for vehicular or pedestrian paths and roads). Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42) and US-Geologic Hazards Overlay District (OCMC Chapter 17.44) provide development standards for transportation projects in these overlay districts.

The share of improvements recommended in the TSP update that are less polluting has dramatically increased since the 2001 TSP. As shown in Figure 10 (TSP Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, representing over 260 projects in the Planned Transportation System.

Code amendments proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). These amendments reinforce the pedestrian, bicycle, and transit improvements that are recommended in the TSP update. The proposed TSP and associated amendments are consistent with Policy 4.1.

#### **POLICY 5.1 – Safety**

*It is the policy of the State of Oregon to continually improve the safety and security of all modes and transportation facilities for system users including operators, passengers, pedestrians, recipients of goods and services, and property owners.*

**Finding: Complies.** The top-ranked goal of the TSP update is to “(e)nhance the health and safety of residents.” Existing safety concerns include high collision locations, with multiple sites along OR 99E, around Downtown, and along Beavercreek Road and Molalla Avenue (Figure 7, TSP Volume 2, Section D). Based on RTP requirements to establish a range of performance measures in local TSP, the objective of the TSP update is to reduce fatalities and serious injuries by 50% between 2010 and 2035. Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in the TSP update. These investments include street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections. Even if the target is not achieved, rates of collisions, serious injuries, and fatalities are expected to decrease and move in the direction of the TSP safety objective with the implementation of these recommended TSP projects. The proposed TSP is consistent with Policy 5.1.

#### **POLICY 7.1 – A Coordinated Transportation System**

*It is the policy of the State of Oregon to work collaboratively with other jurisdictions and agencies with the objective of removing barriers so the transportation system can function as one system.*

**Finding: Complies.** Staff from the Oregon Department of Transportation (ODOT), Clackamas County, TriMet, and ODOT were involved in the Technical Advisory Team (TAT) and throughout the creation of the plan. Coordination provisions with those jurisdictions – particularly the State as required by OAR 660-012-0045 –are established. The proposed TSP is consistent with Policy 7.1.

#### **POLICY 7.3 – Public Involvement and Consultation**

*It is the policy of the State of Oregon to involve Oregonians to the fullest practical extent in transportation planning and implementation in order to deliver a transportation system that meets the diverse needs of the state.*

**Finding: Complies.** Development of the TSP relied on the participation of the Technical Advisory Team (TAT) and Stakeholder Advisory Team (SAT) and the activities of these teams as well as other public involvement efforts are described in the Transportation System Plan Public Outreach Plan (Exhibit 1).

#### **POLICY 7.4 – Environmental Justice**

*It is the policy of the State of Oregon to provide all Oregonians, regardless of race, culture or income, equal access to transportation decision-making so all Oregonians may fairly share in benefits and burdens and enjoy the same degree of protection from disproportionate adverse impacts.*

**Finding: Complies.** Development of the TSP update relied on the participation of the Technical Advisory Team (TAT) and Stakeholder Advisory Team (SAT) and other public involvement efforts are described in the Transportation System Plan Public Outreach Plan (Exhibit 1). Section D in TSP Volume 2 discusses environmental justice. The Environmental Protection Agency states that: “Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The environmental justice effort within the TSP was to identify concentrations of underserved and vulnerable populations so that transportation services can be improved in this areas while avoiding or at least distributing impacts of planned projects more equitably across the city.

Goal 4 of the TSP commits the City to: “(p)rovide an equitable, balanced and connected multimodal transportation system” (Section 2, TSP Volume 1). Objectives and evaluation criteria for TSP projects under the goal include ensuring that the transportation system provides equitable access to underserved and vulnerable populations and reduces total housing and transportation costs for residents.

As found through the Census, Figure A5 in Section D identifies concentrations of low-income residents in the Park Place neighborhood, minority populations around Molalla Avenue between Beavercreek Road and Division Street, and the elderly around the 15th Street/Division Street intersection. Significant populations of non-English speakers and people with disabilities were not found in the city. Proposed Financially Constrained and Planned Transportation System improvements (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) identify walking, biking, shared-use path, family friendly route, transit, and crossing improvements in these areas of underserved and vulnerable populations as well as throughout the city (Figures 17-19, TSP Volume 1). Roadway extension and expansion projects, and their potential associated impacts, are also distributed throughout the city (Figures 14-16, TSP Volume 1). The proposed TSP is consistent with Policies 7.3 and 7.4.

#### **Oregon Highway Plan**

*The 1999 Oregon Highway Plan (OHP) establishes policies and investment strategies for Oregon’s state highway system over a 20-year period and refines the goals and policies found in the OTP. Policies in the OHP emphasize the efficient management of the highway system to increase safety and to extend highway capacity, partnerships with other agencies and local governments, and the use of new techniques to improve road safety and capacity. These policies also link land use and transportation, set standards for highway performance and access management, and emphasize the relationship between state highways and local road, bicycle, pedestrian, transit, rail, and air systems. The policies applicable to the Oregon City TSP are addressed below.*

**Policy 1A** (*Highway Classification*) defines the function of state highways to serve different types of traffic that should be incorporated into and specified through IAMPs.

**Finding: Complies.** The TSP included a review of state highways in coordination with the Oregon Department of Transportation. There are four sets of State roadways in Oregon City, including I-205 (an Interstate highway) and OR 99E, OR 213, and OR 43 (all District highways).

**Policy 1C** (*State Highway Freight System*) states the need to balance the movement of goods and services with other uses.

**Finding: Complies.** As identified in Section A (Plans and Policies Framework) of TSP Volume 2, there are four sets of State roadways in Oregon City, including I-205 (an Interstate highway) and OR 99E, OR 213, and OR 43 (all District highways). The TSP defers to ODOT's access management review and regulations of the State. In terms of safety, as described earlier in the OTP findings, safety concerns exist at sites along state facilities OR 99E and OR 213 (TSP Volume 2, Section D, Figure 7). Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections in the TSP update.

The proposed improvements in the Financially Constrained and Planned Transportation System plans (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2) serve safety and mobility on state roadways in the city. The TSP update is designed to meet performance standards for existing and future development. Investing in the transportation system improvements that are recommended in the TSP Financially Constrained and Planned Transportation System Plans (Table 5 in the TSP Volume 1 and Table 2 in TSP Volume 2, Section I) and implementing transportation demand management programs in the employment growth areas in the city are expected to accommodate the forecasted travel demand through 2035, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

Also as described earlier in OTP findings, high general traffic demand on regional transportation and freight routes including I-205, OR 213, OR 99E, and OR 43 pose a challenge to meeting performance measures related to freight. Truck delay in the city during the evening peak period (after assuming the planned system investments) is expected to increase slightly through 2035. However, the City is decreasing truck delay 15% from what would be expected without the implementation of recommended planned transportation system investments. (See TSP Volume 1, Section 8) Updated and more liberal mobility standards – ranging from 0.99 to 1.10 volume-to-capacity for peak 1<sup>st</sup> hour and 2<sup>nd</sup> hour – are proposed for City roadways in Section 4 (Standards) in order to balance motor vehicle mobility with improved conditions for walking and biking. The proposed TSP is consistent with Policies 1A and 1C.



**Policy 1B** (*Land Use and Transportation*) recognizes the need for coordination between state and local jurisdictions.

**Finding: Complies.** Coordination between Oregon City, Clackamas County and ODOT has occurred in developing the TSP for project administration and through the Technical Advisory Team (TAT) process.

**Policy 1F** (*Highway Mobility Standards*) sets mobility standards for ensuring a reliable and acceptable level of mobility on the highway system by identifying necessary improvements that would allow the interchange to function in a manner consistent with OHP mobility standards.

**Finding: Complies.** The TSP update is designed to meet performance standards for existing and future development within the UGB. Oregon Highway Plan, Policy 1F3 sets forth the applicable mobility targets for the state roads. As part of the analysis conducted for the TSP, twenty key intersections were analyzed to determine their performance in 2035 based on planned development. The predicted performance at these 20 key intersections was compared with the mobility standards proposed in the TSP. If the level of congestion exceeded allowable standards, projects were identified that would improve intersection performance to meet the applicable mobility standards and were included within the TSP. Example projects that increase capacity and allow an intersection to meet the mobility standards include the construction of an additional turn lane or the installation of a traffic signal. Once the projects are constructed the intersection would meet the mobility standard over the planning horizon.

For most of the key intersections, affordable and implementable improvements were identified which would allow the intersection to meet mobility standards during the 20-year planning horizon. However, at three intersections, the improvements necessary to satisfy the mobility standard were determined to be so costly that they could not be reasonably constructed. The three locations, all on the state highway system, are:

I-205/OR 213 Interchange- According to ODOT the redesigned interchange would include construction of additional lanes and bridges, costing \$100 million to \$200 million.

OR 99E/I-205 Interchange- The City and ODOT agreed that the redesigned interchange would include increasing the capacity of the freeway off-ramps with additional lanes or extending existing lanes, costing \$10 million to \$30 million or more. Speculation today suggests that the “or more” solutions could include additional travel lanes on I-205 between the Gladstone interchange and the West Linn/Lake Oswego interchange.

Beavercreek Road/OR 213 - The 2001 TSP identified a grade-separated interchange costing \$20 million. Adjusting for inflation, that same project today would be \$26 million.

Using the lowest range of the estimated costs, the total of all the intersection improvements is \$136 million (\$100M + \$10M + \$26M = \$136 M). Again, these locations are all on the state highway system.

Even in combination, ODOT, Clackamas County, and Oregon City do not have projected funding to implement the \$136 million needed to reconstruct the three facilities to comply with the mobility standards. Due to the large cost associated with the improvements, the projects do not appear on the Oregon Highway Plan, the Regional Transportation System Plan or the proposed TSP project list because there is no reasonable likelihood that the projects will be funded. ODOT has made it clear to staff that they would oppose constructing the improvements associated with the intersections and would not contribute any funds for this purpose. ODOT’s current revenue projections will be sufficient to cover

only the highest priority projects within the region. There is no state or regional funding identified for the three Oregon City locations.

Because funding is not likely to be available to implement these very expensive projects, ODOT recommends that the City undertake additional studies to develop other ways of meeting the City's transportation needs that do not involve major construction projects at these three locations. In addition, these studies may support adoption of alternate mobility standards that allow for a greater level of congestion than is currently allowed by ODOT or is proposed in the TSP. The transportation studies would likely look more broadly at the intersections to identify less costly improvements that provide some increased capacity as well as opportunities to invest in the local network to provide alternative routes and improvements for non-automobile travel in an effort to reduce peak hour trips at the aforementioned intersections. The scope of these additional studies has not been determined and may result in the identification of additional projects that could be added to those already included TSP. As most other jurisdictions in the region are also discovering that insufficient funds will be available to meet mobility standards, additional studies and the adoption of alternate mobility standards that allow for greater levels of congestion will likely be pursued by many jurisdictions. Undertaking such studies and adopting alternate mobility standards, an action that will also need to be taken by the Oregon Transportation Commission if it involves state highways, is likely to take 12-24 months to complete.

As specified in the Oregon City Municipal Code, most developers are required to conduct a traffic study identifying the traffic impacts of development on proximate intersections throughout the City that are most likely to be more significantly impacted. The Municipal Code requires that if development puts more than 20 new automobile trips through an intersection during the AM or PM peak hour, an analysis is required to demonstrate compliance with mobility standards.

As explained above, some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City is proposing to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the three aforementioned locations and all state facilities within or adjacent to the Regional Center. Attached is a table illustrating the standards applicable to the various intersections. This temporary exemption would be in effect while the City undertakes more detailed analysis and pursues adoption of an alternate mobility standard over the next 12-24 months.

Providing a temporary exemption for permitted and conditional uses with regard to their impact on state highway facilities would align City code requirements with ODOT requirements and other local governments which do not require compliance for any ODOT facility. In addition, the exemption satisfies the City's obligation to implement the state and regional transportation plans as required by state law.

Improvements identified in the TSP would be constructed but would not necessarily result in satisfaction of the mobility standards at the locations discussed above. If there are no improvements identified in the TSP associated with an intersection, no improvements would be made at that intersection. Since the aforementioned expensive improvements are not included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are not

included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any improvements at these locations.

Subsection Policy 1F3 allows the development of alternative mobility standards “where it is infeasible or impractical to meet the mobility targets...in Table 7....ODOT and local jurisdictions may explore different target levels, methodologies and measures for assessing system performance...” Policy 1F further allows “If alternative targets are needed but cannot be established through the system planning process prior to adoption of a new or updated transportation system plan, they should be identified as necessary and committed to as a future refinement plan work items with an associated timeframe for completion and adoption”. The mobility targets of OHP Table 7 remain in effect for the state facilities until alternative measures are adopted both locally and by the Oregon Transportation Commission.

**Policy 1G** (*Major Improvements*) *requires maintaining performance and improving safety by improving efficiency and management before adding capacity. ODOT works with regional and local governments to address highway performance and safety.*

**Finding: Complies.** Policy 1G is aligned with the five-tiered solutions structure established by the RTP/RTFP and followed by this TSP process. Solutions in the Financially Constrained and Planned Transportation Systems focused on management and multimodal measures before considering roadway extension and expansion projects. As a result, approximately 74% of the projects and programs recommended in the TSP are related to walking, biking, transit, and crossings. Of the 26% of projects that are roadway-related, 19 projects address management and intersection improvements, 17 projects are roadway extensions, and four projects are roadway expansions (Table 5, TSP Volume 1). The proposed TSP is consistent with Policy 1G.

**Policy 2B** (*Off-System Improvements*) *helps local jurisdictions adopt land use and access management policies.*

**Finding: Complies.** Improvements recommended on the local system in the Financially Constrained Transportation (likely to be funded) System include signalization, signal optimization, installation of turn lanes and roundabouts, sidewalk construction, bike lane striping, extension of roadways, reconstruction of roadways to City standards, installation of crossings and curb ramps, and citywide programmatic measures such as wayfinding tools, transit signal priority and transit stop improvements, expanded bicycle parking design guidance and requirements, and Safe Routes to School (Table 5 and Figures 14-19 in TSP Volume 1). These local system improvements will help to reduce traffic and improve conditions on State roadways in the city. The proposed TSP is consistent with Policy 2B.

**Policy 2F** (*Traffic Safety*) *improves the safety of the highway system.*

**Finding: Complies.** As reported in earlier OHP and OTP findings, there are a number of high collision sites and safety concerns along state facilities OR 99E and OR 213 in the city (Figure 7, TSP Volume 2, Section D). Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections in the TSP update. The proposed TSP is consistent with Policy 2F.

**Policy 3A** (*Classification and Spacing Standards*) *sets access spacing standards for driveways and approaches to the state highway system.*

**Finding: Complies.** The TSP update proposes access spacing standards in OCMC 12.04 for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these

standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP. The proposed TSP and associated amendments are consistent with Policy 3A.

**Policy 4B (Alternative Passenger Modes)** *It is the policy of the State of Oregon to advance and support alternative passenger transportation systems where travel demand, land use, and other factors indicate the potential for successful and effective development of alternative passenger modes.*

**Finding: Complies.** As cited in the OTP findings, the recommended solutions related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions, as shown in Section 5 (Investments) of the TSP. The projects are included in both the Financially Constrained Transportation (likely to be funded) System and Planned Transportation (unlikely to be funded) System plans in the 2013 updated TSP. The financially constrained plan (Table 5, Section 6, Volume 1) features pedestrian projects that fill sidewalk gaps throughout the city, including in the Downtown and Regional Center. Biking projects focus on wayfinding signage, shared lane marking, and bike lanes, and transit projects on signal prioritization and bus stop amenity improvements. All of the pedestrian, biking, and transit solutions in the financially constrained plan are reinforced and expanded upon by the family friendly route, shared-use path, and crossing solutions proposed in the plan as well. The proposed TSP is consistent with Policy 4B.

Policy and projects in the TSP update are proposed to serve existing and planned uses within the urban growth boundary surrounding Oregon City. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

#### **OAR 660 Division 12 Transportation Planning Rule (TPR)**

*The purpose of the TPR is “to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided.” A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.*

**Finding: Complies.** Findings demonstrating compliance with the TPR are located Exhibit 2.

#### **OAR 734, Division 51. Highway Approaches, Access Control, Spacing Standards and Medians**

*OAR 734-051 governs the permitting, management, and standards of approaches to state highways to ensure safe and efficient operation of the state highways. OAR 734-051 policies address the following:*

- *How to bring existing and future approaches into compliance with access spacing standards, and ensure the safe and efficient operation of the highway;*
- *The purpose and components of an access management plan; and*
- *Requirements regarding mitigation, modification and closure of existing approaches as part of project development.*

**Finding: Complies.**

The TSP update proposes access spacing standards for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP.

**Regional Transportation Plan**

*The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.*

**Finding: Complies.** The Transportation System Plan has integrated all regionally designated roads into the TSP. For example, Holly Lane which is designated as an arterial in the Regional Transportation Plan is also designated as an arterial in the Oregon City TSP and projects are identified to upgrade Holly lane to an urban arterial standard as required by the RTP. It should be noted that the projects along Holly are either unfunded or dependent upon annexations and development along the street. Additional findings demonstrating compliance with the RTFP and RTP are located Exhibit 2.

**CONCLUSION**

For the reasons set forth above, the City Commission approves Planning files L 13-01 and L 13-02 for the 2013 Oregon City Transportation System Plan including the adoption of the Regional Center boundary, as an ancillary document to the Oregon City Comprehensive Plan and amends the Oregon City Municipal Code to implement this plan.

**EXHIBITS**

- 1) Transportation System Plan Public Outreach Plan
- 2) Regional Transportation Functional Plan (RTFP) and Transportation Planning Rule (TPR) Compliance
- 3) Map of Regional Center





# **Oregon City Transportation System Plan Update Public Outreach**

City of Oregon City  
Public Works  
625 Center Street  
Oregon City, Oregon 97045

# Outreach of the Transportation System Plan (TSP) Update Project

*The plan extends to the submittal of a Legislative Planning application*

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## **Introduction**

Oregon City has been hard at work improving streets, sidewalks and trails. Now it is time to reevaluate our transportation system to identify and prioritize future projects. The Transportation System Plan (TSP) provides a long term guide to City transportation investments and incorporates the vision of the community into an equitable and efficient transportation system.

The City's current plan was adopted in 2001 and will be updated to reflect new state and regional TSP requirements, completion of transportation projects, added Urban Growth Boundary areas, Urban Reserves, population growth, the adoption of the 2004 Oregon City Comprehensive Plan, and policy direction provided by the Metro 2035 Regional Transportation Plan (RTP).

Citizen involvement is crucial to the TSP Update. The opportunity for the public to voice opportunities to strengthen our transportation system results in a successful project. This document highlights the major public involvement strategies to be employed in the Transportation System Plan Update.

## **A. How has the Public been involved in the TSP Update?**

### **1. Advisory Committees**

#### **Stakeholder Advisory Team**

The Stakeholder Advisory Team (SAT) serves as the voice of the community and the caretaker of the goals and objectives of the Updated TSP. The SAT assisted with the development of goals and objectives of the TSP and the creation of evaluation criteria to evaluate future projects. The SAT provided direction to staff and reviewed all documents associated with the TSP over email and at meetings. Invitations to join the committee were sent to the Transportation Advisory Committee, Parks and Recreation Advisory Committee, Historic Review Board, Natural Resource Committee, Planning Commission, Clackamas Community College, Main Street Oregon City, Chamber of Commerce, private development interests, Oregon City School District, Citizen Involvement Council and Clackamas County Planning Organizations, freight organizations, and local businesses. Invitations were also posted on the project website for the public. All SAT meetings were advertised and open to the public.

SAT Meeting #1: March 6, 2012

SAT Meeting #2: June 14, 2012

SAT Meeting #3: August 30, 2012

SAT Meeting #4: September 20, 2012

#### **Technical Advisory Team (TAT)**

The Technical Advisory Team (TAT) provided technical guidance and coordination throughout the Project. The TAT addressed and resolved technical and jurisdictional issues in order to produce a timely and complete Updated TSP. The TAT provided direction to staff and reviewed all documents associated with the TSP over email and at meetings. Invitations to the TAT were extended to Clackamas County Development and Transportation, Metro, ODOT, City of Gladstone, Oregon City Planning, Oregon City Development, Oregon City Public Works, Oregon City Community Services, Department of Land Conservation and Development (DLCD), Clackamas County Fire District #1, TriMet, and freight organizations. All TAT meetings were advertised and open to the public.

TAT Meeting #1: April 5, 2012  
TAT Meeting #2: June 14, 2012  
TAT Meeting #3: September 20, 2012

## **2. Committee Updates**

### **Overview:**

To ensure that the City Commission, Planning Commission, Historic Review Board and Natural Resource Committee members are fully informed about the TSP process, multiple presentations were made at regularly scheduled public hearings for these bodies.

### **Target Audience:**

City Commission, Planning Commission, Historic Review Board and Natural Resource Committee

### **Implementation/Schedule:**

Presentations and project updates were provided throughout the duration of the project.

## **3. Community Meetings – Open Houses**

### **Overview:**

To ensure that the public is provided multiple opportunities to learn about the project and interact with the project team, four Community Meetings were/are to be held. Email notices were sent to all city groups, SAT, TAT, CIC, Neighborhood Associations, churches and media groups. In addition, notices were posted on the City website, project website, Twitter, Facebook and signs were posted at all city facilities, online blogs, and at coffee shops, grocery stores, and other businesses around town.

### **Target Audience:**

All stakeholders including residents, employees, property and business owners in Oregon City and adjacent communities.

### **Implementation/Schedule:**

Community Meeting #1 - February 27, 2012

Community Meeting #2 - June 18, 2012

Community Meeting #3 - October 2, 2012

Community Meeting #4 – March 7, 2013

## **4. Outreach via other Organizations**

### **Overview:**

Presence at community events and collaboration with other organizations provides project exposure and directs a wide range of citizens to the project website.

### **Target Audience:**

The general public, community groups

### **Implementation/Schedule:**

A short presentation or a poster with a comment box was present at as many community meetings as possible. Examples of events include:

- Presentation at the Park Place Neighborhood Association Meeting
- Citizen Involvement Council

- Poster at Oregon City engAGE in Community Conversation
- EngAGE in Community Expo 2012
- Poster at the Landslide Preparedness Community Meeting
- Poster at the Earthquake & Emergency Preparedness Community Meeting
- Oregon City Hilltop Farmers Market
- ODOT Project Open House – Main Street Businesses
- ODOT Project Open House – Public
- Main Street Oregon City “Downtown Update” email to 400 to 500 email addresses.
- Trail News – An article has been published in each Trail News paper that has been released since the project began over a year ago.

## **B. How did the City get the word out about the TSP Update?**

### **1. Utility Bills**

#### **Overview:**

A flyer was placed in utility bills three times to inform utility customers of the Transportation System Plan Update project and direct them to the website.

#### **Target Audience:**

Oregon City utility customers

#### **Implementation/Schedule:**

More than 10,000 notices were provided to the Utility Billing Department for dispersal in the May 2012, October 2012, and February 2013 bills.

### **2. Mailed Postcards**

#### **Overview:**

A postcard was mailed to all property owners within the urban growth boundary and within Oregon City limits informing citizens of the Transportation System Plan and providing the first work session and hearing dates for both the Planning Commission and the City Commission.

#### **Target Audience:**

Oregon City property owners and property owners in adjacent communities within the urban growth boundary.

#### **Implementation/Schedule:**

More than 10,500 postcards were mailed on February 15, 2013.

### **3. Project Poster**

#### **Overview:**

A poster describing the project and directing the public how to comment on the project was created. The single-sided poster was printed on 8.5”x11” and larger poster sizes and posted at:

- City facilities



- On the project website
- Public meetings
- Public spaces such as parks, transit stations, etc.

Target Audience:

Oregon City residents, businesses and property owners.

Implementation/Schedule:

The poster was distributed throughout the project.

## 4. Website

Overview:

The Transportation System Plan (TSP) website ([www.OCTransportationPlan.org](http://www.OCTransportationPlan.org)) served as the primary public source of information about the project. All project documents as well as opportunities to comment are available on the website so that the public is continually involved in the process. The website features an interactive map to allow the public to post and view comments. A link to the project website is provided on the City's homepage. A rotating feature on the homepage of the City's website ([www.orcity.org](http://www.orcity.org)) will also direct the public to the project website.

Target Audience:

The general public

Implementation/Schedule:

The website has been available throughout the duration of the project.

## 5. Project Website Note Cards

Overview:

Note cards were created to provide a brief description of the project and a link to the Transportation System Plan (TSP) website ([www.OCTransportationPlan.org](http://www.OCTransportationPlan.org)). The cards were placed at City offices and at community events.

Target Audience:

The general public

Implementation/Schedule:

The cards were used throughout the duration of the project.

## 6. Social Media – Facebook and Twitter

Overview:

The City of Oregon City has both a Facebook and a Twitter account. Posts were added to each social media site directing the public to the TSP project website.

Target Audience:

Oregon City Facebook and Twitter followers

Implementation/Schedule:

Project information was posted throughout the project and before each of the project meetings.

## **7. Earned media**

### **Overview:**

John Lewis was interviewed on the radio regarding the Transportation System Plan in June 2012.

### **Target Audience:**

Radio audience.

This exhibit provides findings of compliance of the proposed Oregon City Transportation System Plan (TSP) update and the existing and proposed amendments to the Oregon City Municipal Code (OCMC or “code”) with the requirements set out in the Metro Regional Transportation Functional Plan (RTFP). As established in the RTFP, demonstrating compliance with the RTFP constitutes compliance with the Regional Transportation Plan (RTP).

The RTFP-related findings are included in Table 1; Table 2 includes findings of compliance for the Transportation Planning Rule (TPR), OAR 660-012. The findings address the relevant sections of the TPR including Section -0025 (Deferal of mode), Section -0045 (Implementation of the TSP) and Section -0060 (Plan and Land Use Regulation Amendments). In some cases, there are cross-references in sub-sections of the TPR to requirements in the RTFP.

**Table 1: Findings of Compliance of the Municipal Code with the RTFP**

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
Allow complete street designs consistent with regional street design policies <b>(Title 1, Street System Design Sec 3.08.110A(1))</b>	Existing code and the updated TSP meet these RTFP requirements in the following ways.
Allow green street designs consistent with federal regulations for stream protection <b>(Title 1, Street System Design Sec 3.08.110A(2))</b>	OCMC 12.04.180 (Street design) addresses street design in terms of minimum right-of-way and pavement widths. The section refers to the TSP for the functional classifications of roadways that correspond to the minimum widths. Exceptions to the minimum standards are permitted through a public review process if the modification criteria in OCMC 12.04.007 are satisfied through a Type II procedure.
Allow transit-supportive street designs that facilitate existing and planned transit service pursuant 3.08.120B <b>(Title 1, Street System Design Sec 3.08.110A(3))</b>	Complete street designs, green street designs, and transit-supportive street designs are permitted and supported by this code language. In particular, OCMC 12.04.260 (Street design—Transit) facilitates transit-supportive street design in requiring the applicant to coordinate with TriMet when the applicant’s site potentially impacts transit streets as identified in the TSP.  Street designs that are provided in the updated TSP and proposed amendments reflect the surrounding land use designations and multi-modal use of the streets (TSP Volume 1, Tables 1-4; TSP Volume 2, Section K, OCMC Tables 12.04.180-183).
Allow implementation of: <ul style="list-style-type: none"><li>• Narrow streets (&lt;28 ft curb to curb);</li><li>• Wide sidewalks (at least five feet of through zone);</li><li>• Landscaped pedestrian buffer strips or paved furnishing zones of at least five feet, that include street trees;</li><li>• Traffic calming to discourage traffic infiltration and excessive speeds;</li><li>• Short and direct right-of-way routes and shared-use paths to connect residences with commercial services, parks, schools, hospitals, institutions, transit corridors, regional trails and other neighborhood activity centers;</li></ul>	Existing code, proposed code amendments (TSP Volume 2, Section K), and the updated TSP meet these RTFP requirements as follows: <ul style="list-style-type: none"><li>• Narrow streets: The cross-section standard for local streets in the 2013 TSP show pavement widths from 32 to 40 feet (TSP Volume 1, Table 4) depending on the street type (per land use context) Tbut may be reduced with a modification per OCMC 12.04.007.</li><li>• Wide sidewalks and landscaped pedestrian buffer strips or paved furnishing zones: OCMC 12.04.180 (Street design) specifies right-of-way and pavement widths and street design. A landscape strip,</li></ul>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
<ul style="list-style-type: none"> <li>Opportunities to extend streets in an incremental fashion, including posted notification on streets to be extended.</li> </ul> <p><b>(Title 1, Street System Design Sec 3.08.110B)</b></p>	<p>sidewalk, a public access is required for all streets. OCMC 12.04.265 (Street design—Planter strips) and the TSP address planting strips.</p> <p>OCMC 12.08.015 (Street tree planting and maintenance requirements) requires street trees for every 35 feet of frontage, to be evenly distributed along the frontage, for all new development and major redevelopment.</p> <p>OCMC 12.04.010 (Construction specifications—Improved streets) requires all sidewalks to be constructed to City standards and widths specified in the TSP. The TSP requires sidewalks for all roads functionally classified as arterials, collectors, and local streets, with widths no less than five feet (TSP Volume 1, Tables 1-4).</p> <ul style="list-style-type: none"> <li>Traffic calming: Traffic calming is acknowledged in the 2001 TSP, and is more appropriately addressed in the TSP than the code. The updated TSP addresses traffic calming in projects proposed in the Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2).</li> <li>Short and direct right-of-way routes and shared-use paths: OCMC 12.04.199 (Pedestrian and Bicycle Accessways) establishes standards “to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable.”</li> </ul> <p>Multimodal circulation within a site or land division is supported</p>



Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	<p>by the provisions in OCMC 16.08.025.B (Traffic/Transportation Plan), 17.52 (Off-Street Parking and Loading), and 17.62 (Site Plan and Design Review). A detailed site circulation plan is required that shows proposed vehicular, bicycle, transit and pedestrian circulation within a site and connections to the existing transportation system, to existing rights-of-way or adjacent tracts, and to parking and loading areas.</p> <p>The code also establishes pedestrian and bicycle accessways, which are defined in OCMC 17.04.030 as "any off-street path or way as described in Chapter 12.04, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers". Accessways, pursuant to OCMC 12.04, are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips. land divisions, master plans, commercial and multi-family developments (OCMC Chapters 16.08, 16.16, 17.68 and 17.62).</p> <p>In these ways, existing code provisions ensure that bicycle and pedestrian paths and connections can be required through the development and land division permitting process.</p> <ul style="list-style-type: none"> <li>● Opportunities to extend streets: The code discourages dead-end and stub streets but Subsection B of OCMC 12.04.175 (Street design—Generally) allows for stubbing streets when necessary to create connections to future adjacent development. Likewise, OCMC 17.62.050.A.2.g. in Site Design Review states that "Development shall be required to provide existing or future connections to adjacent sites through the use of a vehicular and pedestrian access easements where applicable." For land</li> </ul>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	<p>divisions, OCMC 16.08.025.B (Traffic/Transportation Plan) requires that a detailed site circulation plan show “proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts.”</p> <p>Proposed amendments to the OCMC require that notification be posted on streets to be extended (see amendments to OCMC 12.04.175 in TSP Volume 2, Section K).</p>
<p>Require new residential or mixed-use development (of five or more acres) that proposes or is required to construct or extend street(s) to provide a site plan (consistent with the conceptual new streets map required by Title 1, Sec 3.08.110D) that:</p> <ul style="list-style-type: none"> <li>• Provides full street connections with spacing of no more than 530 feet between connections except where prevented by barriers</li> <li>• Provides a crossing every 800 to 1,200 feet if streets must cross water features protected pursuant to Title 3 UGMFP (unless habitat quality or the length of the crossing prevents a full street connection)</li> <li>• Provides bike and pedestrian accessways in lieu of streets with spacing of no more than 330 feet except where prevented by barriers</li> <li>• Limits use of cul-de-sacs and other closed-end street systems to situations where barriers prevent full street connections</li> <li>• Includes no closed-end street longer than 220 feet or having no more than 25 dwelling units</li> </ul> <p><b>(Title 1, Street System Design Sec 3.08.110E)</b></p>	<p>Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows:</p> <ul style="list-style-type: none"> <li>• In general, multimodal circulation within a site or land division is supported by OCMC 16.08.025.B (Traffic/Transportation Plan).</li> <li>• Street connections with spacing of no more than 530 feet between intersections is proposed in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP. Accessways, pursuant to OCMC 12.04, are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips. (See TSP Volume 2, Section K).</li> <li>• Cul-de-sacs and closed-end streets: OCMC 12.04.225 (Street design—Cul-de-sacs and dead-end streets) currently limits the use of cul-de-sacs and dead-end streets in Oregon City. When they are proposed, they are required to be less than 200 feet long and limit housing on the street segment to 25 dwelling units for new cul-de-sacs in order to fully comply with this RTFP requirement (see TSP Volume 2, Section K). OCMC 12.04.225 (Pedestrian and bicycle accessways) requires pedestrian and</li> </ul>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
<p>Establish city/county standards for local street connectivity, consistent with Title 1, Sec 3.08.110E, that applies to new residential or mixed-use development (of less than five acres) that proposes or is required to construct or extend street(s).</p> <p><b>(Title 1, Street System Design Sec 3.08.110F)</b></p>	<p>bicycle accessways from cul-de-sacs.</p> <p>Existing code language meets this requirement. Preliminary plat standards for subdivisions in OCMC 16.08.025.B require a transportation plan which shows a circulation system that is connected to the surrounding transportation system and demonstrates compliance with other code transportation standards. This includes compliance with block length standards in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP, as well as required connections with future adjacent development (OCMC 12.04.196, and 17.62.050.A.2.f).</p>
<p>To the extent feasible, restrict driveway and street access in the vicinity of interchange ramp terminals, consistent with Oregon Highway Plan Access Management Standards, and accommodate local circulation on the local system. Public street connections, consistent with regional street design and spacing standards, shall be encouraged and shall supersede this access restriction. Multimodal street design features including pedestrian crossings and on-street parking shall be allowed where appropriate.</p> <p><b>(Title 1, Street System Design Sec 3.08.110G)</b></p>	<p>Existing code, proposed code amendments and the updated TSP meet this RTFP requirement in the following ways.</p> <p>OCMC 12.04.005.A (Jurisdiction and management of the public rights-of-way) acknowledges that ODOT and Clackamas County also have rights-of-way in the city and, for facilities not under City jurisdiction, defers to the applicable jurisdiction and their permitting standards.</p> <p>Proposed street spacing standards (TSP Volume 1, OCMC 12.04.195) allow for more connectivity than the requirements in RTFP Section 3.08.110G and C. Street connections with spacing of no more than 530 feet between intersections is proposed in OCMC 12.04.195 (Spacing Standards), the Functional Classification map in Figure 6 of Volume I of the TSP to provide connectivity and nonlocal streets shall be constructed as identified in the Functional Classification Map in the TSP (OCMC 12.04.180).</p>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	<p>Pedestrian crossings are addressed in proposed projects in the TSP Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2). Amendments to support crossings in the vicinity of transit stops are proposed for OCMC 17.62.050(A)(16) (see TSP Volume 2, Section K).</p>
<p>Include Site design standards for new retail, office, multi-family and institutional buildings located near or at major transit stops shown in Figure 2.15 in the RTP:</p> <ul style="list-style-type: none"> <li>● Provide reasonably direct pedestrian connections between transit stops and building entrances and between building entrances and streets adjoining transit stops;</li> <li>● Provide safe, direct and logical pedestrian crossings at all transit stops where practicable</li> </ul> <p>At major transit stops, require the following:</p> <ul style="list-style-type: none"> <li>● Locate buildings within 20 feet of the transit stop, a transit street or an intersection street, or a pedestrian plaza at the stop or a street intersections;</li> <li>● Transit passenger landing pads accessible to disabled persons to transit agency standards;</li> <li>● An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by the public transit provider;</li> <li>● Lighting to transit agency standards at the major transit stop;</li> <li>● Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.</li> </ul> <p><b>(Title 1, Transit System Design Sec 3.08.120B(2))</b></p>	<p>Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements in the following ways:</p> <p>Subsection A.9 of OCMC 17.62.050, Site Plan and Design Review, establishes extensive criteria for pedestrian circulation on-site. OCMC 17.62.080 specifically addresses development along transit streets, including requirements for maximum setbacks and for all buildings to face the street and to have a direct pedestrian connection with the transit street.</p> <p>OCMC 12.04.260 (Street design—Transit) requires the applicant to coordinate with TriMet when the applicant’s site potentially impacts transit streets as identified in the City TSP. Amendments to support crossings in the vicinity of transit stops are proposed for OCMC 17.62.050(A)(16) (see TSP Volume 2, Section K).</p> <p>Standards in both OCMC Chapter 12.04 (Streets, Sidewalks and Public Places) and Chapter 17.62 (Site Plan and Design Review) address street and site plan design to accommodate transit amenities and facilities. OCMC 12.04.260 (Street design—Transit), 17.62.080 (Special development standards along transit streets), and 17.62.050.A.15 of Site Plan and Design Review allow decision makers to require transit-supportive elements such as direct pedestrian and bicycle connections to transit streets and stops, as well as easements, stops, shelters, pullouts, and pads, when the site is</p>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
	adjacent to a designated transit street.
<p>As an alternative to implementing site design standards at major transit stops (section 3.08.120B(2), a city or county may establish pedestrian districts with the following elements:</p> <ul style="list-style-type: none"> <li>• A connected street and pedestrian network for the district;</li> <li>• An inventory of existing facilities, gaps and deficiencies in the network of pedestrian routes;</li> <li>• Interconnection of pedestrian, transit and bicycle systems;</li> <li>• Parking management strategies;</li> <li>• Access management strategies;</li> <li>• Sidewalk and accessway location and width;</li> <li>• Landscaped or paved pedestrian buffer strip location and width;</li> <li>• Street tree location and spacing;</li> <li>• Pedestrian street crossing and intersection design;</li> <li>• Street lighting and furniture for pedestrians;</li> <li>• A mix of types and densities of land uses that will support a high level of pedestrian activity.</li> </ul> <p><b>(Title 1, Pedestrian System Design Sec 3.08.130B)</b></p>	<p>The “alternative approach” of establishing pedestrian districts, as allowed for in this RTFP requirement, is not necessary. The City’s existing and proposed development requirements are transit supportive and consistent with RTFP requirements as demonstrated in the findings above.</p>
<p>Require new development to provide on-site streets and accessways that offer reasonably direct routes for pedestrian travel.</p> <p><b>(Title 1, Pedestrian System Design Sec 3.08.130C)</b></p>	<p>OCMC 17.62.050.A.9 for Site Plan and Design Review establishes extensive criteria for on-site pedestrian circulation. Pedestrian circulation is also addressed by OCMC Chapter 12.04.199(Pedestrian and Bicycle Accessways).</p>

Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
<p>Establish parking ratios, consistent with the following:</p> <ul style="list-style-type: none"> <li>• No minimum ratios higher than those shown on Table 3.08-3.</li> <li>• No maximum ratios higher than those shown on Table 3.08-3 and illustrated in the Parking Maximum Map. If 20-minute peak hour transit service has become available to an area within a one-quarter mile walking distance from bus transit one-half mile walking distance from a high capacity transit station, that area shall be removed from Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within one-third mile walk) from adjacent residential areas.</li> <li>• Establish a process for variances from minimum and maximum parking ratios that include criteria for a variance.</li> <li>• Require that free surface parking be consistent with the regional parking maximums for Zones A and B in Table 3.08-3. Following an adopted exemption process and criteria, cities and counties may exempt parking structures; fleet parking; vehicle parking for sale, lease, or rent; employee car pool parking; dedicated valet parking; user-paid parking; market rate parking; and other high-efficiency parking management alternatives from maximum parking standards. Reductions associated with redevelopment may be done in phases. Where mixed-use development is proposed, cities and counties shall provide for blended parking rates. Cities and counties may count adjacent on-street parking spaces, nearby public parking and shared parking toward required parking minimum standards.</li> </ul> <p>Use categories or standards other than those in Table 3.08-3 upon demonstration that the effect will be substantially the same as the application of the ratios in the table.</p> <ul style="list-style-type: none"> <li>• Provide for the designation of residential parking districts in local comprehensive plans or implementing ordinances.</li> <li>• Require that parking lots more than three acres in size provide street-like features along major driveways, including curbs, sidewalks and street trees or planting</li> </ul>	<p>Existing code and proposed code amendments (TSP Volume 2, Section K) meet these RTFP requirements as follows:</p> <ul style="list-style-type: none"> <li>• Parking ratios and maximums: Current City parking ratios and maximums are presented in Table 17.52.020 of OCMC Chapter 17.52 (Off-Street Parking and Loading) and are consistent with those in RTFP Table 3.08-3,</li> <li>• Creation of a type II parking reduction for the Downtown Parking Overlay District: (50% reduction in the minimum number of spaces required). Reduction of spaces based on areas that can accommodate a denser development pattern based on existing land use, infrastructure and ability to access the site by means of walking, biking or transit</li> <li>• Variances and exemptions: Creation of a Planning Commission Parking Adjustment Process to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood.</li> <li>• Residential parking districts: The City has an existing parking permit program.</li> <li>• Parking lot landscaping and pedestrian circulation: OCMC 17.52.060 (Parking lot landscaping) includes requirements for pedestrian accessways, trees, and landscaping along the perimeter and in the interior of parking lots. Proposed amendments require that wide driveways align with existing or planned streets on adjacent sites (TSP Volume 2, Section K).</li> <li>• On-street loading: Proposed amendments to create OCMC 17.52.090, a new section in OCMC Chapter 17.52 (Off-Street Parking and Loading), address off-street and on-street loading and unloading (see TSP Volume 2, Section K).</li> <li>• Long-term bicycle parking: OCMC 17.52.040 (Bicycle parking</li> </ul>



Regional Transportation Functional Plan Requirement	Findings of Compliance – Municipal Code
<p>strips. Major driveways in new residential and mixed-use areas shall meet the connectivity standards for full street connections in section 3.08.110, and should line up with surrounding streets except where prevented by topography, rail lines, freeways, pre-existing development or leases, easements or covenants that existed prior to May 1, 1995, or the requirements of Titles 3 and 13 of the UGMFP.</p> <ul style="list-style-type: none"> <li>Require on-street freight loading and unloading areas at appropriate locations in centers.</li> </ul> <p>Establish short-term and long-term bicycle parking minimums for:</p> <ul style="list-style-type: none"> <li>New multi-family residential developments of four units or more;</li> <li>New retail, office and institutional developments;</li> <li>Transit centers, high capacity transit stations, inter-city bus and rail passenger terminals; and</li> <li>Bicycle facilities at transit stops and park-and-ride lots.</li> </ul> <p><b>(Title 4, Parking Management Sec 3.08.410)</b></p>	<p>standards) addresses the amount of bicycle parking, and parking location and design. The section addresses parking for the uses specified in the RTFP requirement, but it does not specifically address long-term bicycle parking. So it is proposed that OCMC 17.52.040 (Bicycle parking standards) be amended to include requirements for long-term bicycle parking in multi-family, retail, office, institutional, and transit facility development. (See proposed amendments in TSP Volume 2, Section K).</p>

**Table 2: Findings of Compliance of the Comprehensive Plan with the RTFP**

Regional Transportation Functional Plan Requirement	Findings of Compliance – Comprehensive Plan
<p>When proposing an amendment to the comprehensive plan or to a zoning designation, consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060.</p> <p>If a city or county adopts the actions set forth in 3.08.230E (parking ratios, designs for street, transit, bicycle, pedestrian, freight systems, TSMO projects and strategies, and land use actions) and section 3.07.630.B of Title 6 of the UGMFP, it shall be eligible for an automatic reduction of 30 percent below the vehicular trip generation rates recommended by the Institute of Transportation Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Main Street, Corridor or Station Community.</p> <p><b>(Title 5, Amendments of City and County Comprehensive and Transportation System Plans Sec 3.08.510A,B)</b></p>	<p>The strategies and actions in RTFP Sections 3.08.220A and 3.08.230E were integrated into the updated TSP.</p> <p>Instead of the 30% trip reduction offered in RTFP Section 3.08.510, the City is considering designation of a Multimodal Mixed-Use Area (MMA) in Downtown or as part of the Regional Center. The MMA designation, allowed by the Transportation Planning Rule (OAR 660-012-0060(10)), could help address areas that do not currently or are not projected to meet mobility standards. Designation of a MMA would occur as a separate Comprehensive Plan amendment process.</p> <p>In preparation for a potential MMA designation, the OCMC was preliminarily assessed for consistency with MMA requirements that are established in OAR 660-012-0060(10). It was found that existing code meets most of the MMA requirements except for parking provisions. To address this, proposed code amendments to reduce minimum parking requirements for the Downtown Parking Overlay District, which would likely be the core of a MMA along with the creation of a new Planing Commission Parking Adjustment process meets the intent of the MMA standards for minimum parking.(See proposed amendments to OCMC 17.52.20.</p>
<p>Adopt parking policies, management plans and regulations for Centers and Station Communities. Plans may be adopted in TSPs or other adopted policy documents and may focus on sub-areas of Centers. Plans shall include an inventory of parking supply and usage, an evaluation of bicycle parking needs with consideration of <i>TriMet Bicycle Parking Guidelines</i>. Policies shall be adopted in the TSP. Policies, plans and regulations must consider and may include the following range of strategies:</p> <ul style="list-style-type: none"> <li>• By-right exemptions from minimum parking requirements;</li> <li>• Parking districts;</li> </ul>	<p>Chapter 17.52 (Off-Street Parking and Loading) of the City code addresses shared parking, bicycle parking, and carpool/vanpool employee parking. The 2009 Downtown Oregon City Parking Study recommends several parking strategies that can be worked into a parking management plan and other implementation strategies.</p>

- Shared parking;
- Structured parking;
- Bicycle parking;
- Timed parking;
- Differentiation between employee parking and parking for customers, visitors and patients;
- Real-time parking information;
- Priced parking;
- Parking enforcement.

(Title 4, Parking Management Sec 3.08.410I)

**Table 3: Findings of Compliance with Oregon Administrative Rule OAR 660 Division 12 Transportation Planning Rule (TPR)**

OAR 660-012-0005 through 660-012-0055	Findings of Compliance
<b>660-012-0025(3)(a)</b> <i>Identify the transportation need for which decisions regarding function, general location or mode are being deferred;</i>	<p>It is anticipated that 3 intersections will not comply with the automotive mobility standards identified within the Oregon Highway Plan (OHP) through 2035 and it is infeasible or impractical to meet the mobility targets in Table 7 of the OHP. A preliminary analysis of the intersections has been completed and it has been determined that there are no feasible solutions to alter the intersections resulting in compliance with the mobility standards.</p> <ul style="list-style-type: none"> <li>• I-205/OR 213 Interchange- According to ODOT the redesigned interchange would include construction of additional lanes and bridges, costing \$100 million to \$200 million.</li> <li>• OR 99E/I-205 Interchange- The City and ODOT agreed that the redesigned interchange would include increasing the capacity of the freeway off-ramps with additional lanes or extending existing lanes, costing \$10 million to \$30 million or more. Speculation today suggests that the “or more” solutions could include additional travel lanes on I-205 between the Gladstone interchange and the West Linn/Lake</li> </ul>

	<p>Oswego interchange.</p> <ul style="list-style-type: none"> <li>• Beavercreek Road/OR 213 - The 2001 TSP identified a grade-separated interchange costing \$20 million. Adjusting for inflation, that same project today would be \$26 million.</li> </ul> <p>Even in combination, ODOT, Clackamas County, and Oregon City do not have projected funding to implement the \$136 million needed to reconstruct the three facilities to comply with the mobility standards. Due to the large cost associated with the improvements, the projects do not appear on the Oregon Highway Plan, the Regional Transportation System Plan or the proposed TSP project list because there is no reasonable likelihood that the projects will be funded. ODOT has made it clear to staff that they would oppose constructing the improvements associated with the intersections and would not contribute any funds for this purpose. ODOT's current revenue projections will be sufficient to cover only the highest priority projects within the region. There is no state or regional funding identified for the three Oregon City locations. Further, neither the OHP, nor the RTP identify any solutions to enhance the function of these three areas.</p> <p>Because funding is not likely to be available to implement these very expensive projects, ODOT recommends that the City undertake additional studies to develop other ways of meeting the City's transportation needs that do not involve major construction projects at these three locations. In addition, these studies may support adoption of alternate mobility standards that allow for a greater level of congestion than is currently allowed by ODOT or is proposed in the TSP. The transportation studies would likely look more broadly at the intersections to identify less costly improvements that provide some increased capacity as well as opportunities to invest in the local network to provide alternative routes and improvements for non-automobile travel in an effort to reduce peak hour trips at the aforementioned intersections. The scope of these additional studies has not been determined and may result in the identification of additional projects that could be added to those already included TSP. As most other jurisdictions in the region are also discovering that insufficient funds will be available to meet mobility standards, additional studies and the adoption of alternate mobility standards that allow for greater levels of congestion will likely be pursued by many jurisdictions. Undertaking such studies and adopting alternate mobility standards, an action that will</p>
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	<p>also need to be taken by the Oregon Transportation Commission if it involves state highways, is likely to take 12-24 months to complete.</p> <p>As specified in the Oregon City Municipal Code, most developers are required to conduct a traffic study identifying the traffic impacts of development on proximate intersections throughout the City that are most likely to be more significantly impacted. The Municipal Code requires that if development puts more than 20 new automobile trips through an intersection during the AM or PM peak hour, an analysis is required to demonstrate compliance with mobility standards.</p> <p>As explained above, some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City is proposing to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the three aforementioned locations and all state facilities within or adjacent to the regional center. This temporary exemption would be in effect while the City undertakes more detailed analysis and pursues adoption of an alternate mobility standard over the next 12-24 months.</p> <p>Providing a temporary exemption for permitted and conditional uses with regard to their impact on state highway facilities would align City code requirements with ODOT requirements and other local governments which do not require compliance for any ODOT facility. In addition, the exemption satisfies the City's obligation to implement the state and regional transportation plans as required by state law.</p> <p>Improvements identified in the TSP would be constructed but would not necessarily result in satisfaction of the mobility standards at the locations discussed above. If there are no improvements identified in the TSP associated with an intersection, no improvements would be made at that intersection. Since the aforementioned expensive improvements are not included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are not included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any improvements at these locations.</p>
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<p><b>660-012-0025(3)(b)</b> <i>Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;</i></p>	<p>Alternative targets were not developed during the TSP update because the amended Policy 1F was not in effect when the TGM grant contract was scoped. Now that the creation of alternate mobility standards is feasible, Oregon City will create an alternate mobility standard for the three intersections identified and receive approval from all necessary bodies. Additional time is needed to allow the creation and adoption of alternate mobility standards as identified by appropriate agencies. The City believes it is possible to have alternate mobility standards and all necessary designations in place within one to two years from adoption of the TSP update.</p>
<p><b>660-012-0025(3)(c)</b> <i>Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;</i></p>	<p>The recommended policies and projects in the remainder of the TSP will not preclude future decisions about how to address each of the three deficient locations. Capital improvements projects and design standards have been identified for the City's street system, which will allow for development to progress. Interim improvements identified in the TSP are required to partially address the identified problems, but will mainly address safety issues with extensive vehicle queues during peak hours and not limit future design or operational options at the interchange.</p>
<p><b>660-012-0025(3)(d)</b> <i>Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and</i></p>	<p>The alternate mobility standards are likely to include a combination of adopting alternative mobility targets and an agreed upon set of improvements and/or programs (for safety, connectivity, other modes, TSMO, and TDM). The solutions will likely not result in meeting the mobility target, but will provide reasonable trade-offs between multiple local and state policy objectives including safety, cost/financial feasibility, local land use objectives, and environmental impacts.</p>
<p><b>660-012-0025(3)(e)</b> <i>Set a deadline for adoption of a refinement plan prior to initiation of the periodic review following adoption of the TSP.</i></p>	<p>The City will peruse further study of the intersections and adoption of the alternate mobility standards over the year or two following adoption of the Transportation System Plan.</p>



OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(1) Each local government shall amend its land use regulations to implement the TSP.	
(b) To the extent, if any, that a transportation facility, service, or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment.	It is proposed that the OCMC be amended to specify transportation facilities and improvements applicable to permitted uses in its City zoning districts (TSP Volume 2, Section K).
(c) Where a transportation facility, service or improvement is determined to have a significant impact on land use or requires interpretation or the exercise of factual, policy or legal judgment regarding the application of a comprehensive plan or land use regulation, the local government shall provide a review and approval process that is consistent with 660-012-0050 (Transportation Project Development). Local governments shall amend regulations to provide for consolidated review of land use decisions required to permit a transportation project.	Notice provisions in OCMC 17.50.090 (Public notices) already require agencies like TriMet and ODOT to be contacted in cases of legislative applications (Subsection C). The proposed code amendments contain clear and objective criteria for review through a Type I process. IN the casse of adjustments, a Type II process, which includes notice and an opportunity for comment, will be provided.
(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities for their identified functions.	
(a) Access control measures.	Block lengths and spacing standards are addressed by the new street design criteria in the TSP (TSP Volume 1).  Text and tables in OCMC 12.04.180 (Street design—OCMC 12.04.195 (Spacing Standards) will provide street design and spacing standards tables from the updated TSP (TSP Volume 2, Section K).
(b) Standards to protect the future operations of roadways and transit corridors	Traffic impact studies are required for subdivisions pursuant to OCMC 16.08.025(B), and are enabled for Site Plan and Design Review in OCMC 17.62.040(I).  Mobility standards for roadways in the city are established in the OHP for state roadways, in the RTP and RTFP for regional roadways, and in the City TSP for local roadways (TSP Volume 1,

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	<p>Section 4, Standards). City mobility standards are proposed to be changed to be more accommodating of peak hour congestion and to not over-design streets so that they are wide and difficult to bike along or to cross.</p> <p>The TSP update is designed to meet performance standards for existing and future development within the UGB, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the regional center, as discussed in greater detail above. With no reasonable solution resulting in compliance with mobility standards for these locations, the City has will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.</p> <p>Zone change amendment criteria (OCMC 17.68.020) require that sufficient public facilities be provided and that Statewide Planning Goals, such as transportation, be complied with.</p>

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(d) Coordinated review of future land use decisions affecting transportation facilities, corridors or sites	See response and proposed amendments related to -0045(1)(c).
(e) Process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities	Pursuant to OCMC 17.50.130(A), “(a)ll city decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.”
(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of: land use applications that require public hearings, subdivision and partition applications, applications which affect private access to roads, applications within airport noise corridor and imaginary surfaces which affect airport operations.	See response and proposed amendments related to -0045(1)(c).
g) Regulations assuring amendments to land use designations, densities, design standards are consistent with the function, capacities, and levels of service of facilities designated in the TSP.	OCMC 17.68.020(C) requires, for proposed zoning designation amendments, that “(t)he land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.”
(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth in 660-012-0040(3)(a-d):	
(a) Provide bicycle parking in multifamily developments of 4 units or more, new retail, office and institutional developments, transit transfer stations and park-and-ride lots	<p><b><i>Addressed by RTFP, Title 4: Regional Parking Management, 3.08.410.I.</i></b></p> <p>Bicycle parking requirements are established for all uses in Oregon City Municipal Code (OCMC) Section 17.52.040 (Bicycle Parking Standards).</p>
(b) Provide “safe and convenient” (per subsection 660-012-0045.3(d)) pedestrian and bicycle connections from new subdivisions/multifamily development to neighborhood activity centers; bikeways are required along arterials and major collectors; sidewalks are required along arterials, collectors, and most local streets in urban areas except controlled access roadways	<p><b><i>Addressed by RTFP, Title 1: Pedestrian System Design, 3.08.130, and Title 1: Bicycle System Design, 3.08.140</i></b></p> <p>Section -050 (Standards) of Chapter 17.62 (Site Plan and Design Review) sets requirements for street connectivity and a “well-marked, continuous and protected on-site pedestrian circulation</p>

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	<p>system.”</p> <p>Section 025.B of Chapter 16.08 (Subdivisions – Process and Standards) requires a detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, and circulation patterns and connectivity to existing rights-of-way or adjacent tracts.</p> <p>Section 12.04.199 (Pedestrian and bicycle accessways) requires pedestrian and bicycle access to activity centers, where this access is not provided via street right-of-way.</p> <p>Roadway cross-sections are provided in OCMC 12.04.180.</p>
(c) Off-site road improvements required as a condition of development approval must accommodate bicycle and pedestrian travel, including facilities on arterials and major collectors	Where off-site improvements are required, the existing roadway cross-sections will govern and currently they require pedestrian and bicycle facilities.
(e) Provide internal pedestrian circulation within new office parks and commercial developments	<p><b>Addressed by RTFP, Title 1: Street System Design, 3.08.110E</b></p> <p>Site Plan and Design Review is required for all new non-residential development, as well as conditional uses, cottage housing development, and multi-family uses in all zones Section - 050 (Standards) of Chapter 17.62 (Site Plan and Design Review) requires a “well-marked, continuous and protected on-site pedestrian circulation system” for all proposed development.</p>
(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)-(g) below:	
(a) Transit routes and transit facilities shall be designed to support transit use through provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking	<b>Addressed by RTFP, Title 1: Transit System Design, 3.08.120</b>

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
restrictions and similar facilities, as appropriate;	Section 12.04.260 (Street design – Transit) requires that streets be designed and constructed in a way that supports pedestrian and bicycle circulation and that applicants coordinate with TriMet when development impacts transit streets identified in Figure 5.7 (Public Transit System Plan) of the TSP. The section allows decision makers to require transit and transit-related facilities where they have been identified and planned.
(b) New retail, office and institutional buildings at or near major transit stops shall provide for convenient pedestrian access to transit through the measures listed in (A) and (B) below.  (A) Walkways shall be provided connecting building entrances and streets adjoining the site;  (B) Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable as provided for in OAR 660-012-0045(3)(b)(E). Pedestrian connections shall connect the on site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, accessways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property;	<b>Addressed by RTFP, Title 1: Transit System Design, 3.08.120</b>  Section 12.04.260 (Street design – Transit) requires pedestrian and bicycle accessways be provided to minimize travel distance and support access to transit streets, transit stops, and neighborhood activity centers
(C) In addition to (A) and (B) above, on sites at major transit stops provide the following:  (i) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;  (ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;  (iii) A transit passenger landing pad accessible to disabled persons;  (iv) An easement or dedication for a passenger shelter if requested by the transit provider; and	<b>Addressed by RTFP Title 1: Pedestrian System Design, 3.08.130B</b>  OCMC 12.04.260 (Street design – Transit) requires the applicant to consult with TriMet when the application impacts transit streets.

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
(v) Lighting at the transit stop.	
(d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;	Subsection E of Section 17.52.030 (Standards for automobile parking) establishes requirements for carpool and vanpool parking that comply with this provision.
(e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;	Subsection B of Section 17.52.020 (Number of automobile spaces required) allows for reductions in the required amount of parking in the case of transit-oriented and multi-family housing development. outside of the Downtown Commercial Parking Overlay Districts. Reduction to minimum parking standards has been increased up to 50% from 10%. Revised definition of Transit Oriented Development creates a simplified Type II process for reduction.
(f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;	<p><b><i>Addressed by RTFP Title 1: Street System Design, 3.08.110E, and Title 1: Transit System Design, 3.08.120, and Title 1: Pedestrian System Design, 3.08.130</i></b></p> <p>Section 12.04.260 (Street design – Transit) requires pedestrian and bicycle accessways be provided (in accordance with OCMC Section 12.04.199) to minimize travel distance and support access to transit streets, transit stops, and neighborhood activity centers.</p>
(g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.	<p>Zoning along transit lines in Oregon City is generally consistent with this TPR provision.</p> <p>Line 32 – In downtown Oregon City, this line is adjacent mostly to MUD (Mixed Use Downtown), MUE (Mixed Use Employment), R3.5 (Single Family Residential, minimum 3,500 sf lot), and R6 (Single Family Residential, minimum 6,000 sf lot) zoning. As the line travels south of downtown on Molalla, the zoning is mainly</p>



OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	<p>MUC (Mixed Use Corridor). In reaching its destination of the Clackamas Community College campus, it is surrounded by a mixture of MUC, C (General Commercial), R2 (Single Family Residential, minimum 2,000 sf lot), GI (General Industrial), and I (Institutional) zoning. So the zoning along this line is generally consistent with this TPR provision. It is only the GI zoning that appears inconsistent; however, the route passes this zoning as part of reaching the college campus, so the City Commission finds that this inconsistency is acceptable.</p> <p>Line 33 – In downtown Oregon City, this line is adjacent to primarily MUC, MUD, R3.5, and I zoning. As the route moves south of downtown on Linn, it is surrounded mainly by R2, R6, R8 (Single Family Residential, minimum 8,000 sf lot), and R10 (Single Family Residential, minimum 10,000 sf lot) zoning. Residential areas with minimum lot sizes of 8,000 square feet and 10,000 square feet may be less adequate to support transit. However, this part of the route is located between downtown to the north and MUC, MUE, C, R2, R3.5, and I zoning to the south along Warner Milne, Beavercreek, and Molalla to the Clackamas Community College campus, so again, the City Commission finds this is acceptable to comply with the requirement.</p> <p>Line 34 – This line travels through downtown Oregon City, surrounded primarily by MUD zoning, before heading east/northeast on Abernethy and Holcomb to serve primarily residential areas in this part of the city. The zoning is mainly R3.5, R6, R8, and R10. Again, R8 and R10 may not be entirely appropriate for transit routing but the route terminates and loops in a large area of R3.5 zoning, whose higher density helps justify the routing of this line. In addition, this route is one that</p>

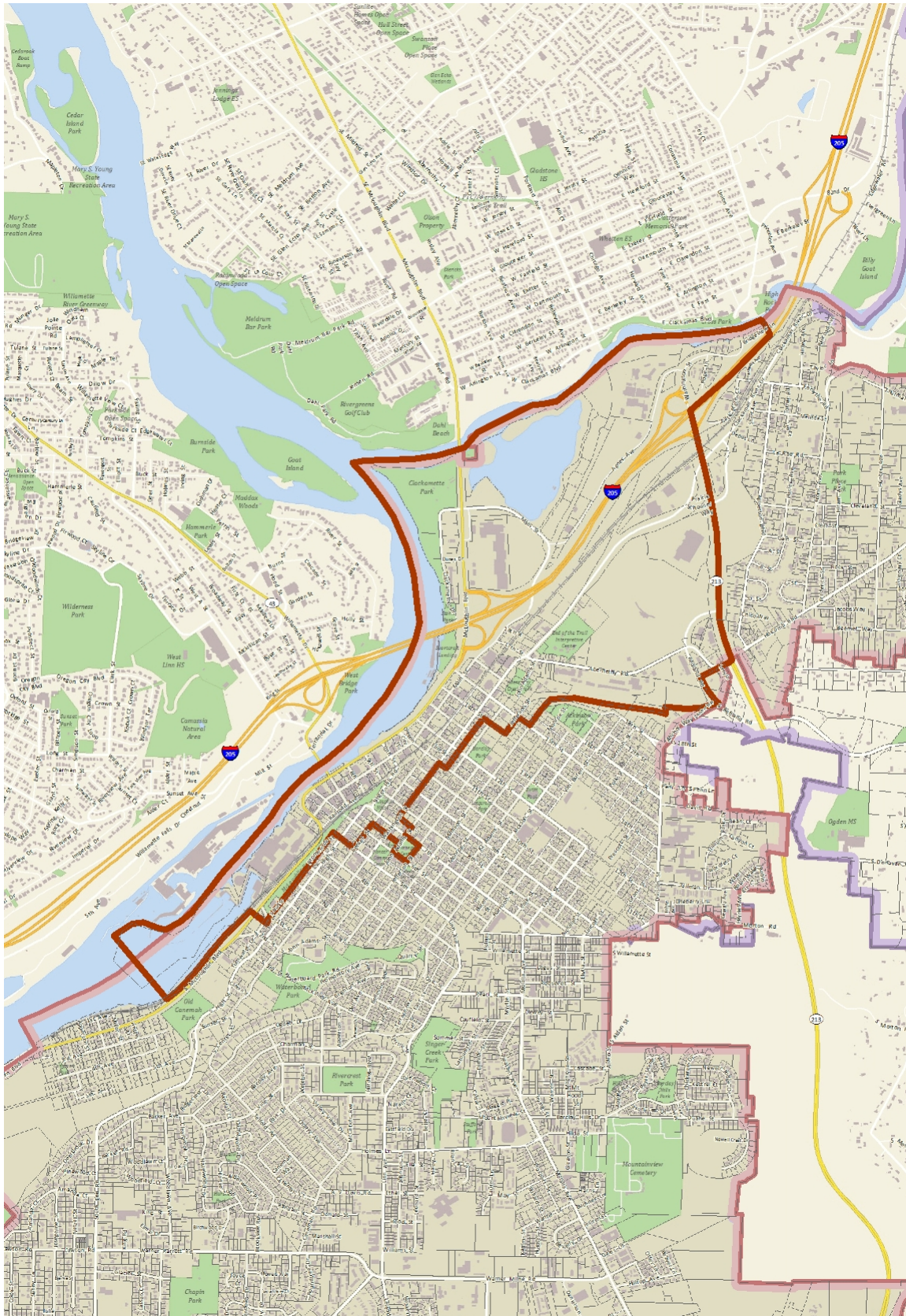
OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
	<p>operates during peak hours only for commuters, further allowing in particular for the range of residential zoning found along it.</p> <p>Line 99 – This line takes its own route on 7<sup>th</sup> through downtown Oregon City, where it is adjacent to MUC zoning. For the remainder of its route in the city, it coincides with Lines 32 and 33; see the comments pertaining to those routes.</p> <p>Lines 35, 79, and 154 – These three routes enter the city as far as downtown and are adjacent to MUD zoning, which is appropriate for transit routing and service.</p>
(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:	
(a) Allow transit-oriented developments (TODs) on lands along transit routes;	<p>See OAR 660-012-0045(4)(g) above.</p> <p>While not allowed on all land along transit routes in Oregon City, there is a significant amount of mixed use zoning along the routes that will allow this type of development.</p>
(b) Implements a demand management program to meet the measurable standards set in the TSP;	<p>Subsection B of Section 17.52.030 (Number of automobile spaces required) allows for reductions in the required amount of parking in the case of TDM programs.</p> <p>TDM program elements are included in the Financially Constrained and Planned Transportation Systems (TSP Volume 1, Table 5 and TSP Volume 2, Section I, Table 2). The projected performance of these systems is provided in Section 8 (Outcomes) of the TSP.</p>
(c) Implements a parking plan which:	<p>Off-street parking requirements for non-residential uses have been reduced from 1990 levels because Oregon City adopted RTP</p>

OAR 660-012-0045 Implementation of the TSP	Findings of Compliance
<p>(A) Achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;</p> <p>(B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4) [reducing reliance on the automobile];</p> <p>(C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and</p> <p>(D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.</p> <p><b><u>OR</u></b></p> <p>(d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:</p> <p>(A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;</p> <p>(B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;</p> <p>(C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;</p> <p>(D) Exempt structured parking and on-street parking from parking maximums;</p> <p>(E) Require that parking lots over 3 acres in size provide street-like features along major</p>	<p>parking ratios as part of its last TSP update.</p> <p>Off-street parking is allowed according to roadway cross-sections and Subsection 17.52.020(B)(3) and (5) make provisions for shared parking and off-street parking.</p> <p>Section and Table 17.52.020 (Number of automobile spaces required) establish both minimum and maximum parking space requirements.</p> <p>No exemptions are made for structured parking. Structured parking is a conditional use subject to other review and requirements.</p> <p>Section 17.52.060 (Parking lot landscaping) sets standards for walkways/sidewalks and landscaping the perimeters and interiors of parking areas.</p> <p>Residential parking districts can be established through an existing permit parking program.</p>

OAR 660-012-0045 Implementation of the TSP		Findings of Compliance
driveways (including curbs, sidewalks, and street trees or planting strips); and		
(F) Provide for designation of residential parking districts.		
(e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.		Section 12.04.260 (Street design – Transit) requires that applicants coordinate with TriMet when development impacts transit streets identified in Figure 5.7 (Public Transit System Plan) of the TSP.
OAR 660-012-0060 Plan and Land Use Regulation Amendments		Findings
Amendments to functional plans, acknowledged comprehensive plans, and land use regulations that significantly affect an existing or planned transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility.		OCMC 17.68.020(C) requires, for proposed amendments, that “(t)he land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.”



# Oregon City Regional Center

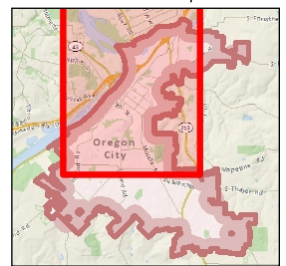


## Legend

- Taxlots
- Regional Center (1998)
- City Limits
- UGB

## Notes

## Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 2,431 Feet  
1: 29,166

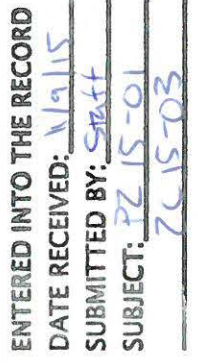
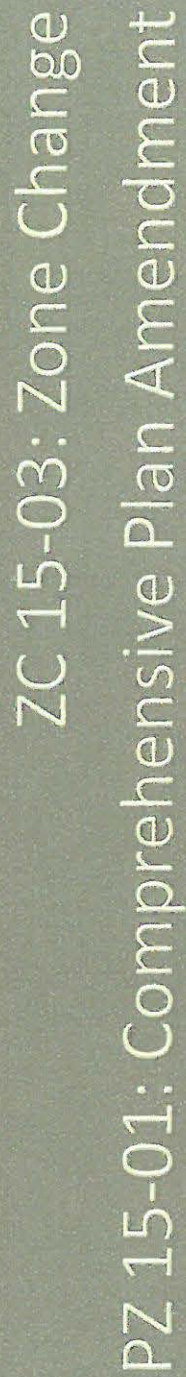
City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.orcity.org](http://www.orcity.org)





Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789  
www.orcity.org







# Subject Site





# Zone Change

Residential to Mixed Use

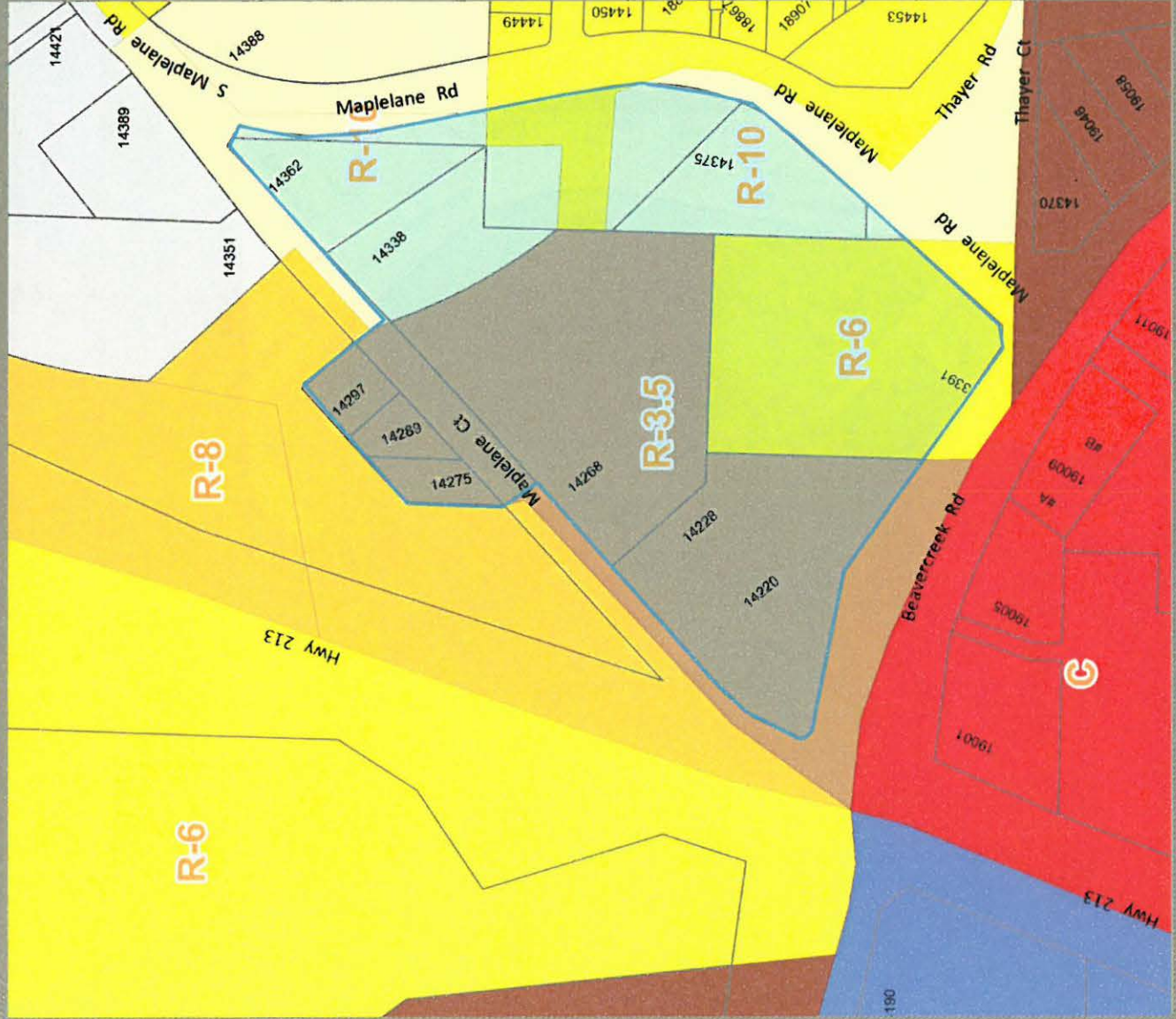
R-10

R-6

R-3.5



MUC-2

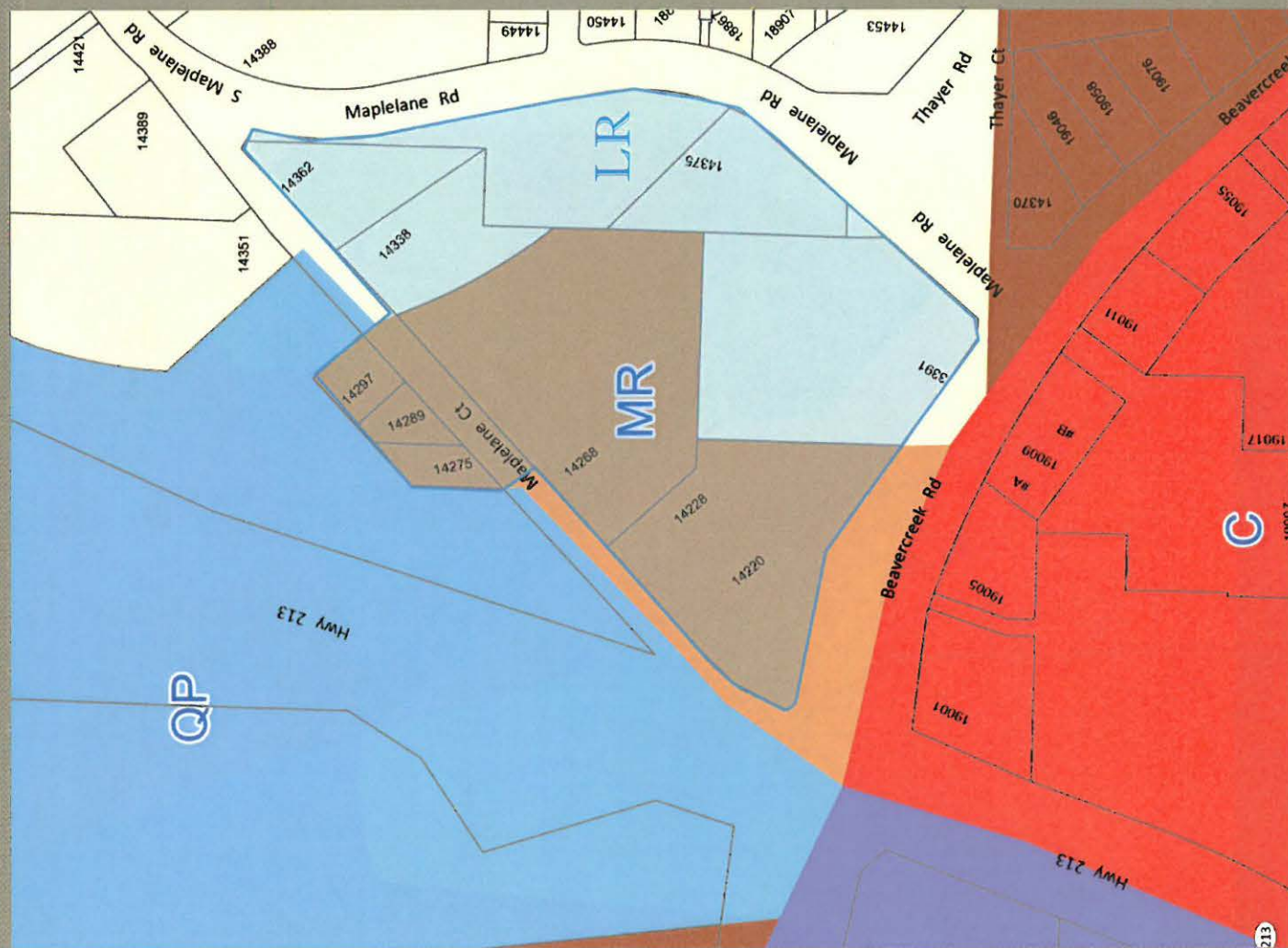






# Comprehensive Plan Amendment

Residential to Mixed Use





# Proposed Limitations: Use

## Permitted Uses

- A. Banquet, conference facilities and meeting rooms
- B. Bed and breakfast and other lodging facilities for up to ten guests per night
- C. Child care centers and/or nursery schools
- D. Indoor entertainment centers and arcades
- E. Health and fitness clubs
- F. Medical and dental clinics, outpatient; infirmary services
- ~~G. Museums, libraries and cultural facilities~~
- H. Offices, including finance, insurance, real estate and government
- I. Outdoor markets on the weekends and after six p.m. during the weekday
- ~~J. Postal services~~
- K. Parks, playgrounds, play fields and community or neighborhood centers
- ~~L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment~~
- N. Residential units, multi-family
- ~~O. Restaurants, eating and drinking establishments without a drive through~~
- P. Services
- ~~Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet~~
- R. Seasonal sales, subject to OCMC Chapter 17.54.060
- S. Assisted living facilities; nursing homes and group homes for over 15 patients
- T. Studios and galleries
- U. Utilities
- V. Veterinary clinics or pet hospitals, pet day care
- W. Home occupations
- X. Research and development activities
- Y. Temporary real estate offices in model dwellings
- Z. Residential care facility
- AA. Transportation facilities

## Conditional Uses

- ~~A. Ancillary drive in or drive through facilities~~
- B. Emergency service facilities, excluding correctional facilities
- ~~C. Gas Stations~~
- D. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- E. Public utilities and services including sub-stations
- F. Public and/or private educational or training facilities
- G. Religious institutions
- H. Retail trade with a footprint for a stand alone building with a single store in excess of 60,000 sq. ft.
- I. Hotels and motels, commercial lodging
- J. Hospitals
- K. Parking structures and lots not in conjunction with a primary use
- L. Passenger terminals





# Proposed Limitations: Traffic

## Trip Cap

Future development of the site is not allowed more vehicular trips than is allowed under the current zoning designations.

Traffic allowed  
in the current  
zoning  
designations.

=

Traffic allowed in  
the proposed  
zoning  
designation.

=

No increase in  
traffic from the  
Zone Change or  
Amendment to  
the  
Comprehensive  
Plan.

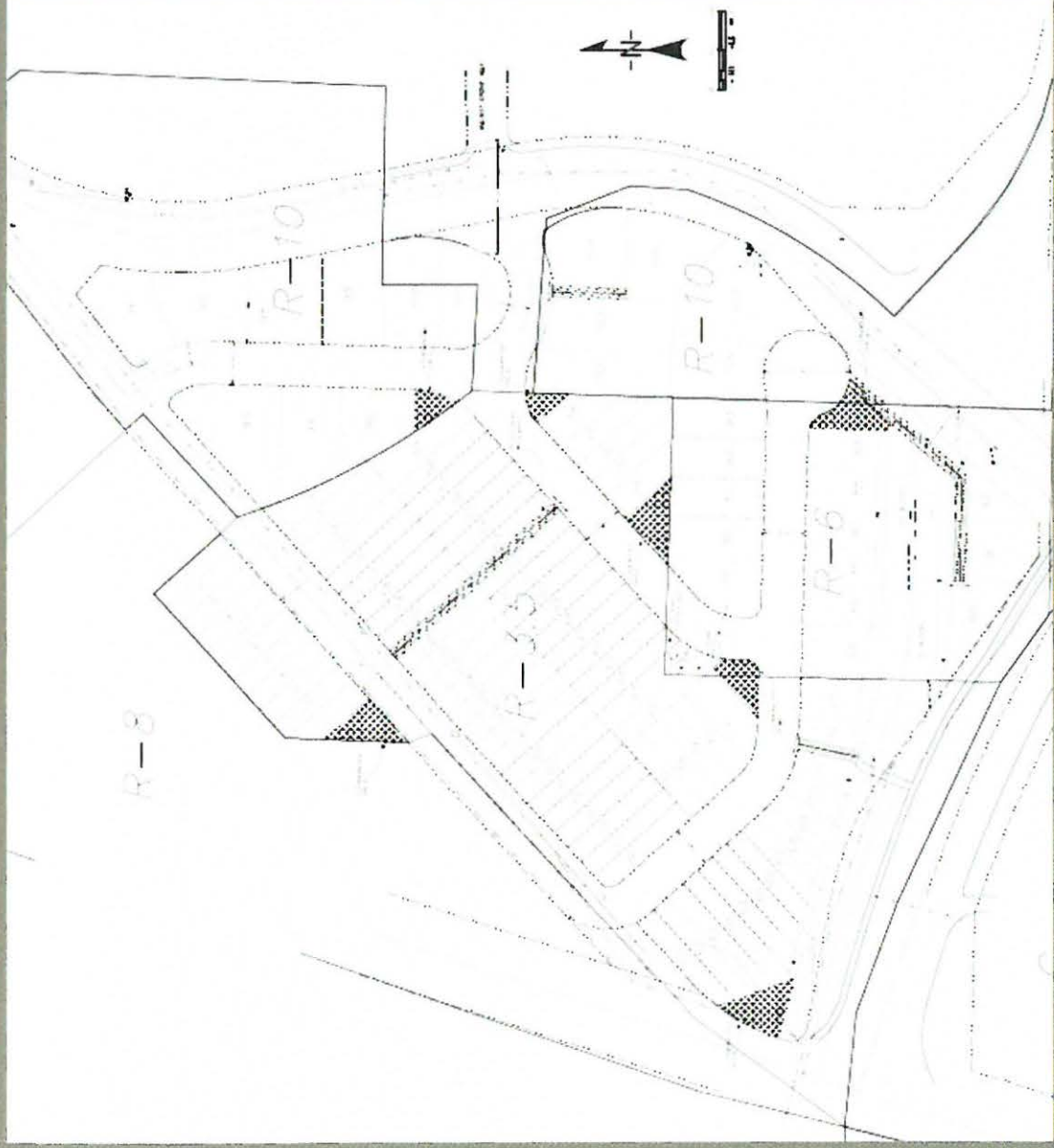




# Example Subdivision Layout

107 Single-Family Homes  
with 107 ADU's

Maximum of:  
128 AM peak hour trips  
168 PM peak hour trips





# Oregon City Municipal Code Criteria

## Zone Change

- 17.08 – “R-10” Single Family Dwelling District
- 17.12 – “R-6” Single Family Dwelling District
- 17.16 - “R-3.5” Dwelling District
- 17.29 - “MUC” Mixed Use Corridor District
- 17.50 - Administration and Procedures
- 17.68 – Zoning Changes and Amendments

## Analyzed Feasibility of Land Division Layout for Trip Cap Purposes

- 12.04 – Streets, Sidewalks and Public Spaces
- 13.12 – Stormwater Conveyance, Quantity and Quality
- 16.08 – Subdivision processes and Standards
- 16.12 – Minimum Improvements and design standards for Land Divisions
- 17.44 – Geologic Hazards Overlay District
- 17.49 – Natural Resource Overlay District





# Excerpt Zone Change Criteria

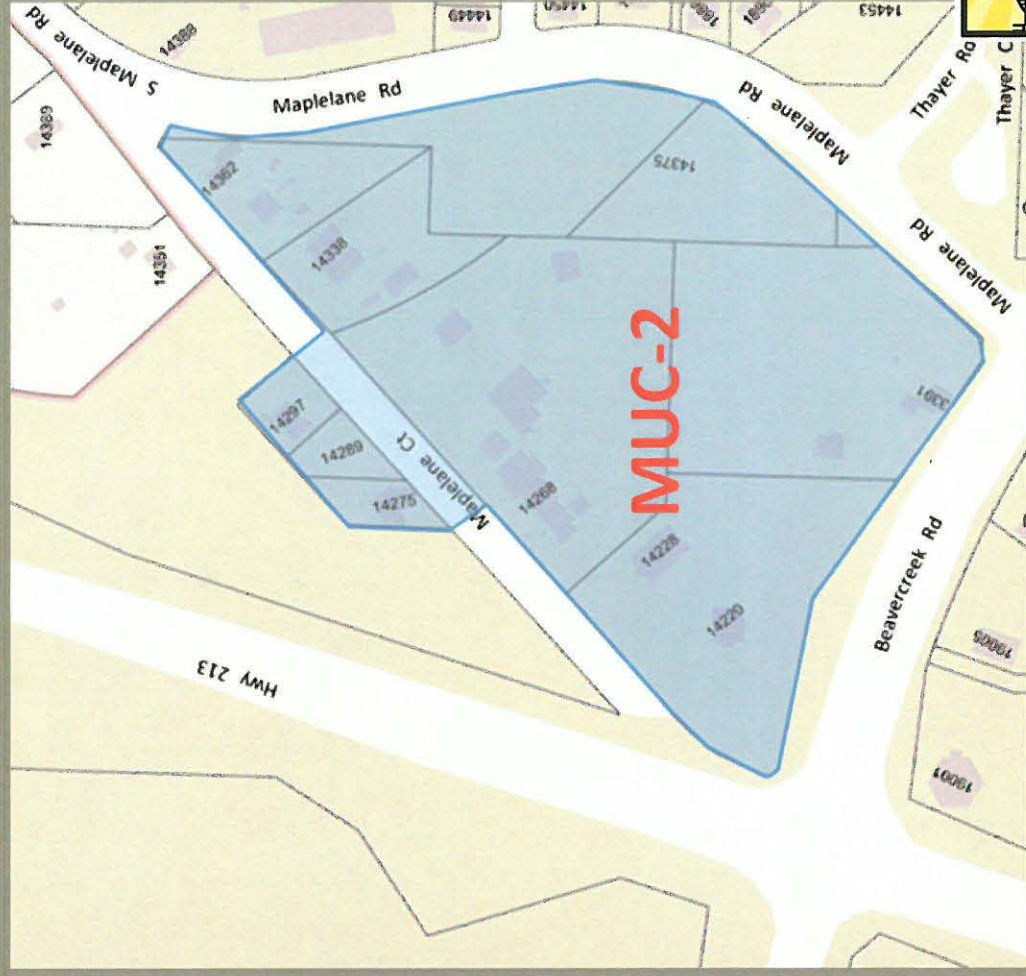
- Compliance with the Comprehensive Plan
- Goals and Policies:
  - Citizen participation
  - Efficient use of land
  - Development near transit corridors
  - Adequate public facilities

Zoning Designation	Acres	Percent of the City
R-10	1,567	25%
R-8	1,092	18%
R-6	890	14%
R-3.5	424	7%
R-2	262	4%
C	161	3%
CI	165	3%
GI	220	4%
HC	9	0%
I	475	8%
MUC-1	168	3%
MUC-2	45	1%
MUD	510	8%
MUE	157	3%
WFDD	30	0%





## Recommend: Approval with Conditions



## ZC 15-03: Zone Change

## PZ 15-01: Comprehensive Plan Amendment

ZC 15-03: Zone Change  
PZ 15-01: Amendment to the Comprehensive Plan

Items submitted to the Planning Division after October 30, 2015

ENTERED INTO THE RECORD  
DATE RECEIVED: 11/9/15  
SUBMITTED BY: Staff  
SUBJECT: PZ15-01  
ZC 15-03



**From:** [James Nicita](#)  
**To:** [Laura Terway](#); [Kattie Riggs](#)  
**Subject:** Public Comments: Planning Commission file PC 15-222  
**Date:** Monday, November 09, 2015 2:14:36 PM  
**Attachments:** [PZ1501A.JPG](#)  
[PZ1501B.JPG](#)  
[PZ1501C.jpg](#)

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Hi Laura,

Hope you are well. Please enter these comments into the record of tonight's Planning Commission hearing on file # PC 15-222, consisting of ZC 15-03: Zone Change; and PZ 15-01: Amendment to Comprehensive Plan;

There is a notice issue that I believe requires setting over the hearing, as well as re-noticing the hearing, including re-posting of the subject site.

Specifically, because this matter involves a comprehensive plan amendment, the statewide planning goals are approval criteria.

**197.175 Cities' and counties' planning responsibilities; rules on incorporations; compliance with goals.**

[...]

(2) Pursuant to ORS chapters 195, 196 and 197, each city and county in this state shall:

(a) Prepare, adopt, *amend and revise comprehensive plans in compliance with goals approved by the commission*;

**197.835 Scope of review; rules.** (1) The Land Use Board of Appeals shall review the land use decision or limited land use decision and prepare a final order affirming, reversing or remanding the land use decision or limited land use decision. The board shall adopt rules defining the circumstances in which it will reverse rather than remand a land use decision or limited land use decision that is not affirmed.

[...]

(6) *The board shall reverse or remand an amendment to a comprehensive plan if the amendment is not in compliance with the goals.*



Because the goals are approval criteria, the posted notice must set forth that they are approval criteria. According to OCMC 17.50.090:

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection... Notice of the application hearing shall include the following information:

[...]

3. A description of the applicant's proposal, ***along with a list of citations of the approval criteria that the city will use to evaluate the proposal;***

As demonstrated by the attached photographs, the posted notice for this matter does not include citation of the statewide planning goals as approval criteria.

Thank you for your consideration.

James Nicita

Oregon City





# OREGON CITY

## Community Development - Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

### NOTICE OF PUBLIC HEARING

Notice Mailed: September 10, 2015

HEARING DATES:	On Monday, November 9, 2015, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m., and on Wednesday, December 16, 2015, the City of Oregon City - City Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 615 Center Street, Oregon City 97045 on the following Type IV Applications. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the City Commission hearing.
FILE NUMBERS:	ZC 15-03: Zone Change from R-3.5 Dwelling District, R-6 Single-Family Dwelling District and R-10 Single-Family Dwelling District to "MUC-2" Mixed Use Corridor-2 PZ 15-01: Comprehensive Plan Amendment from Low Density Residential and Medium Density Residential to Mixed Use Corridor
OWNER/ APPLICANT:	Historic Properties, c/o Dan Fowler 1300 John Adams Street, Oregon City, Oregon 97045
REPRESENTATIVE:	Sisul Engineering, c/o Tom Sisul 375 Portland Avenue, Gladstone, Oregon 97027
REQUEST:	The applicant is seeking approval for a Zone Change from "R-3.5" Dwelling District, "R-6" Single-Family Dwelling District and "R-10" Single-Family Dwelling District to "MUC-2" Mixed-Use Corridor 2 and an amendment to the Oregon city Comprehensive Plan Map from Low Density Residential and Medium Density Residential to "MUC" Mixed Use Corridor.
LOCATION:	14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beaver Creek Rd Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000
CONTACT PERSON:	Laura Terway, AICP, Planner (503) 496-1553 or lterway@orc.org
NEIGHBORHOOD:	Caufield Neighborhood Association
REVIEW CRITERIA:	Oregon City Municipal Code Chapters: 17.10 - "R-10" Single-Family Dwelling District, 17.12 - "R-6" Single-Family Dwelling District, 17.16 - "R-3.5" Dwelling District, 17.29 - "MUC" Mixed Use Corridor District, 17.50 - Administrative Processes and 17.68 - Zoning Changes and Amendments. The City Code Book is available on-line at <a href="http://www.orcity.org">www.orcity.org</a> .

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Suite 200 from 8:30 AM - 3:30 PM, Monday - Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the City Commission hearing. Written comments must be received by close of business at City Hall 10 days before the scheduled hearing to be included in the staff report. Written comments received within 10 days of the hearing will be provided to the Commission at the hearing. The public record will remain open until the City Commission closes the public hearing. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. Any appeal will be based on the record. The procedures that govern the hearing will be posted at the hearing and are found in OCMC Chapter 17.50 and ORS 197.763.

A city-recognized neighborhood association requesting an appeal fee waiver following issuance of a land use decision pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.



<b>NEIGHBORHOOD:</b>	Caufield Neighborhood Association
<b>REVIEW CRITERIA:</b>	Oregon City Municipal Code Chapters: 17.10 - "R-10" Single-Family Dwelling District, 17.12 - "R-6" Single-Family Dwelling District, 17.16 - "R3.5" Dwelling District, 17.29 - "MUC" Mixed Use Corridor District, 17.50 - Administrative Processes and 17.68 - Zoning Changes and Amendments. The City Code Book is available on-line at <a href="http://www.orcity.org">www.orcity.org</a> .

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no cost at the City of Oregon City, 1000 NE Oregon Street, Oregon City, OR 97146.







Oregon City Planning Commission  
Meeting of November 9<sup>th</sup>, 2015

Testimony of: Christine Kosinski – Holly Lane – Unincorporated Clackamas County

RE: Agenda Item 3C – PC 15-222

ZC 15-03, Zone Change and PZ 15-01 Comp Plan Amendment

Because a Comp Plan Amendment must be done for this Zone Change, the City cannot just consider their own Comp Plan and Codes, but the original State Land Use Goals come into play and the City must meet all of these State Goals. For these reasons, I will show why the City cannot meet “State Goal 7 which states “Local governments shall adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards, such as landslides and earthquakes.” And you must consider State Law ORS 105.462 Property Disclosure Agreement.

Lloyd's of London is the **ONE and ONLY INSURANCE COMPANY IN THE ENTIRE WORLD** underwriting Catastrophic Landslide Insurance. My Husband and I recently applied to Lloyd's for Landslide and Earthquake insurance. Two weeks ago we received a reply that we are being **DENIED COVERAGE FOR BOTH LANDSLIDE AND EARTHQUAKE INSURANCE**. The reason for denial was due to the risk of “Six Landslides, one of which lies underneath the old bus barn.”

I have provided you with a DOGAMI Landslide Map showing the landslides that proliferate the Holly Ln and Hwy 213 area. The “gold star” is our home on Holly Ln, the Five blue and One red star indicate the Six landslides that Lloyd's states is a risk, with the red star indicating the Newell Creek Landslide under the bus barn. This landslide begins under the Newell Creek sliding apartments, goes under Hwy 213 and comes up underneath the old bus barn property.

The denial of Landslide Insurance to us, by the ONLY Insurer in the entire world, means that No One living on the old bus barn property (Maplelane, Beaver Creek, Hwy 213) will be able to get Landslide Insurance. This property is good for bus storage, but not for people.

I have testified to this City for years telling you that people living on Holly Ln cannot get Landslide Insurance, and now we have the written proof. Lloyd's of London will not insure any property owner for Landslides if they “**live within one mile of a previous landslide!**” Therefore this City has been approving Development after Development in landslide areas. New owners are not notified by the City nor the developer that their property is in a landslide area and that Insurance for losses is not available. Take a compass and stick it in many places within Oregon City, draw a line one mile from the center and you will see all the property owners who are unable to get Landslide Insurance!

This is unethical and morally wrong and cannot continue. In view of this information will this City be so cavalier as to consider placing Senior Citizens in a senior assisted living facility knowing their lives may be in harms' way. Will you allow people in a hotel, in an office building, in apartments or ROW houses? Will you tell them the truth, that they are living in a landslide zone and cannot get insurance?

This City, along with Clackamas County must go to the State and Feds to work on a program seeking solutions to provide property owners with insurance for Landslides and Earthquakes in hazardous areas. This should have been done long ago before the City went on a development binge.

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DATE RECEIVED: 11/9/15  
SUBMITTED BY: C. Kosinski  
SUBJECT: ZC 15-03  
PZ 15-01

I attended the School District meeting where the sale of the old bus barn property to Historic Properties was discussed. I did testify to the School District about the huge landslide underneath this property, they stated they knew about it and didn't discuss it further. Historic Properties has been slowly acquiring properties on Maplelane Court, slowly leading up to proposed development at this time. The City, School District and Historic Properties knew about the landslide problems here and all chose to do nothing, leaving new property owners as the victims because they were not told about the landslides and the inability to obtain insurance.

If any approval for a zone change and development at the old bus barn property is granted, simply HUGE amounts of water will be dumped right into this extremely large chain of landslides. DOGAMI has stated on many occasions that "WATER" is food for landslides. Water will cause them to re-activate much sooner. For safety, all water used by property owners, all stormwater must be diverted away from the landslides and pumped into a safe area where landslides do not exist. However, there is no such safe areas in this part of Oregon City.

In the City's Comprehensive Plan (Landslides) the City openly admits that Landslides can be triggered by groundshaking, heavy traffic and development. Under (unstable soils) the Comp Plan states "The City adopted an Unstable Soils and Hillside Constraint Overlay District to provide safeguards in connection with development on or adjacent to steep hillside and landslide areas and other identified known or potential hazard areas, thereby preventing undue hazards to public health, welfare and safety." **Holly Lane should be taken out of the City TSP for these and other reasons due to development creating unsafe conditions for the people of this area and due to the fact that these citizens cannot obtain Landslide Insurance.**

The City has "No Good Transportation System", Holly Lane cannot be used as a thoroughfare for heavy traffic, they cannot get Landslide Insurance and would be victims of City development and approvals by City government to heavily use the street as a means of moving traffic from the hilltop down to the transportation corridor. The City would knowingly be compromising the safety of these citizens.

Oregon City Landslide Regulations have not been updated as promised by City Engineer, Nancy Kraushaar on February 20<sup>th</sup>, 2008. We should expect two stages of code changes and she stated "We will be using the City of Salem's code as the template for our code. I agree that Salem's code will provide a very good model for us to use." These changes were to be made once the DOGAMI maps are complete and adopted by the City Commission.

City meeting minutes of March 21<sup>st</sup>, 2007. Ms. Kosinski discussed the dangers and expenses related to landslides. "She spoke of preliminary geotechnical studies that took place in the proposed Park Place development area, by the GRI consulting firm. GRI suggested the City require a geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper." Why hasn't this been done when Holly Ln slides were 11% and Street of Dreams were 5% and less?

Additional reasons why the City should not approve this request for Zone Change.

1. The people in the Caufield Neighborhood are not happy with this plan. They say they have been left out of the planning for this development and they have huge concerns over heavy traffic already in the area.



2. There is NO Infrastructure in the Beavercreek corridor to support the huge amount of development the City is proposing in this area.
3. The City is not using Concurrency to guarantee Infrastructure first before development
4. There is a shortage of water available, due to both drought conditions and the fact that the City needs to build a new reservoir to serve large development approvals. The City already has IGA agreements with CRW for some projects.
5. Both on Glen Oak and Hwy 213, sewer capacity is questionable.
6. The City has NO reliable Transportation System, no way to get traffic off the hill to the transportation system. **Holly Ln should be taken out of the TSP**, it cannot be relied upon to carry heavy traffic due to a plethora of landslides and sinkholes. The people cannot get landslide insurance to cover damages from landslide or earthquake.
7. City has failed to uphold State Law ORS 105.462, to notify new property owners moving into landslide and/or hazardous areas that they will be unable to obtain insurance for losses due to landslide or earthquake.
8. City cannot meet requirements of State Goal 7 for citizens living within one mile of a previous landslide.
9. About 3-4 years ago I requested the City to hold another Community Event to help citizen awareness for disaster readiness, especially for Landslide and Earthquake. This City is built on steep slopes and landslides and there are two large earthquake faults that lie within the City.

Citizen education is most important here where we have topography problems. Where is citizen education?

Professor Scott Burns, Professor of Geology, PSU, spoke at the Canemah Neighborhood meeting held on April 16, 2015. Some noteworthy excerpts from his presentation about Landslides.....

1. About Detention Ponds - "Do not build detention ponds on landslides." The water from the ponds must be drained away from the slides, this may cost more, but keep the ponds away from areas of landslides. He went on to state that Planning Commissioners should pay special attention to this concern and be sure the ponds are placed away from these hazardous areas."
2. The Three Strikes and You're Out Rule. If you have three of these strikes, you're in potential danger for a landslide.
  - a) Steep Slopes
  - b) Weak Soils
  - c) Problem Geology
  - d) Add trigger – Water

For all the above reasons, approval for a Zone Change or any anticipated development at this site should be denied due to all the above reasons. I request, both for myself and the people of Holly Ln that the City remove Holly Ln from its TSP. Heavy traffic, any widening, any grading or cutting into the slopes could trigger landslides and the people have no ability to obtain insurance for any damages and losses due to landslides. If the City continues to approve Holly Ln for heavy traffic and for a Roundabout, the actions of the City would make these people "victims" of irresponsible use of the street by City government. Don't think the City is not liable for these approvals because you are. You have been notified, by several of my testimonies to the City, that the peoples of Holly Lane cannot obtain insurance for losses due to landslides.

XFINITY Connect

bigcozz@comcast.net  
+ Font Size -

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**Fwd: Landslide and earthquake quote**

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**From :** britenshin@aol.com

Mon, Nov 09, 2015 03:53 PM

**Subject :** Fwd: Landslide and earthquake quote**To :** bigcozz@comcast.net

—Original Message—

From: Jackie Goodman &lt;jackie@huggins.com&gt;

To: britenshin &lt;britenshin@aol.com&gt;

Sent: Wed, Oct 28, 2015 11:20 am

Subject: RE: Landslide and earthquake quote

Hello Christine and John,

I received a response from the Underwriter and I am sorry to tell you that your application has been denied. Unfortunately you are ineligible for landslide coverage at this time. The comments from the Underwriter indicate the risk is surrounded by 6 large landslides and a recent fan of debris. The Catcoverage.com market is the only market that we have available for this type of coverage.

I am so sorry that I am unable to assist you. If you have any questions or concerns, please let me know.

Kindly,

**Jackie Goodman**

Account Manager

Huggins Insurance Services

[jackie@huggins.com](mailto:jackie@huggins.com)

503-480-8737

**Please note:** This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any review by persons or entities other than the intended recipient, or the retransmission of this information is prohibited

**Subj:** RE: Steep Slope/Landslide Regulations  
**Date:** 2/20/2008 11:34:39 A.M. Pacific Standard Time  
**From:** nkraushaar@ci.oregon-city.or.us  
**To:** Britenshin@aol.com, anorris@ci.oregon-city.or.us, dmabee@ci.oregon-city.or.us, dwuest@ci.oregon-city.or.us, ttidwell@ci.oregon-city.or.us, dneeley@ci.oregon-city.or.us, lpatterson@ci.oregon-city.or.us, pwalter@ci.oregon-city.or.us, crobertson@ci.oregon-city.or.us, tkonkol@ci.oregon-city.or.us, ddrentlaw@ci.oregon-city.or.us, kat2kami@yahoo.com, rodmoxy@comcast.net, bigcozz@comcast.net, bobn2b@msn.com, gardengifts@juno.com, paintfx@juno.com, tgeil@comcast.net, steve@vanhaverbeke.org, pauloedgar@qwest.net, HOGANSBLUFF@aol.com, rlp@hevanet.com, sha-z@earthlink.net, johnwilliams38@gmail.com

Christine:

Below you will find a summary of what staff *will be proposing* to the City Commission for their adoption. What is finally adopted may look a little different, but I have no way of knowing that now. What the City Commission ultimately adopts is their decision.

The public should expect two stages of code changes that will govern Geologic Hazards (or Steep Slopes).

The first stage will be included in the packet of code language changes that Planning has been working on. The primary revision to our existing code for Geologic Hazards (OCMC 17.44) will be to redefine "geologic hazard areas" to include area within 200 feet of the crest or toe of a slope that is 25% or greater. This expands the areas for which an approved permit is required before development is authorized. The permit could be obtained after a developer has submitted geotechnical and geologic reports and comprehensive documentation pertaining to the proposed development and the site geology. Another significant change to the existing code will be that the reports and documentation for the development will be subject to peer review. The peer reviewer will be selected by the City and shall have expertise in regional and Oregon City geology, slope stability analysis, landslides, and engineering mitigation for hazardous sites.

The second stage will be a re-write of the Geologic Hazards code to implement the new risk-based maps that DOGAMI is developing. We will be using the City of Salem's code as the template for our code. I agree that Salem's code will provide a very good model for us to use. We will not be able to propose this code for adoption until the DOGAMI maps are complete and can be adopted by the City Commission.

Regarding the DOGAMI maps - I met with Bill Burns about two weeks ago and he showed me the work he has completed so far. We are preparing to provide an in-house review of the work he has completed. He will also have others reviewing his work (I believe others from DOGAMI and Scott Burns).

Let me know if you have additional questions regarding this information.

Thank you for your inquiry.

-Nancy

Nancy J.T. Kraushaar, PE  
 City Engineer/Public Works Director  
 City of Oregon City  
 320 Warner Milne Road, PO Box 3040  
 Oregon City, OR 97045

Phone: 503-496-1545

Fax: 503-657-7892

E-mail: nkraushaar@ci.oregon-city.or.us



DRAFT

provided at the right cost. They did not support higher taxes because government could no longer provide cost effective services. They want a better deal, so his suggestion was to give them a different deal he thought could be better. He wanted to see the City create neighborhood associations and other civic groups with real power and provide them with real resources.

**Commissioner Neeley** noted rising costs included medical insurance.

X • **Christine Kosinski, Oregon City**

**Ms. Kosinski** discussed the dangers and expenses related to landslides. The City recently contracted with GRI to perform preliminary geotechnical studies in the proposed Park Place development area. The GRI project engineer recommended that the City require a geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper. These should also address setbacks from existing slopes. Holly Lane residents have suffered severe monetary losses due to ancient landslides, and she asked the City to include language regarding the danger of ancient lands in its hazard policy. She proposed that it read, "the City will require geotechnical evaluation or investigation as part of any future development in areas with slopes of 15% or steeper or in areas of ancient landslides." She discussed grading ordinances and adopting the graduated response table drafted by the City of Salem that identified the risk of a slope. This table proved has been shown to be 90% to 98% effective in other cities and states. She proposed the City of Oregon City draft regulations to include a graduated response table with accompanying point values as part of the hazard steep slope landslide policy. She further proposed the City apply a separate set of building codes to each of the risk categories. This would help the developers to build smarter and more responsibly, and the City would reduce its exposure to future litigation and meet Goal 7 requirements to protect citizen and property safety.

**Commissioner Neeley** understood a draft ordinance was being prepared and recommended it be sent to the neighborhood associations, particularly Park Place, for comment.

**Ms. Kraushaar** replied there would be language slightly modifying the existing geologic hazard code, and the intent was to do that quickly. The more comprehensive change that included mapping would go to all residents as a Measure 56 matter since it would essentially change zoning on people's properties. There were two ordinances with different processes.

**Mayor Norris** suggested scheduling that for a work session discussion.

**Commissioner Mabey** asked Ms. Kraushaar to explain the term 15% slope.

**Ms. Kraushaar** replied it would be a 15-foot rise in a 100-foot run.

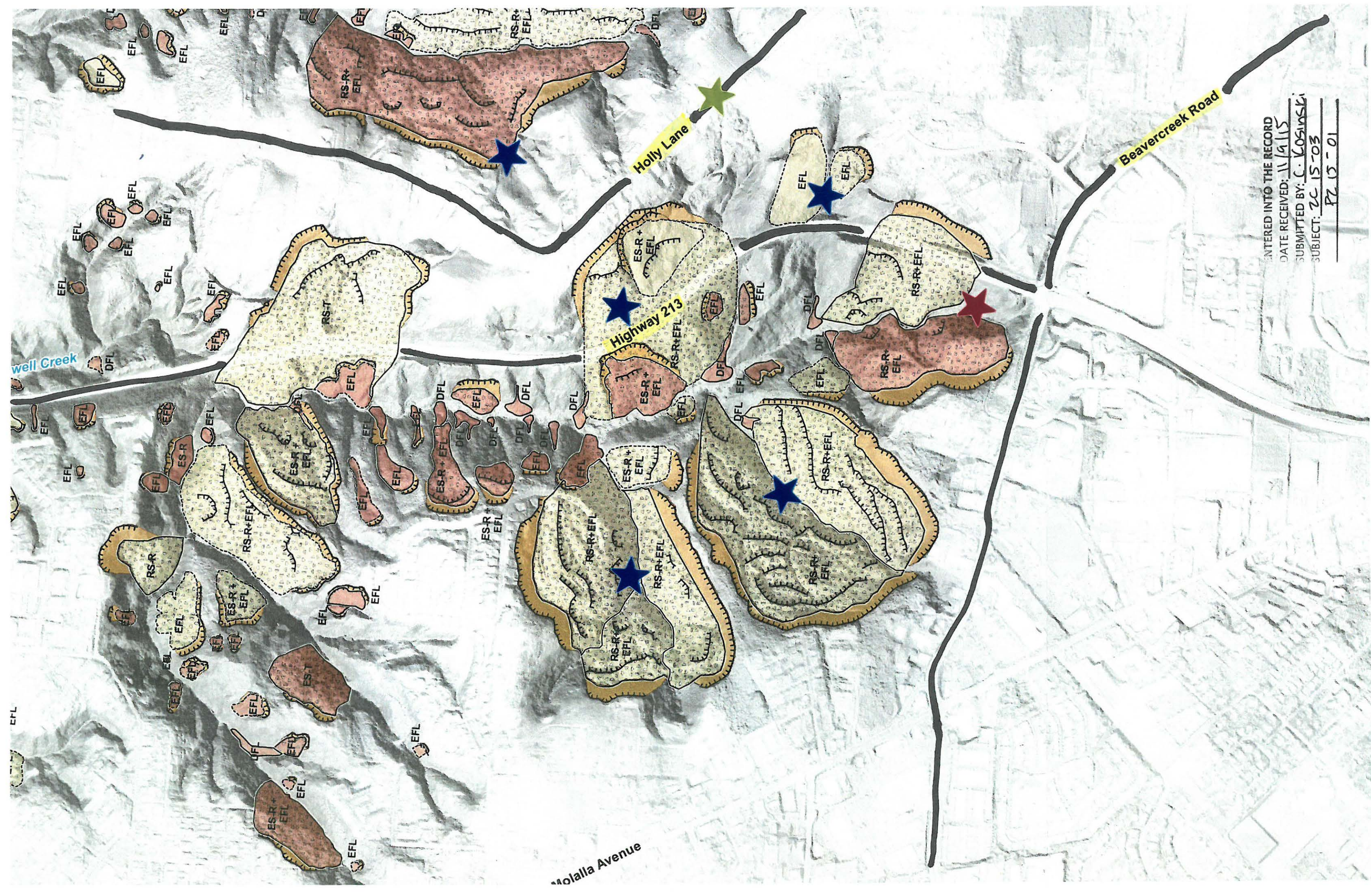
• **Bob Mahoney, Oregon City**

**Mr. Mahoney** attended the Rivercrest Neighborhood Association where Chief Huiras made a presentation that included the fire protection issue. He identified three weaknesses in services – library, fire, and police. He recommended forming a task force to look at how to best support those services in order to communicate that vision with people interested in investing in Oregon City.

• **Nancy Walters, Oregon City**

**Ms. Walters** shared her thoughts about tree removal. During the Park Place Concept Planning Process the project team worked extensively with the community to develop a set of core values. They valued natural resources in the neighborhoods, the rural character and a planning approach that would maintain that feeling as the area developed, and protection of property





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DATE RECEIVED: 11/9/15  
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SUBJECT: 2015-03  
P215-01



**JAMES J. NICITA**  
302 Bluff Street  
Oregon City, OR 97045  
E-mail: james.nicita@gmail.com

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Public Comment on # PC 15-222, consisting of ZC 15-03: Zone Change;  
and PZ 15-01: Amendment to Comprehensive Plan;

Goal 6:

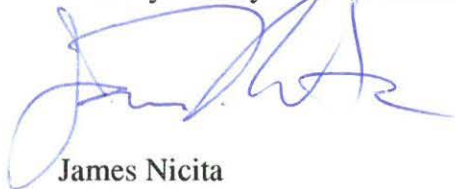
"All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards."

Newell Creeks runs along the property, and is a "waters of the state" under ORS 468B.005(10).

**State Standards:** There is no evidence in the record that the applicant's development will not violate or threaten to violate the state water quality standards in OAR 340-041-0001 et. seq.

**State Statutes:** The storm water drainage system for the proposed development will be a "disposal system" under ORS 468B.005(1). Before the applicant can construct the disposal system, the applicant must obtain a permit pursuant to ORS 468B.050. If the applicant refuses or fails to obtain a permit pursuant to ORS 468B, then the project must comply with ORS 468B.025(1). There is no evidence in the record demonstrating compliance.

Thank you for your consideration.



James Nicita  
Oregon City

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DATE RECEIVED: 11/9/15  
SUBMITTED BY: J. Nicita  
SUBJECT: ZC 15-03  
PZ 15-01

7. (§14.86) Statewide Planning Goals as a Standard  
for Plan or Ordinance Amendments

The Oregon Statewide Planning Goals & Guidelines apply to an amendment of an acknowledged local comprehensive plan or land use regulation unless the plan policies call for the amendment. ORS 197.175(2)(a), 197.835(5); *1000 Friends of Oregon v. Land Conservation & Dev. Com.*, 301 Or 447, 724 P2d 268 (1986) (Oregon Statewide Planning Goal 14 applies to comprehensive plan amendment to convert rural land outside urban growth boundary to urban land uses); *Residents of Rosement v. Metro*, LUBA Nos. 99-009, 99-010, 38 Or LUBA 199 (2000), *aff'd*, 173 Or App 321 (2001); *Ludwick v. Yamhill County*, 72 Or App 224, 231, 696 P2d 536 (1985) (Oregon Statewide Planning Goal 4 applies to postacknowledgment plan amendment and zone change to forestland pursuant to statute that authorized Land Use Board of Appeals (LUBA) to reverse or remand amendment to comprehensive plan that did not comply with goals); *Friends of Yamhill County v. Yamhill County*, LUBA No. 2004-014, 47 Or LUBA 160, 169 (2004) (goal compliance issues, as a general rule, must be resolved in postacknowledgment plan amendments); *Beaver State Sand and Gravel, Inc. v. Douglas County*, LUBA No. 2002-065, 43 Or LUBA 140 (2002), *aff'd*, 187 Or App 241 (2003) (an amendment of a county's Oregon Statewide Planning Goal 5 inventory to include a new site must comply with applicable statewide planning goals).

A detailed notice and review process for postacknowledgment amendments is set forth in ORS 197.610. *See, e.g., Club Wholesale Concepts, Inc. v. City of Salem*, LUBA No. 90-057, 19 Or LUBA 576 (1990) (tolling statutory deadline for appealing new ordinance for party to whom city failed to give timely notice of ordinance). A difficulty common to such amendments is how to determine which goals apply. The general rule is set forth in *Davenport v. City of Tigard*, LUBA Nos. 91-133, 91-137, 22 Or LUBA 577, 586 (1992): "Where apparently applicable statewide planning goals are implicated by a challenged decision, the city must either explain how the challenged decision complies with the goals or explain why those apparently applicable goals do not apply." A slightly different twist was added in *Oregon Department of Transportation v. Clackamas County*, LUBA No. 92-062,

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SUBJECT: 2015-04

23 Or LUBA 370, 373 (1992), in which LUBA held that findings on a number of goals should have been made because “[i]t is not obvious to us that [those goals] . . . are not applicable to the proposal.”

Amendments to statewide planning goals may be effective immediately to local decisions. ORS 197.245, 197.646; *Department of Land Conservation & Dev. v. Lincoln County*, 144 Or App 9, 925 P2d 135 (1996) (amendments to Goal 11 applicable to local permit decisions).

The relationship between statewide planning goals and local plans or ordinances is discussed in the following cases:

- *Bicycle Transp. Alliance v. Washington County*, 127 Or App 312, 316–317, 873 P2d 452, *adhered to in part, modified on other grounds*, 129 Or App 98 (1994) (to sustain local ordinance that amends acknowledged transportation plan by allowing administrative staff to change road alignments within specified road corridors, county must show that at least initial designation of corridors complied with goals).
- *Costco Wholesale Corporation v. City of Beaverton*, LUBA Nos. 2005-044, 2005-046, 2005-050, 2005-053, 50 Or LUBA 476, 495–496 (2005), *aff’d in part, rev’d in part*, 206 Or App 380 (2006) (OAR 660-014-0060 requires local governments to apply acknowledged plans and land use ordinances, rather than statewide planning goals, to annexation decisions unless plans and ordinances do not control the annexation. A plan policy that provided nonbinding policy guidance was found to control the annexation.).
- *Geaney v. Coos County*, LUBA No. 97-104, 34 Or LUBA 189 (1998) (rejecting the county’s interpretation of a comprehensive plan provision that an exception to Goal 3 is not required to rezone certain land already subject to the exception to allow the existing use of the property, when the prior exception did not recognize the existing use of the property as an allowed use).

- *Doty v. Jackson County*, LUBA Nos. 97-089, 97-090, 34 Or LUBA 287 (1998) (remanding for additional Goal 5 review for ordinances amending local plan map and text to change designation of Goal 5 resource lands, because county did not consider the impacts to resources beyond the limits of redesignated land).
- *Department of Land Conservation and Development v. Douglas County*, LUBA No. 96-233, 33 Or LUBA 216 (1997) (remanding legislative plan amendment for violation of coordination requirement under Goal 2 because county did not postpone adoption until state economist provided population projections for county to consider).

#### 8. (§14.87) Impact of Amendment or Reinterpretation of Standards and Criteria

In general, a land use application may be reviewed for compliance only with those standards and criteria in effect at the time the application is deemed complete. See §14.11 for a discussion of the “fixed goal post rule.”

The meaning of the term *standards and criteria*, as used in ORS 215.427(3) and 227.178(3), is a question of state law. As a result, a local interpretation or application of that term does not bind the Land Use Board of Appeals or the courts. Local governments cannot avoid making findings of compliance by “interpreting” approval standards or criteria as not being approval standards or criteria if they are set forth in the plan or implementing regulation as such. The term *standards and criteria* is not limited “to the local provisions that the local government *must* apply in acting on an application; it also includes provisions . . . that the government *does* apply and that have a meaningful impact on its decision. *Davenport v. Tigard*, 121 Or App 135, 141, 854 P2d 483 (1993):



**Testimony regarding Development at old bus barn**  
**From: Kristi Beyer, Holly Lane Resident**  
**Oregon City Planning Commission Meeting: November 9, 2015**

*(Thank you, Commissioners, for letting me share my concerns with you)*

Dear Oregon City Planning Commission Members and Staff:

I wanted to take a moment to write to you about proposed development at the site of the old Oregon City School District Bus barn on Maple Court. My understanding is that the developer wishes to put in assisted living facility, a hotel, apartments and a small business site. The site, located roughly between the corners Maple Court, Maple Lane, Beaver Creek and Hwy 213, poses some big concerns for me and my neighbors with regard to safety and traffic infrastructure.

I wish to start my letter off by stating that I recognize that the citizens of Clackamas County are seen as a "squeaky wheel" to the City. We feel that our concerns are not being heard, are not being addressed and are definitely not being taken seriously. We would like to be a part of the solution and although occasionally invited, we do not feel truly included. We live in this area because we like it. We like the juxtaposition of City and County, of rural and urban, of the wonderful and robust history this place has. We are loyal and strong and could be good advocates for your programs.

**Landslide Concerns**

I live on Holly Lane, surrounded by ancient (and some not so ancient, having been reactivated in 1996) landslides. The area has had much slide activity in recent years, both on Holly Lane proper, as well as areas that share its soil which include Thayer road and the Newell apartments, the latter located just below and across Hwy 213 from the proposed development. They all share the same Troutdale Formation soil, which slides. Homeowners cannot acquire landslide insurance on Holly and sellers of property in this area are not required to disclose the landslide risk to potential buyers. So I worry for myself, and for both my current as well as future neighbors.

**Traffic Concerns**

I have been aware of traffic issues since I purchased property here in 1997. High speeds approaching 100mph on Holly and other roads in this area are not uncommon and have been documented in traffic studies. I have personally witnessed individuals illegally passing stopped busses waiting to transport children, who have their emergency red lights flashing and their "stop" signs out. Holly Lane is a narrow, 2 lane road, with no shoulder and deep ditches. It has severely limited sight distance due to rolling hills and windy curves. There have been numerous accidents on Holly Lane due to speed and traffic flow. The road sees walkers, joggers and bicyclists on a weekly basis. It borders a school (Ogden Middle School, 910 students) which in Fall 2012 added 300 more students, some of whom walk to school and many of whom are driven to school in personal vehicles. Since the development of Maple Lane's Crabtree Terrace, the number of average daily trips (ADTs) has visibly increased during peak usage. I fear the addition of this new development, without good viable alternate routes of commuting, will result in a worsening of traffic in this area. Based on how Maple Lane and the sharp corner of Maple Lane Court, there is no traffic infrastructure currently in existence to handle the anticipated large amounts of traffic generated from this new development.

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DATE RECEIVED: 11/9/15  
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SUBJECT: 2015-03  
PZ 15-01



Each workday morning, the intersection of Beaver Creek and Maple Lane (right at the site of the proposed development) fails. Hwy 213 itself in this area also fails during the early morning commute. Without a better plan to route traffic, which utilizes roads that are neither failing nor susceptible to landslides, the traffic issues in this area are going to be huge. I do not see any viable solutions for the congestion that the proposed development will cause. We are concerned about the additional amount of traffic and the high rates of speed we are seeing on Holly. We have asked the County to improve the safety of Holly and have gotten the speed reduced to 40 MPH and the sharp curve improved. Yet the City has done nothing to improve conditions from their boundaries and continues to approve development without a seeming regard for the need for residents to get safely to and from services and their places of work.

Developing this property without a serious regard, and serious and detail oriented research on the soil, threatens both existing homeowners as well as commuters who will find it difficult to get to Interstate 205 if a landslide closes down 213 near the site of the proposed new development. This whole area is the Newell Creek Canyon, a protected wetlands. It doesn't feel to me that the City is doing much to protect it with this sort of large and poorly placed potential development.

I urge you to please run the necessary tests and research to ensure the safety and livability of both current homeowners, as well as future homeowners and all commuters who use these roads to get to and from work, as well as to and from services. Developing this property to the point suggested by the developer is surely going to cause a massive slide down onto and across highway 213, rendering it obsolete for drivers for any significant amount of time. Such a catastrophic event could prevent this area from being used again as a commuter path.

Sincerely,

Kristi Beyer  
Holly Lane and Clackamas County Homeowner

PC 15-222 ZC 15-03: Zone Change and PZ 15-01:  
Comprehensive Plan Amendment  
Planning Commission 11-9-2015

Submitted by Elizabeth Graser-Lindsey

I object to this process because it is in **procedural error**. This process violates OCMC 17.50.180, 17.50.120 E 2 and OC Resolution 14-16 IX 3 in that there is an error in the procedure<sup>1</sup>. In particular Review Criteria are in error and lacking the State Wide Planning Goals. Many are relevant here such as Land Use Planning, Resource Quality, Natural Hazards, Economic Development, Housing and Transportation.

The Transportation Planning Rule (**660-012-0060**) is violated by this proposal. For example, the zone change would allow anticipated development that would “degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan” and “...that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan”. The state standards use V/C ratio for Hwy 213 and the county uses this standard for Beaver Creek Rd. The City’s own law acknowledges that the Beaver Creek Rd. and Highway 213 intersection is failing the V/C standard. The approved Beaver Creek Apartment proposal documents that the state’s V/C standard is exceeded prior to these additional trips being added to the system.

The proposed trip limit cap does not prevent the degradation of performance of area roads by limiting trips to the levels permitted

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<sup>1</sup> “If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record.”

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SUBMITTED BY: E. G. L.  
SUBJECT: 3C  
2C15-03

under existing zoning, because build out of existing zoning itself would not comply with the Transportation Planning Rule and would not be allowed. E.g. the site plan and design review criteria (OCMC 17.62 #15) require “Adequate right-of-way... shall be provided and be consistent with the city’s transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include... facilities needed because of anticipated vehicular and pedestrian traffic generation”

The Zone Changes and Amendments Criteria (**OCMC 17.68**) are not met:

A. The proposal is not consistent with the goals and policies of the comprehensive plan. E.g. the proposal violates OCCP Policy 14.3.2 “Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.” The extra traffic, over the road capacity, does impact existing areas and residents in the city.

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

The transportation facilities are inadequate to comply. The facilities and services must be sufficient for the “uses... allowed”, not for the current zoning: that is, a trip limit cap inherently

acknowledges that the facilities and services are not sufficient and it would not correct the insufficiency so such a cap would violate the code. It is clear that the developer eventually wants to exceed the cap (Oct. 17, 2015 memorandum from Thomas Sisul) , but does not want to do so with the degree of scrutiny required by the zone change law. Approving the zone change with a lesser scrutiny than the law provides would violate the code, so the “comprehensive plan review” cannot be waived by conditions.

The sewer facilities are inadequate to comply. The sewer facilities are inadequate to support any development, as all remaining capacity is already over subscribed to by the Caufield/Glen Oaks neighborhood and Beaver Creek Apartments (Sewer Master Plan, p. A-1, B-1 and C-1 show with the approved Beaver Creek Road Apartments surcharging along Hwy 213) and the City specifically waived any payments that might have increased the sewer capacity to eliminate the constrictions (Decision on SP 14-01, AP 14-01 and 14-02 Condition 37).

Because the Hwy 213/Beaver Creek Rd. intersection has failed the standard, the police and fire services are diminished because cars now need to wait through several lights to pass through the intersection.

C. The land uses authorized by the proposed development are not consistent with the existing or planned function, capacity and level of service of the transportation system servicing the proposed zoning district. The local roads serving the development area have insufficient capacity as does the Hwy 213/Beaver Creek Rd. intersection, Hwy 213 and Holly Ln which access I205 and I 205 itself which recent Transportation System Planning showed as failing.

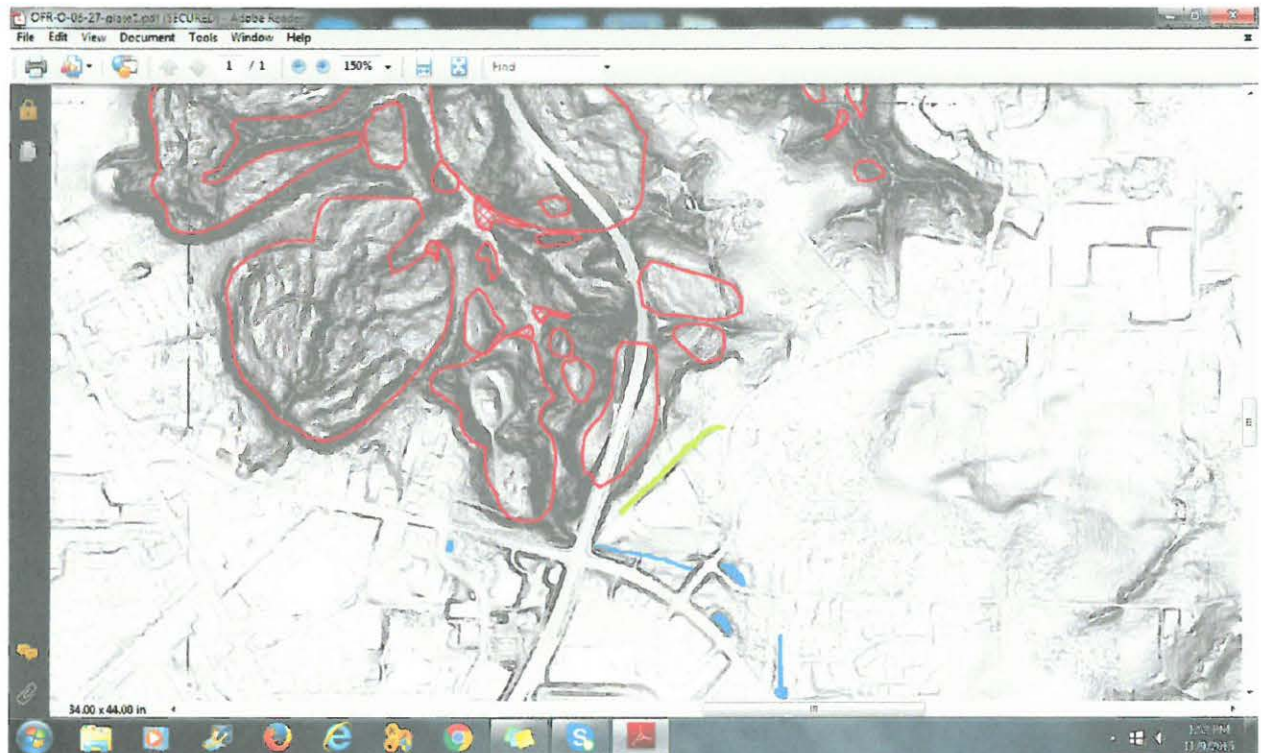
D. The Statewide planning goals are not addressed although this is a criteria. The development would not comply with



Testimony from Bob Nelson 11/9/15  
To: Oregon City Planning Commission  
For: File ZC-15-03 Zone Change Request

Below is part of Open File Report O-06-27 by the State of Oregon, Department of Geology and Mineral Industries, authors, Madin & Burns, titled: Map of Landslide Geomorphology of Oregon City... that includes the area surrounding this zone change request.

North is toward the top of the page, running through the center of the image is Hwy 213. The light green line is Maplelane Court, blue is water holding/infiltration basins and a stream. Red circles are identified past landslide areas. Please note that I added the blue and green to the map.



Please note that old landslides can easily be reactivated by several different development activities including: adding fill to the top of old landslides, concentrating ground water flow into landslides, trenching above or through landslides and ground vibration of saturated soils. The reactivation of the closest landslide to this project would result in the closing of State Highway 213 for months to years, and result in millions of dollars repair costs.

Approximately 1300 feet west of the proposed project, the City of Oregon City approved an apartment complex that reactivated an old landslide that is still slowly moving. Unfortunately, the City of Oregon City has chosen not to develop and include landslide ordinances into the building code so it is up to

ENTERED INTO THE RECORD  
DATE RECEIVED: 11/9/15  
SUBMITTED BY: B. Nelson  
SUBJECT: ZC 15-03  
PZ 15-01

you, the Planning Commission, to include landslide protections for the public good. Failure to do so could easily result in the closing of Hwy 213.

I request that you deny the request to change zoning until the City of Oregon City develops and includes specific building ordinances for areas that are near landslides or are within landslide hazard zones. Tableing this request until landslide construction ordinances are included in the building code could give the Planning Department the added push to do the right thing. This project includes lands less than 50 feet from the top of a known landslide. Please do not allow a repeat of the mistakes made in construction of the apartments just across Hwy 213.

If you really feel this land should be developed as soon as possible then please consider adding the following requirements.

1. No construction activities within 500 feet of mapped landslides
2. Do not concentrate water infiltration, instead move water holding/ infiltration basins offsite to areas below the hill
3. Require a \$5 Million, 20 year Insurance Policy to reimburse the State of Oregon for potential highway construction costs in case of landslide reactivation
4. Hire the State of Oregon geologists to develop a list mitigation practices for safer construction activities near these known landslides and include the identified practices as requirements for this site

Thank you for your time and consideration

A handwritten signature in black ink, appearing to read "Bob Nelson", with a long, sweeping horizontal line extending to the right.

Bob Nelson

# Deep-Landslide Susceptibility Map of the Northwest Quarter of the Oregon City Quadrangle, Clackamas County, Oregon 2013



**OPEN-FILE REPORT O-13-08**

Landslide Hazard and Risk Study of  
Northwestern Clackamas County, Oregon



# COMMENT FORM



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Date of Meeting 11/9/15

Item Number From Agenda 3C

NAME:

Paul Edgark

ADDRESS:

Street:

City, State, Zip:

Del.

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

# COMMENT FORM



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Item Number From Agenda 3C

NAME:

Elizabeth Graer-Lindsey

ADDRESS:

Street:

City, State, Zip:

21341 S. Ferguson Rd

Beavercreek OR 97007

PHONE NUMBER:

(503) 632-5568

E-MAIL ADDRESS:

egraerlindsey@gmail.com

SIGNATURE:

Elizabeth Graer-Lindsey

# COMMENT FORM



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Date of Meeting 11-9-15

Item Number From Agenda 3C

NAME: CHRISTINE KOSINSKI

ADDRESS: Street: MOLLY LA

City, State, Zip: OREGON CITY

PHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

SIGNATURE: Christine Kosinski

# COMMENT FORM



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Date of Meeting 11/9/2015

Item Number From Agenda C

NAME: James J. Nicita

ADDRESS: Street: 302 Bluff St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER: 503-799-0725

E-MAIL ADDRESS: \_\_\_\_\_

SIGNATURE: [Signature]



# COMMENT FORM



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Date of Meeting 11/9/15

Item Number From Agenda 3c

NAME:

Bob Nelson

ADDRESS:

Street: 18090 Holly Ln

City, State, Zip: Oregon City

PHONE NUMBER:

OR 97045

E-MAIL ADDRESS:

bobn26@msn.com

SIGNATURE:

[Signature]

# COMMENT FORM



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Date of Meeting 11/9/15

Item Number From Agenda 3c

NAME:

Michael Ard, PE

ADDRESS:

Street: 321 SW 4th Avenue, Suite 400

City, State, Zip: Portland, OR 97204

PHONE NUMBER:

503-248-0313

E-MAIL ADDRESS:

mike.ard@gmail.com

SIGNATURE:

[Signature]

# COMMENT FORM



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Date of Meeting

11/9/15

Item Number From Agenda

3c

NAME:

Dan Fowler

ADDRESS:

Street: 1300 John Adams St.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-655-1455

E-MAIL ADDRESS:

danf@abernethycenter.com

SIGNATURE:

Dan Fowler

# COMMENT FORM



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Date of Meeting

11/9/15

Item Number From Agenda

3c

NAME:

Mark Foley

ADDRESS:

Street: 14725 S. Brunner Rd.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-816-1277

E-MAIL ADDRESS:

markf@fandfstructures.com

SIGNATURE:

Mark Foley

Did not speak

# COMMENT FORM



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Date of Meeting 11-9-2015

Item Number From Agenda 3C

NAME:

Tom Sisul

ADDRESS:

Street: 375 PORTLAND AVE

City, State, Zip: GLADSTONE, OR 97027

PHONE NUMBER:

503-657-0195

E-MAIL ADDRESS:

TOM.SISUL@SISULENGINEERING.COM

SIGNATURE:

Thomas J. Sisul

Did not speak



## **Housing Resource Document for the City of Oregon City Comprehensive Plan**

*Prepared For:*

City of Oregon City  
PO Box 3040  
320 Warner Milne Road  
Oregon City, OR 97045

*Prepared By:*

David Evans and Associates, Inc  
2100 SW River Parkway  
Portland, OR 97201

October, 2002

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# **1 Introduction**

Adequate, affordable housing is one of the most important elements of any community. Housing provides our daily shelter as well as supplying a personal identity to a neighborhood and the community at large. An adequate supply of affordable housing and a variety of housing options to meet the needs of Oregon City residents are important components of a thriving community. Ensuring that all residents are able to secure housing and offering housing choices that attract new residents are ways to build a community's future.

We are largely a nation of homeowners. According to the 2000 Census, nationwide, approximately 66 percent of all households own their homes. In the Portland Metropolitan Area,<sup>1</sup> about 62 percent of all households are owner-occupied; Oregon City is very similar at 60 percent. For the homeowner and the renter, housing costs are a significant economic investment. Housing also plays a vital role in the national economy by generating jobs. For local government, housing is a primary source of income (property taxes) and the major recipient of expenditures to provide public facilities and services (water, sewer, transportation, police and fire).

Oregon City is unique in the region for its role in Oregon history and for the age and diversity of its housing stock. In Oregon City, housing has always been at the center of the community. Many older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. This requires a keen understanding of the current housing stock. Because Oregon City, like many other communities in the Willamette Valley, has grown quickly in the last decade, more units are needed to accommodate new residents, or residents wishing to move into another type of housing.

The Housing Element covers:

- Demographics that gives an overview of Oregon City residents compared to the region;
- Housing Stock that describes the current number of housing units
- Projected Land Capacity that describes the amount of vacant, partially vacant and potentially redevelopable residential land and its projected housing capacity; and
- Land Needs/Surplus that describes the needed housing mix and land needs by housing type.

## **2 Existing Conditions**

### **2.1 Demographics**

#### **2.1.1 Population Trends**

Oregon City has experienced population booms and busts over its long history. In the last twenty years Oregon City, like many communities in the Willamette Valley, has seen more accelerated

---

<sup>1</sup> The Portland Metropolitan Area includes the Multnomah, Clackamas, and Washington Counties, unless otherwise noted. The U.S. Census Bureau considers the three-county area a Primary Statistical Area.

growth, growing faster in the 1990's than in the 1980's. Table 1 illustrates the rate of growth for several communities in the Willamette Valley. Oregon City grew very little in the 1980's, when recession and lack of employment opportunities drew few new residents. In the 1990's, Oregon City began to grow at a much faster rate than it had in the 1980's, and along with other cities in the Willamette Valley, far surpassed the growth rates seen in the 1980's. In the 1990's, Oregon City was one of the fastest growing cities in the Willamette Valley, increasing its size by nearly 82 percent between 1990 and 2000. Clackamas County and the state also grew at much faster rates in the 1990's, increasing in population by approximately 24 percent and 22 percent, respectively.

**Table 1. Population Change of Oregon City and other Willamette Valley Jurisdictions**

Jurisdiction	1980	1990	% change (1980-1990)	AAGR (1980-1990)	2000	2001	% change (1990-2001)	AAGR (1990-2001)
Oregon	2,633,156	2,842,321	7.9%	0.8%	3,421,399	3,471,000	22.1%	1.8%
Clackamas Co.	241,919	278,850	15.3%	1.4%	338,391	345,150	23.8%	2.0%
Oregon City	14,673	14,698	0.2%	0.0%	25,754	26,680	81.5%	5.6%
Albany	26,511	29,540	11.4%	1.1%	40,852	41,650	41.0%	3.2%
Dallas	8,530	9,422	10.5%	1.0%	12,459	12,650	34.3%	2.7%
Forest Grove	11,499	13,559	17.9%	1.7%	17,708	18,380	35.6%	2.8%
Gladstone	9,500	10,152	6.9%	0.7%	11,450	11,438	12.7%	1.1%
Gresham	33,005	68,249	106.8%	7.5%	90,205	91,420	34.0%	2.7%
Lebanon	10,413	10,950	5.2%	0.5%	12,950	13,190	20.5%	1.7%
McMinnville	14,080	17,894	27.1%	2.4%	26,499	27,500	53.7%	4.0%
Milwaukie	17,931	18,670	4.1%	0.4%	20,550	20,490	9.7%	0.8%
Newberg	10,394	13,086	25.9%	2.3%	18,064	18,280	39.7%	3.1%
Salem	89,233	107,793	20.8%	1.9%	136,924	139,320	29.2%	2.4%
Tualatin	7,483	14,664	96.0%	7.0%	22,791	23,270	58.7%	4.3%
West Linn	11,358	16,389	44.3%	3.7%	22,261	23,090	40.9%	3.2%
Woodburn	11,196	13,404	19.7%	1.8%	20,100	20,410	52.3%	3.9%

Source: U.S. Census (1980, 1990, and 2000 Decennial Census); Portland State University Population Research Center, 2001

### 2.1.2 Age

The age of a population is a factor in determining what types of housing units are needed.

Younger residents are likely to live with families or in apartments. When residents begin to have children, housing needs change from smaller units to single-family homes with rooms for the children to play. When residents no longer need the large house because their children have left, housing needs change again, often when the care of a larger home is burdensome or when more medical care is necessary. Currently, the highest percentage of residents in Oregon City and the Portland Metro area are between 25 and 54, the ages when residents are starting families or have older children still living at home (Table 2). Many residents in this age bracket earn more money as they become established in their careers and are able to afford more expensive housing.

Oregon City has a slightly younger population than the Portland Metro area, with a median age of 32.7 compared to the Portland Metro area at 34.9. Oregon City has a higher percentage of residents under 10 than the Portland Metro area, indicating that many Oregon City residents have young families.

**Table 2. Age**

Age	Oregon City		Portland PMSA	
	Number	Percentage	Number	Percentage
Under 5	2,160	8.4%	108,004	6.9%
5 to 9	2,019	7.8%	109,949	7.0%
10 to 14	1,763	6.8%	108,194	6.9%
15 to 19	1,740	6.8%	105,762	6.7%
20 to 24	1,913	7.4%	107,383	6.8%
25 to 34	4,239	16.5%	249,314	15.9%
35 to 44	4,135	16.1%	259,557	16.5%
45 to 54	3,433	13.3%	233,748	14.9%
55 to 59	1,145	4.4%	74,198	4.7%
60 to 64	696	2.7%	51,236	3.3%
65 to 74	1,147	4.5%	80,269	5.1%
75 to 84	931	3.6%	62,108	3.9%
85 and older	433	1.7%	23,049	1.5%
Median Age	32.7		34.9	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

### 2.1.3 Race

Oregon City is less diverse in its racial and ethnic composition than the state or the Portland Metro area; over 90 percent of Oregon City's population is white. Table 3 includes the percentage of residents by race for Oregon, Metropolitan Portland, and Oregon City. Oregon City's minority population is composed primarily of Hispanics or Latinos, with smaller numbers of residents identifying themselves as two or more races. Asian residents make up just over one percent of the city's population. This is less than the Portland Metro area where nearly five percent of the population is Asian. In Oregon City, as in the state and the Portland Metro area, the largest minority group is Hispanic or Latino.

**Table 3. Race as a Percentage of Population**

	Oregon	Oregon City	Portland MSA
White (%)	83.5%	90.8%	81.6%
Black/African Am.(%)	1.6%	0.6%	2.6%
Am. Indian, Eskimo, Aleut (%)	1.2%	0.9%	0.8%
Asian (%)	2.9%	1.1%	4.5%
Hawaiian/ other Pacific Islander (%)	0.2%	0.1%	0.3%
Some other race (%)	0.1%	0.0%	0.1%
Two or more races (%)	2.4%	2.2%	2.7%
Hispanic/Latino(%)	8.0%	5.0%	7.4%

Source: U.S. Census Bureau, 2000 (SF-1).

Note: The total percentage of Oregon City residents does not equal 100 percent due to rounding.

#### 2.1.4 Group Quarters

Group quarters are not considered standard housing units because the units do not have individual kitchens, but this is still an important source of housing for certain populations. The population in group quarters is broken into institutionalized (prisons, nursing homes, hospitals, etc.) and non-institutionalized (college dormitories, halfway homes, etc.) populations. In Oregon City, about 91 percent of the population in group quarters is institutionalized, either in correctional institutions (61 percent), nursing homes, or assisted living facilities (39 percent). Table 4 shows the total number of people (institutionalized and non-institutionalized) living in group quarters. Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in groups quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.

**Table 4. Number and Percentage of People in Group Quarters**

Area	1990		2000		1990-2000 Change	
	Number	% of Total Population	Number	% of Total Population	Number	Percent Change
Oregon City						
Group Quarters	362	2.5%	903	3.5%	541	149.45%
Total Population	14,698	100.0%	25,754	100.0%	11,056	75.22%
Portland PMSA						
Group Quarters	23,080	1.9%	28,939	1.8%	5,859	25.39%
Total Population	1,239,842	100.0%	1,572,771	100.0%	332,929	26.85%

Source: U.S. Census Bureau, 1990 (STF 1); 2000 Decennial Census, Profile of Selected Economic Characteristics

#### 2.1.5 Poverty

Oregon City residents who fall below the federal poverty level have a more difficult time securing adequate housing those with higher incomes. Table 5 shows the poverty rate for all residents in Oregon City by relationship. Overall, the percentage of individuals below the poverty level in Oregon City is lower than the Portland Metro area, although female householder families are having a harder time making ends meet. The percentage of all families in poverty in Oregon City (6.5 percent) is slightly higher than families in poverty in the Portland Metro area (6.2 percent).

Female-headed households are much more likely to live in poverty than other families. The percentage of female-headed households in Oregon City in poverty is significantly higher than the Portland Metro area, with nearly 25 percent of female-headed households in Oregon City living in poverty. This compares to just over 20 percent in the Portland Metro area as a whole. The biggest concern is female-headed households with children under five. Over 41 percent live below the poverty line in Oregon City compared to about 39 percent for the Portland Metro area.



**Table 5. Poverty in Oregon City (2000)**

Category	Oregon City	Percent of Population	Portland PMSA	Percent of Population
Individuals	2,173	8.9	147,501	9.5
Persons 18 years and older	1,404	7.8	103,152	8.9
Persons 65 years and older	167	7.5	11,877	7.4
All families	438	6.5	24,605	6.2
With related children under 18	368	10.1	19,860	9.6
With related children under 5	183	11.7	10,939	13
All female householder families	293	24.9	11,529	20.2
With related children under 18	271	32.5	10,569	26.8
With related children under 5	118	41.4	5,355	39.1

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

## 2.2 Households

While population characteristics are important, the characteristics of households define residential need. A household is all people living in a residential unit. A single person living alone in an apartment is considered a household, as is a family with children.

The U.S Census distinguishes between family and non-family households. Family households are made up of people related by blood or marriage. Non-family households are made up unrelated individuals (roommates). In 1990, Oregon City had 5,479 households with almost 70 percent in family households and about 30 percent in non-family households (Table 6). A comparison of the 2000 Decennial Census to the 1990 Census showed that there was very little change in the breakdown between family and non-family households, even though the 2000 Census reported a 73 percent increase in total households from 5,479 to 9,471 in 2000. Family households did grow slightly faster than non-family households, with single parent households showing the biggest increases.

**Table 6. Household Type in Oregon City**

	1990		2000		Percent Change 1990-2000
	Number	Percent	Number	Percent	
Total Households	5,479		9,471		72.9%
Family households	3,803	69.4%	6,669	70.4%	75.4%
With own children under 18	2,153	39.3%	3,469	36.6%	61.1%
Married Couples with family	2,946	53.8%	5,024	53.0%	70.5%
With own children under 18	1,565	28.6%	2,410	25.4%	54.0%
Female householder, no husband present	649	11.8%	1,166	12.3%	79.7%
With own children under 18	453	8.3%	769	8.1%	69.8%
Male householder, no wife preset	208	3.8%	479	5.1%	130.3%
With own children under 18	135	2.5%	290	3.1%	114.8%
Non family households	1,676	30.6%	2,802	29.6%	67.2%

Source: U.S. Census, 1990 (STF-1); U.S. Census, 2000 (SF-1); 2000 Decennial Census, Profile of Selected Economic Characteristics

### 2.2.1 Household Size

Another characteristic that will affect the type of housing needed by a household is its size. Average household size has declined nationally and in Oregon over the past 50 years. Table 7 shows that in 1950, the average household size in Oregon was 3.10, but sharp declines in the 1970's dropped the average household size to 2.60 in 1980. The decline in average household size has slowed over the last 20 years, but has still fallen to 2.51 for Oregon.

**Table 7. Average Household Size**

	Oregon		Oregon City	
	Average	Percent Change	Average	Percent Change
1950	3.10		2.90	
1960	3.10	0.0%	2.90	0.0%
1970	2.90	-6.5%	2.90	0.0%
1980	2.60	-10.3%	2.66	-8.3%
1990	2.52	-3.1%	2.62	-1.5%
2000	2.51	-0.4%	2.62	0.0%

Source: 1950-1970: "1940-1970 Population and Housing Trends, Cities and Counties of Oregon," Bureau of Government Research and Service, University of Oregon; 1980 Census of Housing, , Bureau of the Census, August 1982; 1990 Census, (Summary of Population and Housing Characteristics); 2000 Census (SF-1)

The Portland Metro area mirrors the state average at 2.51 percent in 2000. Oregon City had a smaller average household size than the state in 1950 (2.90), and also saw sharp declines in the 1970's, but did not decrease as fast as the state. Oregon City has continued to maintain a 2.62 average household size through 2000, the same as in 1990. Smaller household size means more units are needed even if the population remains unchanged.

### 2.2.2 Income

The most important household characteristic for determining housing need is income. Household income in Oregon City is generally increasing, with the biggest increases at the higher income levels. Table 8 indicates that the majority of Oregon City households earned between \$25,000 and \$74,999 (about 57 percent), which is similar to the Portland Metro area, where the majority of households (about 52 percent) also earn between \$25,000 and \$74,999.

In general, household income distribution in Oregon City mirrors the Portland Metro area with differences all less than two percent for each income bracket. The only exception are households earning more than \$150,000; 4.6 percent of Portland Metro households earn more than \$150,000 but in Oregon City only 1.5 percent of households earn more than \$150,000.

**Table 8. Household Income in Metropolitan Portland and Oregon City (2000)**

	Oregon City	Percent of population	Portland PMSA	Percent of population
Less than \$10,000	728	7.7%	42,556	6.9%
\$10,000 to 14,999	395	4.2%	31,037	5.0%
\$15,000 to 24,999	1,028	10.8%	69,551	11.3%
\$25,000 to 34,999	1,322	13.9%	78,424	12.7%
\$35,000 to 49,999	1,816	19.1%	105,902	17.2%
\$50,000 to 74,999	2,245	23.6%	133,308	21.7%
\$75,000 to 99,999	1,217	12.8%	72,099	11.7%
\$100,000 to 149,000	599	6.3%	53,649	8.7%
More than \$150,000	143	1.5%	28,565	4.6%

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

Table 9 shows median household income (MHI) for the Portland Metro area and Oregon City. Median household income has increased faster in Oregon City than in the Portland Metro area, although the MHI in Oregon City is still lower than the Portland Metro area. In 2000, Oregon City's median household income was about \$46,000 compared to the Portland Metro area, which has a median household income of nearly \$47,000.

**Table 9. Median Household Income (2000)**

Area	Median Household Income
Oregon City	45,531
Portland PMSA	46,789

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics

### 2.3 Housing Stock

Determining how much and what types of housing will be needed in the next 20 years requires an understanding of what the current housing stock offers. The Residential Housing and Land Inventory is used as the basis for determining the types and number of units that currently exist in Oregon City and the land available to accommodate housing in the future. Housing trends are based on building permit data since 1996.

The demographics section illustrated that Oregon City is a growing community and, if growth continues as expected, more housing units will be required than are now available. How will this growth affect the livability of Oregon City, and what housing options will new residents want? One single type of housing will not meet the needs of every current and future resident; people need different types of housing depending on income, family size, age, etc. To ensure current residents stay and new residents want to move to Oregon City, a range of housing options are necessary.

### 2.3.1 Housing Units (Census)

The previous sections discussed characteristics and housing needs of Oregon City residents. This section describes housing units available for them. Oregon City has a range of housing types. Table 10 shows the total number of units (both occupied and vacant) by structure type, based on the 2000 Census. The percentage of single-family homes in Oregon City (74 percent) is nearly the same as the Portland Metro area (73 percent). By far the majority of single-family homes are one-unit-detached structures. Other single-family housing types include one-unit-attached (townhouses), duplex (two-unit), and mobile homes. The percentage of the housing stock in each of these structure types is similar to that in the Portland Metro area as a whole.

**Table 10. Number of Units by Structure Type by Percentage of Total Housing Units**

	Oregon City		Portland PMSA	
	Units	Percentage of total housing units	Units	Percentage of total housing units
<b>Single-family</b>				
one unit-detached	6320	62.2	401,817	61.6
one unit-attached	283	2.8	21,994	3.4
Duplex	603	5.9	19,476	3.0
Mobile home	348	3.4	31,468	4.8
<i>Subtotal</i>	<i>7554</i>	<i>74.0</i>	<i>474,755</i>	<i>73.0</i>
<b>Multi Family</b>				
3-4	620	6.1	29,880	4.6
5-9	883	8.7	35,569	5.5
10-19	382	3.8	36,517	5.6
20 or more	726	7.1	73,713	11.3
<i>Subtotal</i>	<i>2611</i>	<i>26.0</i>	<i>175,679</i>	<i>27.0</i>
Boat, RV, van etc	0		1,836	
<b>Total</b>	<b>10,165</b>		<b>652,270</b>	

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

According to the 2000 Census, multifamily housing (structures with three or more units) account for about 26 percent of all housing in Oregon City and about 27 percent of all housing in the Portland Metro area. Oregon City's multifamily housing is concentrated in smaller complexes with less than ten units, although some newer apartment complexes with more than 20 units also are found in the city. The Portland Metro area also has a number of smaller apartment complexes, but the majority of units are in larger complexes with 20 or more units.

### 2.3.2 Housing Units (Housing survey)

Additional housing data by structure type was gathered through a parcel level housing survey completed in May 2002. The survey was conducted by walking or driving the entire city within the Oregon City UGB. In areas where it was difficult to determine if there were housing units,

aerial photos were used to confirm the number and type of housing units. Section 2.3.2.1 compares Census housing counts with those gathered in the housing survey.

An inventory of Oregon City housing revealed that housing in the city is fairly well dispersed in the city's neighborhoods (Figure 1).<sup>2</sup> Table 11 shows the number of housing units by type and zone. Table 12 shows the number of housing units by type and area. While nearly all areas have a significant number of units, Hazel Grove/Westling Farm, Hillendale, McLoughlin, Mt. Pleasant and the South End have the highest concentration of residential units. Within these areas, R-10, R-8, and R-6 zones have the highest concentration of single-family detached homes; RA-2, RD-4 and R-6 zones have the highest concentration of multifamily units. Single-family detached residential units are the dominant housing type in Oregon City.<sup>3</sup> A description of zoning districts is in Appendix A.

#### **2.3.2.1 Within City Limits**

There are 11,395 housing units within the city limits of Oregon City. Single-family units comprise approximately 76 percent of housing within the city limits, which is slightly higher than the 74 percent that the census data reported for total single-family units.<sup>4,5</sup> The housing survey determined that approximately 19 percent of housing units are multifamily units in structures or complexes with three or more units, compared to the Census data that reported approximately 26 percent of Oregon City housing unit as multifamily. The Census does not count group quarters by unit (it only counts individuals living in group quarters), although the May 2002 housing survey did identify an additional 505 units within the city limits, or about four percent of housing units, as group quarters. These include complexes such as group homes, retirement homes, and congregate care facilities where residents do not have individual kitchens.

Overall, the May 2002 housing survey counted 11,395 housing units within the city limits compared to 10,165 housing units counted in the 2000 Census. If group quarters were removed from the housing survey, the total units would be 10,890. While this is still higher than the Census count, the housing survey includes residential construction after the 2000 Census information was collected.

#### **2.3.2.2 Outside the City Limits but Inside the UGB.**

There are 1,162 housing units outside of the Oregon City city limits, but within the urban growth boundary (UGB). All housing units in this area are single-family units. About 55 percent of these homes are more traditional single-family detached homes on larger lots, and about 44 percent of homes are manufactured housing units in parks.

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<sup>2</sup> City staff used existing neighborhood association boundaries that were slightly modified to include all areas within the UGB.

<sup>3</sup> Total accessory dwelling units were estimated using Metro's methodology (based on 2000 Census data) at 1.8 percent of total single-family detached residential units (not including manufactured or mobile homes in parks). Applied to Oregon City, this equals 142 units, which were included in the overall count of residential units within the UGB.

<sup>4</sup> Single-family units include single-family detached, single-family attached, duplex, mobile homes in parks, and accessory dwelling units.

<sup>5</sup> The 2000 Census counted housing units within the city limits. It does not include housing units outside the city limits, but within the UGB.



### 2.3.2.3 Overall Housing Units

According to housing survey, there are 12,557 housing units within the Oregon City UGB; about 81 percent are single-family homes. About seven percent of single-family homes are mobile or manufactured homes in parks, with the majority of those parks located outside the city limits but inside the UGB. Oregon City has a number of multifamily units (three or more units), comprising about 17 percent of all units within the UGB. Duplexes (just over five percent of housing units) and multifamily units are primarily located inside the city limits. Group quarters were found in five neighborhoods: Barclay Hills, Gaffney Lane, McLoughlin, New TBA, and Rivercrest. These were mainly nursing or retirement homes, although there were also some congregate homes for residents with physical and/or mental disabilities.

**Table 11. Number of Existing Units by Type and Zone**

ZONE	Single-Family Residential	Duplex	Manufactured Homes in Parks	Single-Family Residential Attached	Multifamily Residential	ADU	Group Quarters	Total
<b>Inside City Limits</b>								
C	38	4	0	0	17	1	108	168
CI	5	0	0	0	0	0	0	5
HC	17	0	0	0	0	0	0	17
LC	19	4	0	0	17	0	0	40
LO	21	6	0	6	174	0	101	308
LOC	26	4	0	0	28	0	0	58
M-1	25	4	0	0	0	0	0	29
NC	8	2	0	0	0	0	0	10
R-10	2,647	76	0	0	4	48	0	2,775
R-6	1,735	129	0	0	290	31	55	2,240
R-6/MH	125	0	0	0	0	2	0	127
R-8	2,220	6	0	0	0	40	5	2,271
RA-2	25	26	0	20	1,215	0	119	1,405
RC-4	324	80	0	0	110	6	63	583
RD-4	192	333	381	46	350	3	54	1,359
<i>Subtotal</i>	<i>7,427</i>	<i>674</i>	<i>381</i>	<i>72</i>	<i>2,205</i>	<i>131</i>	<i>505</i>	<i>11,395</i>
<b>Outside City Limits</b>								
County	637	2	512	0	0	11	0	1,162
<i>Subtotal</i>	<i>637</i>	<i>2</i>	<i>512</i>	<i>0</i>	<i>0</i>	<i>11</i>	<i>0</i>	<i>1,162</i>
<b>Total</b>	<b>8,064</b>	<b>676</b>	<b>893</b>	<b>72</b>	<b>2,205</b>	<b>142</b>	<b>505</b>	<b>12,557</b>

Source: Source: David Evans and Associates, May 2002 Housing Survey

ADU=Accessory dwelling unit

**Table 12. Number of Existing Units by Type and Neighborhood**

Area	Single-Family Residential	Duplex	Manufactured Homes in Parks	Single-Family Residential Attached	Multifamily Residential	Accessory Dwelling Units	Group Quarters	Total
<b>Inside City Limits</b>								
Barclay Hills	273	128	0	0	279	5	108	793
Canemah	111	0	0	0	18	2	0	131
Caufield	512	0	67	0	200	9	0	788
Gaffney Lane	747	4	0	66	434	13	159	1,423
Hazel Grove/Westling Farm	460	0	0	0	0	8	0	468
Hillendale	805	56	314	0	194	14	0	1,383
McLoughlin	800	140	0	0	207	14	63	1,224
Mt. Pleasant	608	68	0	6	452	11	0	1,145
New TBA	362	20	0	0	146	7	125	660
Park Place	604	144	0	0	100	11	0	859
Rivercrest	611	8	0	0	65	11	50	745
South End	979	102	0	0	0	18	0	1,099
Tower Vista	555	4	0	0	110	8	0	677
<b>Subtotal</b>	<b>7,427</b>	<b>674</b>	<b>381</b>	<b>72</b>	<b>2,205</b>	<b>131</b>	<b>505</b>	<b>11,395</b>
<b>Outside of the City Limits</b>						0		
Canemah	5	0	33	0	0	0	0	38
Caufield	99	0	479	0	0	2	0	580
Gaffney Lane	27	0	0	0	0	0	0	27
Hazel Grove/Westling Farm	118	0	0	0	0	2	0	120
Hillendale	94	0	0	0	0	2	0	96
New TBA	12	2	0	0	0	0	0	14
Park Place	104	0	0	0	0	2	0	106
South End	178	0	0	0	0	3	0	181
<b>Subtotal</b>	<b>637</b>	<b>2</b>	<b>512</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>0</b>	<b>1,162</b>
<b>Total</b>	<b>8,064</b>	<b>676</b>	<b>893</b>	<b>72</b>	<b>2,205</b>	<b>142</b>	<b>505</b>	<b>12,557</b>

Source: David Evans and Associates, May 2002 Housing Survey

#### 2.3.2.4 Manufactured Housing

Oregon state law requires that manufactured homes be allowed anywhere traditional single-family detached homes are permitted, provided they meet specific building codes. The May 2002 housing survey counted manufactured homes on individual lots as single-family detached units. In these instances, the homeowner owns the structure and the land where the home is located.

Oregon City also has designated mobile home parks and manufactured home developments where the homeowner owns the structure, but rents or leases the land where the home is located. These housing developments were counted separately in the housing survey because there are different housing structure requirements for parks. For example, homes in parks are not always required to have a permanent foundation or permanent utilities connections. Table 13 shows designated mobile home and manufactured home parks within Oregon City.

**Table 13. Mobile and Manufactured Home Parks**

Park Name	Neighborhood	Capacity (units)	Existing Units	Vacant
Mt. Pleasant Mobile Home Park	Hillendale	125	125	0
Clairmont Mobile Home Park	Hillendale	189	189	0
Country Village Estates	Caufield	479	448	31
Cherry Lane Mobile Home Park	Caufield	67	60	7
Mobile Home Park	Canemah	33	33	0

Source: City of Oregon City; David Evans and Associates, Inc.; May 2002 Housing survey

#### 2.3.3 Current Housing Mix and Density

Residential development since 1996 in Oregon City has consisted primarily of single-family detached residential development. Table 14 shows that 82.5 percent of units built since 1996 have been single-family detached, while about 14.5 percent were multifamily units. Manufactured or mobile homes also accounted for about three percent of new units.

**Table 14. Percentage of Housing Units by Structure Type within the City Limits (1996-2001)**

	Percent of Units
Single-family detached	82.5%
Single-family attached	0.3%
Mobile or manufactured	2.7%
Multifamily	14.5%

Source: Metro, 2002

In order to make efficient use of urban land and infrastructure (water, sewer, streets), Metro urges cities to ensure that housing is built at densities of at least 80 percent, the maximum allowed by zoning. As a part of the Oregon City Functional Compliance Report (1999), the City determined that between 1990 and 1995, the number of households per net developed acre reached 82 percent of the maximum allowable densities for residential zones, which complies with the Metro target for built density.

**Table 15. Development Density Compared to Maximum Allowable Density (1996-2001)**

Zone	Total Units	Original Parcel Size	Developed Acres (residential)	ROW/ Unbuildable	Net Density	Maximum Density	Percent of Maximum Density (net)
<b>ZONING DESIGNATIONS</b>							
R-10	399	141.3	89.7	57.5%	4.4	4.4	100%
R-6	45	11.6	7.9	46.8%	5.7	7.3	78%
R-6/MH	46	12.7	9.5	33.7%	4.8	6.4	76%
R-8	725	200.8	149.5	34.3%	4.8	5.5	88%
RD-4	88	18.1	14.4	25.7%	6.1	10.9	56%
Total	1,303.0	384.5	271.0	41.9%	4.8		80%

Source: City of Oregon City (July 2002); David Evans and Associates

Table 15 shows residential development permitted through land use actions (subdivisions) since 1996. The majority of new development has occurred in the R-8 and R-10 zoning districts, largely on land annexed since 1996. Developments also appear to be occurring on parcels with more environmental constraints, as the amount of land not developed, especially in the R-10 and R-6 zones, is much higher than in other areas. Regardless of parcel size, the city is achieving 80 percent of maximum residential density citywide. Some zones are reaching closer to the maximum allowable density than others; the R-10 zone has reached 100 percent of the maximum density, where as the RD-4 zone has achieved just 56 percent.

#### 2.3.4 Condition

No housing condition survey has been completed in recent years. Instead, the condition of the current housing stock in Oregon City has been estimated based on the age of the structures. Newer units, ones typically less than 30 years old, will require fewer major repairs (new roof, electrical upgrades, plumbing). Table 16 shows the age of Oregon City housing stock. Almost half of Oregon City homes are older than 30 years, with over a quarter of homes older than 50 years. These homes require more upkeep than the newer homes, costing the homeowner additional money if the home is repaired as needed. About a third of homes are less than ten years old, showing the boom in home construction over the last 10 years.

**Table 16. Housing Condition in Oregon City**

	Percent
Less than 10 Years old	32%
11 to 20 Years old	3%
21 to 30 Years old	25%
31 to 40 years old	8%
41 to 50 years old	5%
more than 50 years old	26%

Source: Clackamas County Tax Assessor's Office (May, 2002)

### 2.3.5 Housing Availability

Oregon City and the Portland Metro area are similar in the percentage of renters versus owners, as shown in Table 17. The majority of housing units in both Oregon City and the Portland Metro area are owner-occupied; about 60 percent of housing units in Oregon City are owner-occupied, compared to about 62 percent in the Portland Metro area. Oregon City also has a slightly higher rental vacancy rate at 7.7 percent compared to the Portland Metro area at 6.7 percent. The vacancy rate is a determining factor in the amount of rental units available. A vacancy rate over five percent is considered indicative of a rental market that is adequate to serve the needs of the community. A lower rate may signify a need for more units to meet demand. However, the vacancy rate does not take into account the types of housing that are vacant.

**Table 17. Current Occupancy and Vacancy Rates in Oregon City**

	Oregon City (percent)	Portland PMSA (percent)
Occupied housing units	93.7	94.2
Owner occupied	59.8	62.0
Renter occupied	40.2	38.0
Vacant housing units	6.3	5.8
Homeowner vacancy rate	3.4	2.3
Rental vacancy rate	7.7	6.7

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics

### 2.3.6 Cost

One factor for determining how affordable housing is in Oregon City is to compare average rental cost and cost of homes for sale to median household income. Table 18 and Table 19 show average rents and the median home prices by the number of bedrooms for Oregon City and the Portland Metro area.

**Table 18. Average Rent by Number of Bedrooms for Portland and Oregon City**

	Oregon City	Portland
Studio	\$373	\$492
One-bedroom	\$500	\$600
Two-bedroom	\$599	\$735
Three-bedroom	\$690	\$873
Four-bedroom	N/A	\$977

Source: Housing Authority of Portland (Portland rental rates); Rental Data.com (Oregon City rental information)

Rents are less expensive in Oregon City (20 to 30 percent lower) than in the Portland Metro area. While this does provide a general indication that renting an apartment in Oregon City is more affordable, it does not take into account the total number of units by price available or by location. Different rental rates and size of available units are not evaluated individually, but it is likely that lower priced rental units are more competitive than higher rents for larger units or units with more amenities.



Home prices in Oregon City are competitive with the Portland Metro area. According to the Regional Multiple Listing Service (RMLS), median home prices in Oregon City have increased as fast as the other parts of the Portland Metro area, especially for homes with three bedrooms. The RMLS reports that the median price for all home types in the Oregon City area is actually higher than the Portland Metro area, although this may be skewed slightly because RMLS includes some rural areas in Oregon City, where larger lots and potentially higher prices could drive the median cost higher. Nevertheless, the majority of homes sold in the last year within the RMLS zone that includes Oregon City reflect a housing market very similar to the Portland Metro area.

Although the median home price (for 2002) for all homes sold is higher in Oregon City, median home price by type and number of bedrooms is generally lower. The median home price for a home with four or more bedrooms is about eight percent lower in Oregon City than the Portland Metro area as a whole. Smaller homes are more comparable, with two and three bedroom homes selling for nearly the same as in the Portland Metro area. Condominiums in Oregon City are about 30 percent less expensive than the region.

**Table 19. Median Home Price for Portland and Oregon City (Jan 2002-July 2002)**

	Oregon City	Portland
Two-bedroom	\$132,000	\$135,000
Three-bedroom	\$178,000	\$169,950
Four-bedroom	\$227,031	\$245,000
Condominium	\$98,500	\$129,900
Median (all units)	\$184,000	\$176,500

Source: Regional Multiple Listing Service (Jan -July 2002)

Note: RMLS does not track Oregon City separately from other rural areas outside of the Portland metro area. Some rural areas outside of the Oregon City UGB are included in median home prices.

The market value for existing housing is only one facet for determining how much home Oregon City residents can afford, or if they can even afford to purchase a home. Income requirements from lenders and savings for a down payment are two stumbling blocks, but affording the monthly mortgage payment on a home can also be a burden. Table 20 compares household income to fair market rents in Clackamas County.<sup>6</sup> Fair market rents are used to assess the average cost of rental housing within each county and are a better indicator of the entire rental housing stock in the region. While average rents in Oregon City are lower than fair market rents in Clackamas County, there is no assurance of availability of these lower rent units. The total number of units at a certain price point is also not accounted for in average rents in Oregon City, so some residents may be forced to live outside the city or pay higher prices more in line with fair market rents.

Housing affordability is based on the percentage of monthly income spent on housing. The Department of Housing and Urban Development (HUD) uses a standard formula to determine affordability, assuming no more than 30 percent of monthly household income is spent on rent or

<sup>6</sup> HUD determines fair market rent based on annual phone survey and other data gathering techniques down to the county level, but does not collect data for smaller geographic units such as Oregon City.

mortgage. Using HUD's formula, over 12 percent of Oregon City residents cannot afford even a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment.

**Table 20. Housing Affordability based on Household Income**

	Oregon City	Percent of population	Affordable Housing Cost (30 percent)	HUD Fair Market Rent (2001)
Less than \$10,000	728	7.7%	0-\$250	Studio: \$492 One-bedroom: \$606
\$10,000 to 14,999	395	4.2%	\$250-\$375	
\$15,000 to 24,999	1,028	10.8%	\$375-\$625	
\$25,000 to 34,999	1,322	13.9%	\$625-\$875	Two-Bedroom: \$747 Three-bedroom: \$1,038 Four-Bedroom: \$1,127
\$35,000 to 49,999	1,816	19.1%	\$875-\$1,250	
\$50,000 to 74,999	2,245	23.6%	\$1,250-\$1,875	
\$75,000 to 99,999	1,217	12.8%	\$1,875-\$2,500	
\$100,000 to 149,000	599	6.3%	\$2,500-\$3,725	
More than \$150,000	143	1.5%	more than \$3,750	
	9,493	100.0%		

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; HUD; Analysis by David Evans and Associates, Inc.

Although many residents cannot afford even the most basic housing, most Oregon City households can. Households with incomes between \$35,000 and \$75,000 account for about 43 percent of households and are generally able to afford at least a two-bedroom apartment if not more.

While many Oregon City households are able to afford larger and more expensive housing, households with lower incomes are in a more precarious situation. When rent accounts for more than 30 percent of income, HUD considers the household "cost burdened." Households spending more than 50 percent of monthly income on rent are considered "extremely cost burdened" and likely to be financially stressed by emergencies or even unable to afford basic needs such as food and transportation. HUD breaks low-income households into several categories: extremely low-income (earning 30 percent or less than the median household income); very low-income (earning 50 percent or less than the median household income); and low-income (households earning 80 percent or less than the median households income). Table 21 illustrates what different Oregon City household income levels can afford based on the median household income. Extremely low-income households (earning less than \$13,659 annually) cannot afford even a studio in Oregon City. Very low-income households earning less than \$22,765 annually and accounting for about one-quarter of Oregon City's population are able to afford only a one-bedroom apartment. In order to find housing, very-low income households may double up or accept substandard units. Low-income residents (earning less than \$36,425) can sometimes afford larger units.

Higher income households have a much better chance of securing adequate housing because they can afford to be choosy in both housing type and location. The high percentage of extremely low and very low incomes in Oregon City, in combination with high rental rates and housing costs, reveals an apparent lack of housing for low-income households.

**Table 21. Monthly Affordable Housing Costs for Oregon City Residents**

	Median Household Income	Affordable Monthly Housing Costs (30 percent of income)			
Percent of Median Household Income		30 percent of MHI	50 percent of MHI	80 percent of MHI	100 percent of MHI
Oregon City	\$45,531	\$341	\$569	\$911	\$1,138

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; Analysis by David Evans and Associates, Inc

The National Low-Income Housing Coalition (NLIHC) estimates that, nationally, 55 percent of low-income households experience cost burden, live in substandard housing, and/or live in overcrowded units. For extremely low-income households (30 percent of MHI), the likelihood that a household experiences some type of housing problem is even higher, at 88 percent.

### 2.3.7 Owning Versus Renting

Owning a home is often the biggest investment an individual or family will undertake and can provide a level of financial independence for those that can afford it. According to the National Low Income Housing Coalition (NLIHC) and the U.S Census Bureau, home ownership nationwide is on the increase, undoubtedly due to currently very low mortgage interest rates. Those who have not been able to secure loans in the past are now buying homes with little or sometimes no down payment. But getting a loan for a house is only part of the problem, because with a house comes upkeep costs and a mortgage payment that is not easily adjusted. Homeowners with lower incomes are often deeper in debt and more susceptible to market fluctuations. Losing a house due to foreclosure can further complicate an individual or family's chance of securing credit in the future.<sup>7</sup>

According to the NLIHC, households earning less than the area's median income are most susceptible to losing their homes or face a cost burden to pay the mortgage, interest and insurance. For example, households earning 80 percent of the median income will often live in less expensive older homes. Older homes are more expensive to maintain and are often located in poorer neighborhoods where the financial return on a home sale is not as great as more desirable areas. While owning a home does have the potential to create wealth, it also has the potential to exacerbate financial problems. Table 22 shows a general breakdown of owners versus renters and how housing costs affect household stability.

Attempting to determine what a household can afford is difficult because interest rates fluctuate, loan types vary, and property taxes are not the same everywhere. Nevertheless, the National Association of Homebuilders (NAHB) roughly calculated how much income a household would need to buy a home without overburdening it financially. The NAHB estimated that a home costing \$150,000 (assuming 10 percent down payment, seven percent mortgage interest and insurance, and overall consuming about 30 percent of household income) would require a median household income of \$47, 678. Consider that \$150,000 is lower than the median home

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<sup>7</sup> National Low Income Housing Coalition. (2002). *Advocates Guide to Housing and Community Development Policy*.

price in Oregon City and the Portland Metro area (Table 19), and the necessary household income is higher than the median household income for both Oregon City and the Portland Metro area (Table 9). Households in Oregon City earning even the median household income may experience some cost burden when buying a home in today's market.

**Table 22. Affordable Housing by Median Household Income**

Income	Tenure	Owns.....	Rents.....
High income (more than 120 percent of MHI)	Own home		
Middle income ( 120 percent of MHI: \$54,637 annually)	Own home		
Median income (\$45,531 annually)	Likely own home, but may rent		
Low income (80 percent or less of MHI: \$36,425 annually)	Own home or rent. May have some cost burden		
Very low-income (50 percent or less of MHI: \$22,765 annually)	Likely rent but may own home. Probably are cost burdened. <b>Eligible for subsidized housing</b>		
Extremely low-income (30 percent or less of MHI: \$13,659 annually)	Rents. <b>Eligible for subsidized housing</b>		

Source: 2000 Decennial Census, Profile of Selected Economic Characteristics Household Characteristics; HUD (2002); NLIHC (2002); Clackamas County Housing Authority; Analysis by David Evans and Associates, Inc.

### 3 Future Housing Need

#### 3.1 Projected land capacity

##### 3.2.13.1.1 Existing Residential Land Supply

The City of Oregon City completed a land inventory in May 2002 to determine the existing vacant residential land supply within the City's UGB. The inventory was then integrated with the City's GIS system and Clackamas County's Assessor data, providing parcel level information, including ownership, zoning and comprehensive plan designations.

Oregon City allows residential development in all of its zoning districts; however, not all vacant land identified in the housing survey within the UGB will be available for new residential development. While housing units exist in most zoning districts, vacant, partially vacant, and redevelopable land was only counted in zoning designations where residential development is encouraged. These zoning designations include: LC, R-10, R-6, R-6/MH, R-8, RA-2, RD-4, RC-4, and County.

Within commercial and industrial zoning districts where residential development is not, and should not be, the dominant development type, it was assumed that vacant land identified in the land inventory would be dedicated to other uses. City staff identified which areas would be suitable for residential development and should be included. Land with existing residential designations or existing residential development was broken into the following categories:

1. Vacant land—Parcels with no structures, or parcels with structures with an assessed value less than \$10,000 and a parcel area over 4000 sq. ft.
2. Partially vacant—Partially vacant land includes parcels that have at least one residential structure already located on the tax lot, but there is room for more units. Parcels were considered partially vacant if the lot size was at least triple the allowable lot size for the zone. Lots three to five times the minimum lot size were estimated to have room for at least one more unit. Lots more than five or more times the minimum lot size were assumed to develop the same as a vacant parcel for the zone.
3. Undevelopable—Parcels that are already committed to other uses. This includes any parcels with non-residential development (since residential uses are currently allowed in all zones), and parcels that are smaller than 4,000 sq. ft. Undevelopable land also includes parcels that have no vehicular access.
4. Developed residential land—Parcels with residential development and where developed land meets the current zoning designation and where the assessed value of the improvements (all structures) is greater than the assessed value of the land itself.
5. Potentially redevelopable land—Any parcel with a structure(s) or uses (i.e., a storage area), but are either not as intensive as allowed, or the existing assessed value of the improvements is less than the value of the land itself.<sup>8</sup>

#### **3.2.1.13.1.1 Vacant Land**

Vacant land within the Oregon City UGB is shown in Table 23 and Figure 2. Within the city limits, vacant land is found primarily in five zoning districts: R-10, R-6, R-6/MH, R-8, and RD-4. Overall, Oregon City estimates that approximately 22 percent of vacant land will be dedicated to public or semipublic uses such as schools, parks, and churches, and 15 percent to new roads. In calculating development capacity, it was assumed that parcels smaller than three eighths of an acre are already platted, would not require dedication of new right-of-way, and would use existing public facilities. Parcels with public or semi-public ownership were removed from the vacant lands inventory because it was assumed these parcels would be developed as non-residential uses (i.e., parks, schools, churches, public facilities, etc.).

Many vacant areas within the city limits are constrained because they are within the floodplain, are steep (greater than 25 percent), and/or are within the vegetation corridor near a waterbody or stream. These constraints reduce their development potential, so they were removed from the inventory. For example, nearly all vacant land within the R-6 zoning district is constrained. Although some development could occur on constrained land, vacant R-6 land in the entire city is extremely limited.

Overall, there are approximately 209 vacant buildable acres within the city limits, concentrated in the R-10 (63 percent), R6/MH (13 percent), R-8 (nine percent), and RD-4 zoning districts

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<sup>8</sup> To avoid double counting vacant and partially vacant parcels as potentially redevelopable parcels (vacant parcels will have a low or zero ratio, bigger parcels will tend to have a lower ratio and could also be considered redevelopable), only parcels where the building value was greater than \$10,000, met the building to land value criteria (less than 1:1), and less than three times the allowable lot size were counted as potentially redevelopable. Parcels with building values less than \$10,000 were assumed to be vacant, and parcels greater than three times the allowable lot size were considered partially vacant.



(seven percent). Assuming new development reaches 80 percent of the current maximum density for each district, 1,215 new units could be constructed within the city limits on vacant land.

Outside the city limits, but within the UGB, there are approximately 126 vacant buildable acres.<sup>9</sup> These parcels still retain rural zoning densities and when brought into the city limits will be rezoned to more urban densities, likely a combination of R-10, R-8, and R-6 zones. Assuming an average density that is 80 percent of the maximum of a R-8 zone, about 571 additional units could be constructed. This equals 1,787 new units on vacant land within the UGB.

### **3.1.1.2 Partially Vacant Land**

Oregon City has many parcels within the city limits that have one single-family home and are at least three times the minimum lot size, as shown in Table 24 and Figure 2. The majority of these partially vacant parcels are zoned R-10, the largest minimum lot size allowed within the city limits. There are 117 parcels zoned R-10 that are three to five times the minimum lot size and 99 parcels more than five times the minimum lot size. The R-8 and R-6 zones also have a significant number of parcels where locating new units is a possibility. Overall, potentially 223 new units could be constructed on these partially vacant lots within the city limits, assuming one unit is added on lots three to five times the minimum lot size. An additional 961 new units could potentially be built on lots larger than five times the minimum lot size, assuming these parcels are built to 80 percent of the maximum allowable density for the zone.

As with vacant lands between the city limits and UGB, estimating the total number of new housing units possible on under-utilized parcels will depend on the zoning assigned when annexed. Assuming a R-8 zoning density, there are 236 parcels that would be at least three times the minimum lot size. There would be 81 lots between three and five times the minimum lot size and 155 parcel more than five times the minimum lot size. There is the potential for additional 81 units on parcels between three and five times the allowable lot size and potentially another 1,541 units on parcels larger than five times the allowable lot size.<sup>10</sup>

Within the entire UGB, there is the potential for 2,806 new units on partially vacant lots within the UGB.

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<sup>9</sup> Vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

<sup>10</sup> Partially vacant parcels that would be designated for non-residential uses (such as Mixed-Use Employment) are not included in total acreage.

**Table 23. Vacant Residential Land by Zoning in Oregon City**

Classification	Number of tax lots	Gross unconstrained Acreage	total Acreage >3/8 acres (.83) <sup>11</sup>	Less environmental constraints	Park, Schools and Churches Deduction (x.22)	Right of way deduction (x.15)	Gross vacant buildable acres	Max. Units per acre	Development on Parcels less than 3/8 Acres	Potential Dwelling Units (80 percent density)
<b>Within the UGB</b>										
LC <sup>12</sup>	13	1.5	1.2	0.7	0.1	0.1	0.6	7.3	11	14
R-10	146	264.8	219.8	89.4	28.7	15.3	131.5	4.4	72	535
R-6	122	72.6	60.3	58.9	0.3	0.2	13.2	7.3	80	157
R-6/MH	8	38.8	32.2	2.7	6.5	3.5	26.2	6.4	2	136
R-8	92	35.4	29.4	11.3	4.0	2.1	18.0	5.5	73	152
RA-2	10	6.5	5.4	0.4	1.1	0.6	4.4	19.8	3	72
RC-4	10	2.8	2.3	1.1	0.3	0.1	1.3	10.9	9	20
RD-4	15	22.9	19.0	4.0	3.3	1.8	13.9	10.9	7	128
<b>Subtotal</b>	<b>416</b>	<b>445.3</b>	<b>369.6</b>	<b>168.5</b>	<b>44.2</b>	<b>23.5</b>	<b>209.0</b>		<b>257</b>	<b>1,215</b>
<b>Between the City Limits and the UGB</b>										
County	91	226.6	188.1	55.8	29.1	15.5	100.4	5.5	16	571
<b>Total</b>	<b>507</b>	<b>671.9</b>	<b>557.6</b>	<b>224.3</b>	<b>73.3</b>	<b>39.0</b>	<b>336.6</b>		<b>273</b>	<b>1,787</b>

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

<sup>11</sup> The Oregon City Functional Compliance Plan (1999) determined that 83 percent of parcels in Oregon City are over 3/8 acres. Total acres were multiplied by .83 to remove parcels less than 3/8 of an acre, which are already assumed to be platted.

<sup>12</sup> 50 percent of gross vacant unconstrained acres is dedicated to residential uses. There are 2.9 acres of vacant LC land.

**Table 24. Partially Vacant Residential Land by Zoning in Oregon City**

		For lots 5 times or larger the allowable size					Potential dwelling units (80 percent density) for all lots 5 times the lot size. One additional unit for lots 3-5 times the lot size
Classification	Tax lots 3 to 5 times minimum size	Total tax lots	Total Acres	Maximum Density	Constrained land	Right of way (15%)	
Within the UGB							
LC	0	0	0.0	7.3		0.0	0
R-10	117	99	238.7	4.4	53.1	27.8	672
R-6	60	25	33.2	7.3	19.7	2.0	127
R-6/MH	5	3	5.5	6.4	1.7	0.6	22
R-8	26	48	86.0	5.5	8.1	11.7	317
RA-2	0	1	2.3	19.8	0	0.3	31
RC-4	0	0	0.0	10.9	0	0.0	0
RD-4	15	0	0.0	10.9	0	0.0	15
Subtotal	223	176	365.7		82.6	42.5	1,184
Between the City Limits and the UGB							
County	81	155	470.3	5.5	58.4	61.8	1,622
Total	304	331	836.0		141.0	104.3	2,806

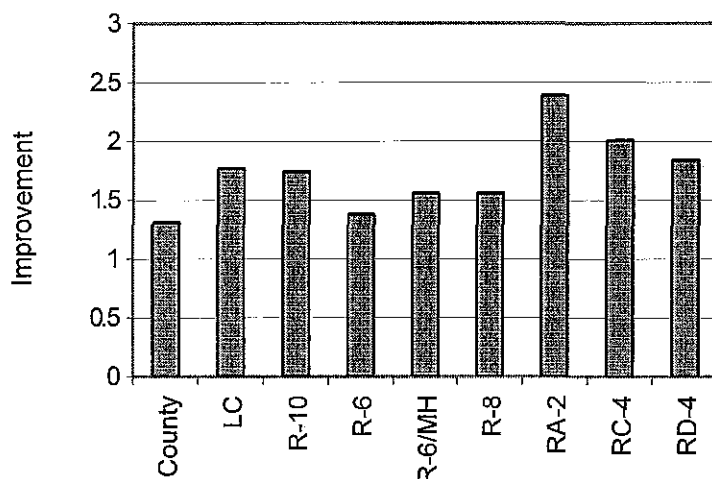
Source: Clackamas County Assessors Office, May 2002; Analysis by David Evans and Associates, Inc.

### 3.1.1.3 Potentially Redevelopable Land

Identification of parcels that could be redeveloped is based on the value of improvements compared to land value. The value of the structures and other improvements declines over the years if not properly maintained, and the potential for redeveloping the property increases. Figure 3 illustrates the average improvement values by residential zoning districts. Not surprisingly, improvement-to-land-value ratios are highest in zoning districts that allow denser development (RA-2, RC-4, and RD-4 zones). The RA-2 zone has the highest improvement-to-land-value ratio of any residential district. Conversely, less dense zones have lower improvement values, where one unit on a larger lot is the norm. Overall, average improvements in single-family residential zones are about 1.5 times the land value, with zones allowing higher density housing closer to two times the land value.

Parcels falling below the 1:1 building-to-land-value threshold could potentially be redeveloped with newer or higher density uses. However, just because the land is considered redevelopable does not ensure that change will actually occur. Table 25 shows the amount of potentially redevelopable land by zone. In Oregon City, there is less than one acre of land considered highly redevelopable and just over eight acres that have medium redevelopment potential. The majority of redevelopable parcels (about 90 percent) have a low potential and will likely stay in the same use as today. By far the majority of redevelopable parcels are within the R-6 zone, followed by the R-10 zone.

**Figure 3. Improvement to Land Value Ratio for Residential Property**



Source: Clackamas County Tax Assessor's Office (May 2002)

**Table 25. Potentially Redevelopable Residential Land by Zoning in Oregon City**

Redevelopment Potential Zoning District	Building to Land Value			Total Acres
	0-0.25 (High)	0.26-0.50 (Medium)	0.51-0.99 (Low)	
LC			0.8	0.8
R-10		1	23.5	24.5
R-6	0.8	6.9	48.7	56.4
R-6/MH			0.4	0.4
R-8				0
RA-2		0.3	0.3	0.6
RC-4		0.2	6.1	6.3
RD-4			3.0	3
Total	0.8	8.4	82.8	92

Source: Clackamas County Assessors Office; Analysis by David Evans and Associates, Inc.

### **3.2 Metro and Clackamas County Capacity Estimates/Land Need through 2017**

Oregon City is required to determine its housing capacity within the city limits and outside of the city limits but within the UGB area that is still under Clackamas County jurisdiction. Table 26 shows the amount of expected growth in the region that Metro and Clackamas County believe Oregon City should accommodate and the projected housing capacity (using the current zoning) within the UGB to meet those targets. Within the city or UGB, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units by 2017.

Oregon City has seen considerable growth since the projected capacity estimates were the developed. Between 1994 and 1996, Oregon City determined by reviewing building permits that 1,446 units were built within the UGB. More recent permit data supplied by Metro showed an

additional 2,219 units constructed between 1996 and 2001. This development significantly reduces the dwelling units needed by 2017 to 6,075 units. However, there does not appear to be capacity to accommodate these units within the UGB. Full development of all vacant and partially vacant land would result in 4,593 new units, based on current zoning within the city and an overall R-8 density for county land within the UGB, missing the capacity target by 1,444 units.

**Table 26. Capacity Analysis based on Metro and Clackamas County Capacity Estimates**

Metro and Clackamas county dwelling unit target capacity	9,940
Credit for development (9/1/94-8/31/96)	(1,446)
Credit for development (8/31/96-Current)	(2,219)
Credit for projected accessory units	(142)
Credit for development on constrained land	(58)
Adjusted dwelling unit target	6,075
Estimated dwelling unit capacity on vacant land	(1,787)
Estimated dwelling unit capacity on partially vacant land	(2,806)
New dwelling units in manufactured home parks	(38)
<b><i>Dwelling Unit Capacity Deficiency</i></b>	<b><i>1,444</i></b>

These capacity estimates do not reflect plans to permit and encourage increased density in some areas (such as downtown), because the zoning to implement these higher densities is not yet in place. Currently, there is no housing within the downtown area and no land zoned specifically for housing, although the Oregon City Downtown Community Plan (1999) recommends several areas that could accommodate higher-density housing. If this plan is implemented, a considerable number of housing units could be accommodated in the core area of the city.

Oregon City's zoning for residential land within the city limits is primarily R-10 and R-8. This is larger than the average lot size recommended by Metro for urban areas (7,000 sq. ft). There is potential for more housing if zoning were changed and densities increased.

The number of units that could be developed on unincorporated land within the UGB depends on what zoning was assigned to each parcel when it was annexed into the city. Upon annexation, parcels are typically zoned R-10, the lowest density allowed within the city limits. For the purposes of these estimates, vacant county parcels were assumed to develop at an R-8 zoning density. However, some areas could be zoned at higher densities and accommodate additional units.

Underutilized land (or land that is not developed to the maximum allowed density by zoning) actually accounts for more acreage than vacant land in the unincorporated UGB. Underutilized land that is more than five times the allowable lot size was assumed to develop the same as vacant parcels, based on Oregon City's experience where new development on these larger lots is meeting at least 80 percent of the target density for the underlying zone. Redevelopable land is not included in the capacity analysis because of the limited amount of land considered to be highly redevelopable. The number of units that might be constructed would likely be negligible.



### **3.3 Housing Mix Based on Demographics**

Metro and Clackamas County developed a dwelling unit target for Oregon City based on expected regional growth and the amount of vacant land available within the Oregon City UGB, shown in Table 26, not accounting for current and future socioeconomic conditions. While the target assumes that a variety of housing types will be required, it does not determine what the best housing mix would be and how much residents can afford to spend on housing.

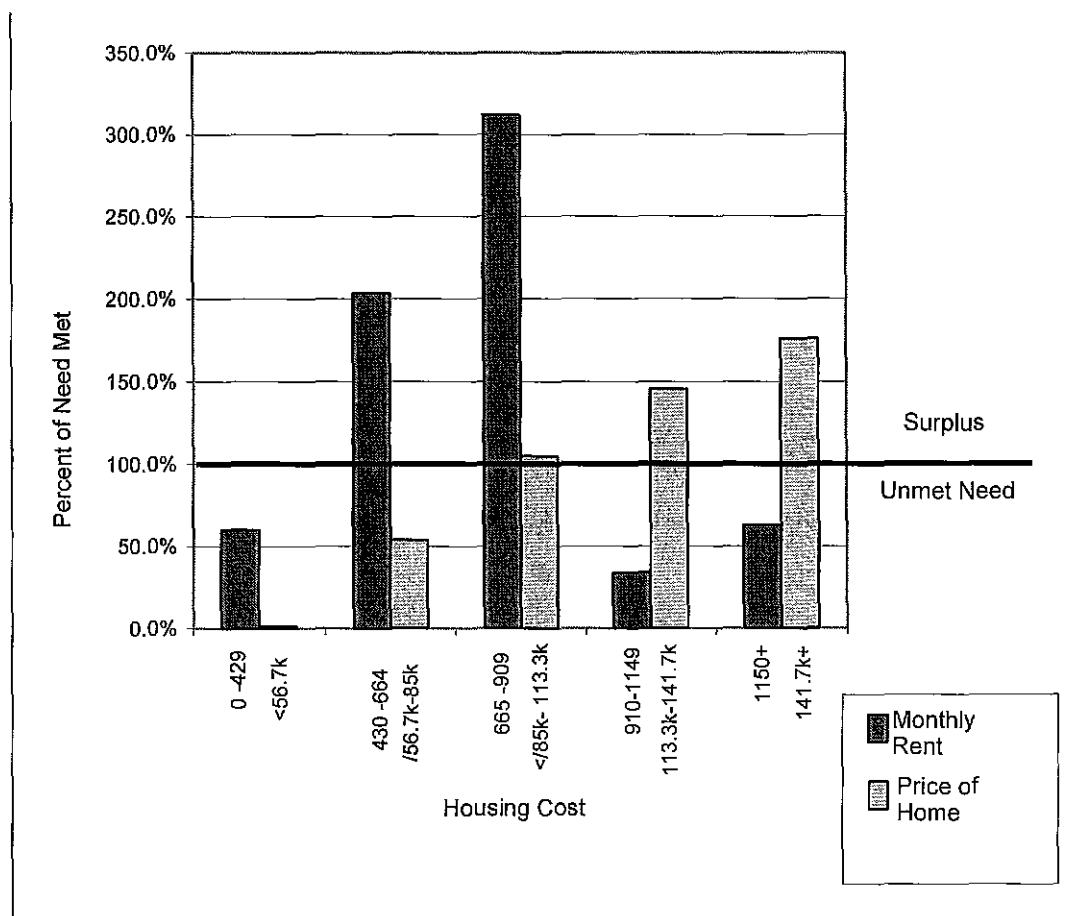
The Oregon Department of Housing and Community Services (HCS) has developed a model that projects housing needs based on the existing housing stock, demographics and anticipated population growth. The model evaluates the existing housing units by structure type and cost, compares those units to local demographics, and estimates the current demand/supply by structure type and price point. The model requires knowledge of existing housing units, tenure, and cost. The existing housing inventory was used as the base for the model, while tenure and cost were extrapolated from the 2000 Census. The model assumes no more than 30 percent of household income is spent on rent or a mortgage.

Figure 4 shows the percentage of new housing units currently needed by price and tenure. According to the model, housing need is met for a particular price point if the existing housing stock meets 100 percent of the need. According to the model, Oregon City has a surplus of rental units in the mid price ranges with monthly rents between \$430 to \$909. The largest surplus is in the \$665 to \$909 rent ranges, where need is met by more than three times for that price range, creating a surplus of those units. Oregon City does not meet residents' needs for less expensive rental units or for units costing more than \$909 per month. The current housing stock meets just over 50 percent of the estimated need for units with rents less than \$429 per month and, for more expensive units, the existing rental stock meets approximately 50 percent of the estimated need.

In addition to rental needs, the model also estimates the need for owner-occupied units. The model shows a surplus of units costing more than \$113,300 with a greater surplus in units costing more than \$141,700. Oregon City's housing stock meets the city's needs for homes costing between \$85,000 and \$113,000, but only meets about 50 percent of housing needs for homes priced between \$56,700 and \$85,000.

Affordable housing is a concern for many Oregon City residents. The model shows just over one-percent of the need is currently met for homes costing less than \$56,700, which is not surprising considering a median sale price for homes in Oregon City of \$184,000. The number of homes in the low price range is extremely limited, and households that can only afford a home in this range would likely rent rather than buy. Households could afford to own a home only by spending a disproportionate amount on their mortgage payment. In this case, supplying more rental units than owner-occupied units is likely more realistic when comparing the current real estate market, high cost of land, and building materials.

**Figure 4. Percentage of New Housing Units Needed by Housing Type for Oregon City**



Source: Oregon Housing and Community Services 2002, David Evans and Associates, Inc. 2002

Assessing the current met/unmet needs is the first step in determining a future housing mix that will satisfy the projected population and demographic changes. Table 27 shows two housing mixes based on information gathered through the housing inventory and a projected housing density from the HCS model that would meet housing needs based on tenure and cost. Oregon City's current housing mix is about 80 percent single-family units and about 20 percent multifamily, although building permit data shows that the majority of new units (about 86 percent) are single-family detached homes. About 14 percent of the new units are multifamily dwellings.

The HCS model projects the density mix needed to meet Oregon City's housing needs, and has a higher percentage of units in multifamily than the current housing mix. The model projects a housing mix of about 75 percent single-family housing and about 25 percent multifamily units. The higher number of multifamily units is based on a current unmet need for low cost housing as well as higher priced units. There is a large unmet need for low cost housing for both owners and renters, but due to high housing prices, home ownership is not a realistic option. Most people who can only afford the most inexpensive housing are likely going to rent.

**Table 27: Actual and Projected Housing Mix**

Housing Type	Current Mix (Housing Inventory)	HCS Model (Projected Mix to Meet Housing Needs)
Single-family	81.4%	74.7%
Single-family	67.9%	63.9%
Duplex	5.9%	4.4%
Manufactured homes in parks	7.6%	6.4%
Multifamily	18.6%	25.3%
Total	100.0%	100.0%

The need for a higher percentage of multifamily units is illustrated in the demographic analysis completed in Section 2, Existing Conditions, the HCS projections showing a need for more affordable housing, and a Metro target capacity that supports higher density development. The majority of units will be single-family, but there is also a need for a higher percentage of units in multifamily uses.

### **3.4 Land Needs/Surplus by Housing Type**

Table 28 shows the needed housing units by housing type and the need/surplus of existing vacant land within the Oregon City UGB. The target capacity for the Oregon City is 6,075 additional units (after reductions for units already constructed). Based on the adjusted target and housing mix recommended in the HCS model, Oregon City should accommodate 4,538 single-family units and 1,537 multifamily units (75 percent single-family and 25 percent multifamily).

The majority of these new units can be accommodated on vacant or partially vacant land within the UGB, but to meet the target capacity Oregon City would need to make some zone changes that increase density. Currently, vacant and partially vacant land zoned for single-family units can accommodate all single-family unit needs with room for over 4800 units, while existing multifamily zoned land could accommodate just 103 units. Therefore, some land should be rezoned to higher density uses to provide the necessary 1,434 units.

The need for higher density development within Oregon City, especially in the downtown area, has already been the focus of extensive planning efforts in an attempt to make downtown a more lively. Higher density developments can support businesses, including restaurants and entertainment businesses that cater to these new residents. The City has developed and adopted the "Oregon City Downtown Community Plan" that recommends mixed uses with 30 units per acre of housing. Other areas where higher density uses (than is currently permitted) may be appropriate are shown in Figure 5 and described in Table 29. Approximately 193 buildable acres would be rezoned; of that about 104 acres would be rezoned for multifamily uses, including a mixed-use area north of downtown.

**Table 28. Housing Need/Surplus with Rezoned Areas**

		Single-family, Manufactured in Parks, Duplexes	Multifamily	Total
Adjusted Metro Target (Table 26)	6,075			
Future Housing Mix (Table 27)		74.7%	25.3%	100.0%
<i>Metro Target using future housing mix</i>		4,538	1,537	6,075
		Single-family Zoning Districts <sup>13</sup>	Multifamily Zoning District <sup>14</sup>	Total
Potential New Units on Land within the UGB				
Vacant Land (Table 23)		1,715	72	1,787
Partially Vacant Land (Table 24)		2,775	31	2,806
New Units in Existing Manufactured Home Parks (Table 13)		38	0	38
Total New Units		4,528	103	4,631
Needed Units				
<i>(Need)/Surplus (New units-Metro Target Future Housing Mix)</i>		<i>(10)</i>	<i>(1,434)</i>	<i>(1,444)</i>
Potential New units on rezoned residential land (Table 29)		365	1,510	1,875
<b>Total Units (needed)/surplus</b>		<b>355</b>	<b>76</b>	<b>431</b>

Areas to be rezoned would accommodate primarily multifamily housing units, duplex townhomes and other higher density uses. Some rezoned areas would retain a single-family zoning but at a higher density (e.g. R-10 rezoned to R-8 or R-6). Multifamily housing would only be allowed in the RA-2 zone and in a future MUR zone recommended in the Downtown Plan. New multifamily uses are located in areas with existing multifamily uses or near activity centers, such as Clackamas Community College, and near major thoroughfares where more transportation options are available.

Oregon City meets nearly all land needs for single-family units, but needs more land for multifamily dwellings. Converting 107 acres of single-family land to multifamily uses would accommodate additional 1,510 units, or 76 units more than required. Other rezoned land (about 93 acres) would remain in single-family use but at a higher density. This would generate 365 additional units, or 355 units more than required. Together this would provide 1,875 units, which exceeds Metro's residential target capacity by 431 units.

<sup>13</sup> Single-family zones include LC, R-10, R-8, R-6, R-6/MH, R-8, RC-4, RD-4, and County assumed with a density of R-8.

<sup>14</sup> The only zone identified as multifamily is RA-2

**Table 29. Potential Changes in Zoning to Meet Density Target**

Area	Existing Zone	New Zone	New Comp. Plan Designation	Gross rezoned unconstrained Acreage	Total existing Units	Less env. constraints	PSC Deduction (x.22)	ROW deduction (x.15)	Total Deduction	Gross vacant buildable acres	Max. Units per acre for current zone	Max. Units per acre for new zone	Total new units
1	M-1	MUOR	MUOR	2.7	0	0.0	0.0	0.4	0.4	2.3	0.0	30	55
	M-2			11.7	0	0.0	0.0	1.8	1.8	9.9	0.0	30	239
	RC-4			0.2	3	0.0	0.0	0.0	0.1	0.1	0.0	30	3
	C			17.4	8	0.0	0.0	0.0	0.0	17.4	0.0	30	418
2	R-10	RD-4	MR	51.4	13	20.3	6.8	3.6	30.8	20.6	4.4	10.9	107
	R-6/MH			8.8	1	1.7	1.6	0.8	4.1	4.7	6.4	10.9	17
	County			35.0	0	0.4	7.6	4.0	12.1	22.9	5.5	10.9	99
3	R-8	R-8	LR	0.0	0	0.0	0.0	0.0	0.0	0.0	5.5	5.5	-
	R-10			30.3	13	17.2	2.9	1.5	21.6	8.7	4.4	5.5	8
4	R-10	R-6	LR	18.0	12	10.3	1.7	0.9	12.9	5.1	4.4	7.3	12
5	R-6	RD-4	MR	4.0	7	2.5	0.3	0.2	3.0	1.0	7.3	10.9	3
6	R-6	RA-2	HR	13.3	12	7.8	1.2	0.6	9.6	3.6	7.3	19.8	36
	R-10			6.4	0	4.3	0.5	0.2	5.0	1.4	4.4	19.8	17
7	RA-2	RA-2	HR	4.4	2	0.0	1.0	0.5	1.5	2.9	19.8	19.8	-
	R-6			12.6	15	0.2	2.7	1.5	4.4	8.2	7.3	19.8	82
	LO			2.0	41	0.0	0.0	0.3	0.3	1.7	19.8	19.8	-
8	R-10	RD-4	MR	6.1	0	1.0	1.1	0.6	2.7	3.4	4.4	10.9	17
9	R-10	RD-4	MR	4.4	2	0.0	1.0	0.5	1.5	2.9	4.4	10.9	15
10	R-10	R-8	LR	7.9	0	0.0	1.7	0.9	2.7	5.3	4.4	5.5	5
11	County	RA-2	HR	10.2	13	2.8	1.6	0.9	5.3	4.9	5.5	19.8	56
12	R-6	RD-4	MR	4.7	6	1.3	0.0	0.5	1.8	2.9	7.3	10.9	8
	R-10			5.7	7	0.4	1.2	0.6	2.1	3.5	4.4	10.9	18
13	R-10	RA-2	HR	10.4	5	1.1	2.0	1.1	4.2	6.2	4.4	19.8	76
14	R-10	RA-2	HR	19.8	3	0.0	4.4	2.3	6.7	13.1	4.4	19.8	162
15	R-10	RA-2	HR	20.1	6	3.3	3.7	2.0	8.9	11.2	4.4	19.8	138
16	LO	RA-2	HR	0.3	0	0.0	0.0	0.0	0.0	0.3	19.8	19.8	-
	R-10			14.5	9	1.6	2.8	1.5	5.9	8.6	4.4	19.8	105
	R-6/MH			4.1	3	0.0	0.9	0.5	1.4	2.7	6.4	19.8	29
	RD-4			19.9	69	0.0	4.4	2.3	6.7	13.2	10.9	19.8	94
17	County	MUE	MUE	84.9	No new residential units								
18	R-6	MUE	MUE	9.6									
19	R-10	RD-4	MR	6.1	1	0.1	1.3	0.7	2.1	4.0	4.4	10.9	21
20	R-6/MH	RD-4	MR	9.9	0	1.1	1.9	1.0	4.1	5.8	6.4	10.9	21
	R-10			3.9	1	0.0	0.9	0.5	1.3	2.6	4.4	10.9	13
Total				460.8	252	77.3	55.3	32.4	165.1	201.2			1,875



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**Appendix A**  
**Oregon City Zoning Descriptions**

In accordance with David Evans & Associate's commitment to quality control, the signatures of the author and reviewer of this document are below.

**AUTHOR:**

**REVIEWER:**

**NAME** \_\_\_\_\_

**NAME** \_\_\_\_\_

**DATE** \_\_\_\_\_

**DATE** \_\_\_\_\_

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**BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF OREGON CITY**

**In the Matter of an Application by Historic Properties, LLC for a Comprehensive Plan Map Amendment from LDR and MDR to MUC and a Zoning Map Amendment from R-3.5, R-6 and R-10 to MUC-2 on 15.69 Acres Located at the intersection of Beavercreek Road and Maplelane Road**

**SUPPLEMENTAL FINDINGS OF  
FACT AND CONCLUSIONS OF  
LAW IN SUPPORT OF THE  
APPLICATION FOR ZC 15-03 AND  
PZ 15-01**

**I. INTRODUCTION.**

This Application requests an amendment to the City of Oregon City's ("City") acknowledged Comprehensive Plan map and zoning map as described above on 15.69 acres. The Applicant is Historic Properties, LLC ("Applicant"). This Application is processed through a Type IV Application. The City has deemed the Application complete.

The Planning Commission held an initial evidentiary hearing on November 9, 2015. However, the inadvertent failure to provide the 35-day pre-hearing notice to the Oregon Department of Land Conservation and Development ("DLCD") and the 40-day pre-hearing notice to the Metropolitan Service District ("Metro") required the City to hold another initial evidentiary hearing after providing the required notices. The City mailed the required pre-hearing notice to DLCD on November 16, 2015 and the required pre-hearing notice on Metro to November 16, 2015. The City also mailed notice of the new initial evidentiary hearing to surrounding property owners entitled to notice under the Oregon City Municipal Code ("OCMC") and ORS 197.763(2) and (3) on November 16, 2015.

These supplemental findings address applicable Statewide Planning Goals (the "Goals"), applicable Metro Urban Growth Management Functional Plan ("Functional Plan") requirements, Oregon Administrative Rules (the "OARs") and applicable Oregon City Comprehensive Plan (the "Plan") goals and policies. The Applicant has previously submitted findings addressing applicable Plan goals and policies. Where these supplemental findings conflict with the prior findings, these supplemental findings shall control.

**II. APPLICABLE GOALS.**

**A. Goal 1, "The Citizen Involvement":**

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

**FINDING:** In addition to the findings contained in the staff report addressing Plan Goal 1, the Planning Commission can find that the City's acknowledged plan and land use regulations fully implement a citizen involvement program. The Applicant held a neighborhood meeting with the Caulfield Neighborhood Association prior to the submittal of the Application. The City provided timely public hearing notice to property owners, the Caulfield Neighborhood Association and the



Citizens Involvement Committee consistent with the OCMC Chapter 17.50 and ORS 197.763(2) and (3) for quasi-judicial hearings before the November 9, 2015 hearing and the January 11, 2015 initial evidentiary hearing.

The Planning Commission can find that Goal 1 is satisfied.

**B. Goal 2, “Land Use Planning”:**

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

**Part II - Exceptions.”**

**FINDING:** The Planning Commission can find that Part II, Exceptions, is inapplicable to this Application.

The Planning Commission can find that Part I, Planning, is satisfied for the following reasons. First, the Planning Commission can find that the proposed Application is based upon an adequate factual base, including evidence submitted by the Applicant and evidence in the form of coordination with affected governmental entities.

Second, Goal 2 requires coordination with affected governmental entities as that term is defined in ORS 197.015(5). Coordination requires notice of an Application to affected governmental entities, an explanation of the Application to those entities, an opportunity for those entities to respond and incorporation of the entities’ comments to the extent possible. The City has provided notice of this Application to affected governmental entities and to affected City departments. Several governmental entities and affected City departments submitted comments. To the extent the comments are relevant, the Planning Commission can incorporate those comments in the decision.

Finally, the Planning Commission can find that this Application is based on the City’s acknowledged Plan and land use regulations providing for a planning process and policy framework as a basis for this Plan map and zoning map amendment.

The Planning Commission can find that Goal 2 is satisfied.

**C. Goal 6, “Air, Water and Land Resource Quality”:**

**“To maintain and improve the quality of the air, water and land resources of the State. All waste and process discharges from future development, when completed with such discharges from existing development, shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. . . .”**

**FINDING:** The Planning Commission can find that all stormwater discharge from this site before entering public waters will be detained and treated so that water leaving the site will meet applicable state and federal standards. *See* OCMC Chapter 17.97 requiring erosion and sediment control permit. The Planning Commission can take note of the City’s acknowledged land use regulations and adopted engineering standards that require on-site water detention and treatment to assure and maintain water quality. Goal 6 is satisfied where there is a reasonable expectation that the uses will be able to comply with applicable state and federal environmental regulations. *Hess v. City of Corvallis*, 70 Or LUBA 283 (2014).

The Planning Commission can find that Goal 6 is satisfied.

**D. Goal 7, “Areas Subject to Natural Hazards”:**

**“To protect people and property from natural hazards.”**

**FINDING:** The City can find that the relevant provision of this Goal is satisfied. Goal 7, Guideline B, Implementation 4, provides: “When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports, or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risks to the site, as well as the risk the proposed development may pose to other properties.”

The Planning Commission can find that most of Goal 7 applies to the acknowledgment of a local government’s Comprehensive Plan and not to a post-acknowledgement amendment. This Application represents a post-acknowledgement to the City’s acknowledged Plan. However, Guideline B, Implementation 4 is relevant. The Planning Commission can find that the Application satisfies this standard for the following reasons.

Opponents to the Application argue that the landslide risk is severe and uncontrollable on this site. Nevertheless, their assertions are not based on substantial evidence and are not accompanied by a geotechnical analysis prepared by a registered professional. Therefore, when weighing the competing evidence, the Planning Commission can conclude that the Application is supported by substantial evidence and supports a finding that Goal 7, to the extent it is applicable, is satisfied.

The record for this Application contains a memorandum from the firm of Hart Crowser dated July 13, 2015 authored by Mr. Tim Blackwood, PE, GE, GEC. The Hart Crowser memorandum analyzed the geotechnical condition of the development site. The 3-page memorandum concluded at page 2, under the heading “Geologic Hazard Evaluation”, that: “Our evaluation of the potential of an entire deep-seated landslide to move is low, so no special development measures are recommended to address it.”

The Hart Crowser memorandum found:

**“Our evaluation of localized land sliding found potential for land sliding even in the headscarp to be moderate. We found that the headscarp slope could experience local failures that could potentially adversely affect the site under two cases:**

**very high groundwater conditions or a designed seismic event. We consider this hazard to be moderate as it is only likely under extreme cases of these conditions. Groundwater would have to be very high to prolong an extreme precipitation and/or excessive on-site infiltration. Likewise, seismic shaking would have to be from a substantial magnitude event, a designed seismic event. Both of these conditions would occur very infrequently. Our analyses determine that the hazard to the site from such landsliding can be mitigated with setbacks from the headscarp slope and controls for on-site water infiltration. Such final measures will be determined with additional geotechnical work as development plans are finalized and permitted.**

**Similar to the moderate hazard the headscarp slope poses to the proposed development, the development potentially poses a moderate hazard of causing localized landsliding within the headscarp slope if not properly designed. This hazard would occur if development increases groundwater levels within proximity of the slope. Increased groundwater levels could occur from stormwater and other sources of water infiltration that are altered by development. To mitigate for this hazardous, potential sources of water infiltration will be controlled, largely by relying on stormwater detention, whether than infiltration. Provided these are adequately controlled, no other special measures to mitigate for adverse effects to the headscarp slope will be necessary. Specific design of the stormwater system will be complete as development plans are finalized and permitted.”**

(Hart Crowser memorandum at pages 2 and 3.)

Based on the Hart Crowser memorandum, the Planning Commission can first find that this Application is not in a high hazard area. Notwithstanding this finding, the Applicant has provided a site-specific report that is appropriate for the level and type of hazard; in this case, a geotechnical report prepared by a licensed professional. Mr. Blackwood is an Oregon-registered professional engineer. The Hart Crowser memorandum evaluated the risk to the site based on the deep-seated landslide and the potential for landsliding within the headscarp. The Hart Crowser memorandum concluded that with respect to the deep-seated landslide potential, the entire deep-seated landslide to move is “low,” but did not recommend mitigation measures.

With respect to the potential for landslides within the headscarp, the Hart Crowser memorandum found the potential to be moderate and, therefore, recommended mitigation with setbacks from the headscarp slope and controls for on-site water infiltration.

Finally, with respect to impact to nearby properties, the Hart Crowser memorandum analyzed the moderate hazard posed by the headscarp slope. The Hart Crowser memorandum notes that

mitigation in the form of control of stormwater through stormwater detention rather than infiltration is an appropriate means of mitigation.

The Planning Commission can find that these mitigation measures are feasible to be achieved during the subsequent land division and development of the property with appropriate conditions of approval.

Additionally, the site is already developed and current land use regulations allow further development. This Application cannot violate Goal 7 under this circumstance. *See Jaqua v. City of Springfield*, 46 Or LUBA 134 (2004).

The Planning Commission can find that Goal 7 is satisfied.

**E. Goal 9, “Economic Development”:**

**“To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens. Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plan shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the current economic base; materials and energy availability and costs; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to market; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.”**

**FINDING:** The Application before the Planning Commission will provide for an increased opportunity within the City for a variety of economic activities through the Mixed Use Commercial (“MUC”) Plan designation and implementing zoning district. Notwithstanding the limitation on uses to satisfy the Transportation Planning Rule (the “TPR”), the proposed zoning districts implement the Plan map designation contain a variety of uses providing for the economic development of the State.

The Planning Commission can find that Goal 9 is satisfied.

**F. Goal 10, “Housing”:**

**“To provide for the housing needs of the citizens of the state.”**

**FINDING:** The Planning Commission can find that the Application does not adversely affect the City livable land inventory and the City will continue to comply with Goal 10.

The Planning Commission can find that Goal 10 is satisfied.

**G. Goal 11, “Public Facilities and Services”:**

**“The Plan can develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”**

**Finding:** This Goal requires that urban development be guided and supported by types of urban public facilities and services appropriate for the development. Guideline A, Planning 3, requires that: “Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.”

Substantial evidence in the whole record before the Planning Commission demonstrates that there is no limitation on the provisions of police and fire services to the site. Further, substantial evidence demonstrates that adequate domestic water and sanitary sewer services are available to the site. Additionally, the Planning Commission can find that the site is capable of being provided with adequate storm sewer services. Private utilities, such as electric service, natural gas service, cable television, and telephone service, are available to the site.

The Planning Commission can find that Goal 11 is satisfied.

**H. Goal 12, “Transportation”:**

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

**Finding:** The Planning Commission can find that Goal 12 is satisfied. The Planning Commission can rely on the findings for the TPR which implements Goal 12. Because the application will not cause a “significant affect,” and the TPR is satisfied, the Planning Commission can also find that the Application will provide and encourage a safe, convenient and economic transportation system.

The Planning Commission can find that Goal 12 is satisfied.

**I. Conclusion.**

The Planning Commission can find that the Goals applicable to this Application are satisfied based on substantial evidence in the whole record.

**III. APPLICABLE OARs.**

**A. OAR 660-012-0060(1)-(3), Transportation Planning Rule (“TPR”).**

**Finding:** The TPR requires a two-step analysis. First, an applicant must determine whether the application creates a “significant affect.” If no “significant affect” is created, then the second step is unnecessary. If a “significant affect” is created, then the applicant must determine if mitigation is appropriate under OAR 660-012-0060(2) to mitigate the “significant affect.” The Planning Commission can find that evidence in the record for this application demonstrates that



by imposing a condition of approval and eliminating certain uses, there will be no “significant affect” caused by the application on surrounding streets.

The Planning Commission can find that the TPR is satisfied.

**B. OAR Chapter 660, Division 7, “Metropolitan Housing Rule”.**

**FINDING:** The Planning Commission can find that the Metropolitan Housing Rule will continue to be satisfied by the City. This Application does not adversely affect the City’s compliance with OAR 660-007-0035(2) (overall density of 8 or more dwelling units per net for buildable lands) or OAR 660-007-0037, “Alternate Minimum Residential Density Allocation for New Construction”. Therefore, the Planning Commission can find that OAR 660-007-0060(2)(a) is satisfied.

The Planning Commission can that the Metropolitan Housing Rule is satisfied.

**IV. METRO FUNCTIONAL PLAN.**

**A. Functional Plan 3.07.810.C.**

**Finding:** Following acknowledgment of the City’s Plan as consistent with the Functional Plan, amendments to acknowledged Comprehensive Plans must be in compliance with the Functional Plan requirements. The remainder of this section addresses relevant Functional Plan standards.

**B. Functional Plan 3.07.120, “Housing Capacity”.**

**Finding:** This standard authorizes the City to reduce its minimum zoned capacity in locations other than specified locations under Functional Plan 3.07.120.C, D, or E.

The Planning Commission can find that this application has a “negligible effect” on the City’s “minimum zoned residential capacity” pursuant to Functional Plan 3.07.120.E.

**C. Conclusion.**

For the reasons described above, the Planning Commission can find that this Application satisfies the relevant standards in the Functional Plan.

**V. APPLICABLE PLAN POLICY.**

**A. Oregon City Plan Policy 6.2:**

**“Prevent erosion and restrict discharge of sediments in the surface and groundwater by requiring erosion prevention measures and sediment control practices.”**

**Finding:** The Planning Commission can find that this Plan policy will guide development of this site and will assure that erosion and sediment are prevented from discharge into surface water and groundwater through implementation of this Plan policy and the City’s acknowledged land use regulations.

## **VI. RESPONSES TO ISSUES RAISED IN TESTIMONY BEFORE THE PLANNING COMMISSION AT THE NOVEMBER 9, 2015 PUBLIC HEARING.**

### **A. Testimony from Jim Nicita.**

#### **1. Notice.**

Mr. Nicita argues that the City's notice of public hearing mailed pursuant to ORS 197.763(2) and (3) was insufficient because it failed to reference applicable Goals. The City has provided new notice of the January 11, 2016 Planning Commission hearing that references applicable Goals. However, to the extent the Planning Commission desires to reach this issue, Mr. Nicita is incorrect. ORS 197.763(3)(b) requires that the notice of public hearing provided by the City "list the applicable criteria from the Ordinance and the Plan that apply to the application at issue." In other words, the only applicable approval criteria required to be in the notice of public hearing are those in the City's acknowledged Plan and land use regulations. The Oregon Land Use Board of Appeals ("LUBA") has long held that local governments are not required to list standards other than those in the Plan and land use regulations in the notice of hearing for a quasi-judicial matter. *See ODOT v. Clackamas County*, 23 Or LUBA 370 (1992); *Eppich v. Clackamas County*, 26 Or LUBA 498 (1994).

#### **2. Goal 6.**

Mr. Nicita argues that stormwater discharged to Newell Creek will violate State water quality standards, which, in turn, will violate Goal 6. The Planning Commission can find that when development on this site occurs, stormwater detention and water quality facilities will be required, thus ensuring that development will not impact water quality in Newell Creek. The Planning Commission should reject this issue.

The Planning Commission must reject Mr. Nicita's arguments.

### **B. Testimony from Bob Nelson.**

Mr. Nelson argues that the site is a landslide hazard and asks the Planning Commission to deny the zoning map amendment until the City adopts a landslide hazard ordinance. The Planning Commission must reject Mr. Nelson's argument for the following reasons.

First, Mr. Nelson includes no substantial evidence that the site represents a landslide hazard. In fact, the Hart Crowser memorandum demonstrates that the site is not a landslide hazard with proper mitigation, which is feasible to achieve during development of the site. Second, Mr. Nelson cites no applicable approval criteria that would allow the Planning Commission to deny the Application. Third, the Planning Commission is bound to make a recommendation to the City Council, which is bound to make a final decision on this Application because it is a quasi-judicial Application. It would be improper to impose new criteria, or to defer a decision on the Application until the adoption of a new ordinance.

The Planning Commission must reject Mr. Nelson's arguments.

### **C. Testimony by Elizabeth Graser-Lindsey.**

## **1. Goals.**

Ms. Graser-Lindsey argues that six (6) Goals are not addressed, including Goal 2, Goal 6, Goal 7, Goal 9, Goal 10, and Goal 12. The Planning Commission can find, based on the above findings, that the Applicant has satisfactorily addressed the applicable Goals.

## **2. Transportation Planning Rule.**

Ms. Graser-Lindsey asserts the Application fails to satisfy that part of the Transportation Planning Rule (the “TPR”) found in OAR 660-012-0060. The TPR requires a two-step analysis. First, the Application must determine whether there will be a “significant affect” under OAR 660-012-0060(1). If the Application determines there is no “significant affect”, then the analysis ends. If the Application determines there will be a “significant affect”, then the second step of the analysis is required, which is whether the “significant affect” can be mitigated under OAR 660-012-0060(2). In this case, the Application determines there will be a “significant affect” and has proposed mitigation. OAR 660-012-0060(2)(d) allows as mitigation: “Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.”

The Application proposes prohibiting allowed uses in the MUC zoning district, which, according to the transportation analysis provided by Mr. Mike Ard of Lancaster Engineering, will mitigate the “significant affect” created by the proposed map amendment.

## **3. Oregon City Municipal Code (“OCMC”) 17.62.015.**

Ms. Graser-Lindsey asserts that this standard is applicable. However, this standard is in Chapter 17.62, “Site Plan and Design Review”. Because a Site Plan and Design Review application is not before the Planning Commission, this standard is not applicable.

## **4. OCMC 17.68.020.A.**

This standard requires that the Application be consistent with the Plan’s Goals and Policies. The Application contains findings addressing applicable Plan Goals and Policies. The staff report contains similar findings. Ms. Graser-Lindsey asserts that the Application violates Plan Policy 14.3.2, which provides: “Ensure that the extension of new services does not diminish the delivery of the same services to existing areas and residents in the City.” She asserts that this Plan policy is violated because road capacity will impact existing areas and residents in the City.

The Planning Commission must reject Ms. Graser-Lindsey’s argument because the Application demonstrates that the TPR is satisfied and will not create a “significant affect”. Because of the evidence and findings regarding the lack of a “significant affect”, the Planning Commission can find the transportation services will not be diminished to existing areas and residents in the City.

## **5. OCMC 17.68.020.B.**

This standard requires that public facilities and services are presently capable of supporting uses allowed by the zone, *or* can be made available prior to issuing a certificate of occupancy. The Planning Commission can find that substantial evidence in the whole record demonstrates that public facilities and services are presently capable of supporting the uses by the MUC zone. Alternatively, it is clear that this requirement can be satisfied prior to issuing a certificate of occupancy. The Planning Commission must reject this argument.

**6. OCMC 17.68.020.C.**

This standard requires that the land uses authorized by the Application be consistent with the existing or planned functional capacity and level of service of the transportation system. Because the Application demonstrates compliance with the TPR, the Planning Commission can find that this standard is satisfied.

The Planning Commission must reject Ms. Graser-Lindsey's arguments.

**D. Testimony from Kristi Beyer.**

**1. Landslide Hazard.**

Ms. Beyer's letter asserts that the site poses a landslide hazard. The Planning Commission must reject her argument based on substantial evidence found in the Hart Crowser memorandum.

**2. Traffic Issues.**

Ms. Beyer raises traffic issues. However, she cites no applicable approval criteria nor any substantial evidence demonstrating that the Application fails to satisfy applicable standards regarding transportation.

**E. Testimony by Christine Kosinski.**

**1. Goal 7.**

Ms. Kosinski asserts that the Application fails to satisfy Goal 7. Based on the findings addressing Goal 7, the Planning Commission must reject her argument.

**2. ORS 105.462.**

Ms. Kosinski argues that the City has not "upheld" ORS 105.462. However, ORS 105.462 is a definitions section and contains no substantive requirements. Ms. Kosinski may be referring to ORS 105.464, which is entitled "Form of Sellers Property Disclosure Statement". However, ORS 105.464 is a requirement for a disclosure from seller to buyer. ORS 105.464 is not an applicable approval standard for this application nor does it apply to the City. The Planning Commission must reject this argument.

**3. Insurance.**

Ms. Kosinski argues that property owners will be unable to obtain insurance. However, this is not relevant to the approval criteria; this is an issue between buyer and seller of property.

**4. Landslides.**

Ms. Kosinski raises the City's "Unstable Soils and Hillside Constraint Overlay District". OCMC Title 17 contains no such overlay district. However, this site is not in an overlay district nor is it warranted to be in such an overlay district. The Planning Commission should reject this argument.

**5. Holly Lane.**

Ms. Kosinski argues that Holly Lane should be "taken out" of the TSP. There is no basis for amending the TSP but, in any event, the TSP was not amended to remove Holly Lane at the time the Applicant submitted the Application.

**6. Failure to Use Concurrency to Guarantee Infrastructure before Development.**

Ms. Kosinski asserts that the City must apply "concurrency". However, OCMC 17.68.020.B provides for approval of this Application if public facilities and services are presently capable of supporting the use allowed by the zone, *or* can be made available prior to issuing a certificate of occupancy. The Planning Commission must reject his argument because concurrency at this stage is not an approval standard.

**7. Shortage of Water.**

Ms. Kosinski asserts that there is inadequate domestic water supply. However, she provides no substantial evidence to support her assertion.

**8. Inadequate Sanitary Sewer Service.**

Ms. Kosinski asserts that sewer capacity is "questionable". However, she provides no substantial evidence to support her assertion.

**9. Goal 7.**

Ms. Kosinski asserts that Goal 7 is not satisfied. However, the findings above addressing Goal 7 show that the Application satisfies Goal 7.

For these reasons, the Planning Commission must reject Ms. Kosinski's arguments because they are not supported by substantial evidence in the whole record, and in many cases, fail to address relevant approval criteria.

**VII. Conclusion.**



For the reasons contained in these supplemental findings, the Application and the staff report, the Planning Commission can find that the applicable approval criteria for this Application are satisfied.